

Data Sharing in the Public Sector

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1. Introduction

Data sharing, according to the Department of Constitutional Affairs, is

“...an exchange of data between two or more parties. This might involve the exchange of information on a case by case or bulk basis in support of joined-up service delivery, or the matching of datasets for authentication, service entitlement or statistical purposes. It might also include disclosures of data from one or more bodies to another agency, department or local service provider.”

Invariably, this involves close cooperation between groups who might otherwise have no contact, the need for technological resources to be applied in order to merge datasets, and an understanding of applicable laws. The obstructions to this happening are many and varied, but unless data sharing is possible, proactive, seamless and personalised services to customers cannot be made available.

2. Drivers for change

Data sharing can be fraught with technical, legal and ethical problems so it is vitally important to fiscally and conceptually analyse the need for data sharing before any attempts are made to initiate the process. Nevertheless there are many benefits to be gained, and some of the prime drivers for data sharing include:

- Increased inter-departmental and inter-agency working and co-operation;
- The need for joined up service delivery;
- Reducing duplication;
- Maintaining valid and consistent databases;
- Compliance with the requirements of the National Service Frameworks;
- High profile inquiries, such as the Victoria Climbié and Bichard inquiries, both of which looked at monstrous, crimes that could have been prevented had people shared data effectively.

3. Solutions to enable change

3.1 Legal

There is a misconception that the Data Protection Act is incompatible with 'sharing', with the law being used as a smokescreen to prevent data sharing occurring. On the contrary however, the Data Protection Act is there to regulate the power to process data across and between organisations. It provides a framework within which to share data that allows people's privacy to be protected that was not explicit in law previously.

As well as the Data Protection Act, there are other legal issues that need to be understood before data sharing can progress:

- Common law duty on confidentiality;
- Caldicott principles (for health and social services);
- The Human Rights Act 1998; and the
- European Convention on Human Rights.

Lord Filkin, Parliamentary Under-Secretary of State at the Department for Constitutional Affairs, went to great pains to explain that the laws were essentially common sense, so information about deviant sexual behaviour, for instance, needs to be shared.

Though using common sense may be a good initial guide to the law, it is nevertheless essential to publish a document such as Swindon's Information Sharing Agreement that both staff, customers and relevant organisations concur with, as well as a FAQ that focusses on the practical application of data sharing. This will encourage confidence in the process. A great deal of guidance on preparing such documents is available from the Department of Constitutional Affairs' Data Sharing Toolkit.

Authorities also need to establish whether or not they have the vires, or scope, to data share. In determining this question careful consideration will need to be given to the existing implied or statutory legal powers and restrictions that bodies have. If there is no existing legal powers for the proposed data collection and sharing, then consideration should be given to establishing a statutory basis by enacting new legislation as has been done by the Department of Work and Pensions with the NHS.

3.2 Technical issues

Technical issues also arise when considering data sharing. The initial importing of the data from one database to another may be straightforward, but difficulties will invariably occur where metadata standards have not been consistent between the databases. Furthermore, even where they are consistent, the data itself may not be consistent. The same person may apparently have separate addresses or two similar birthdates, for instance.

Though organisations are often different in culture and standards, it can be beneficial to highlight the commonalities, working towards the E-government Metadata Standard, and fix any data that is outside the common ground according

to the standard where possible. The importance of quality metadata cannot be overemphasized in data sharing as without it the database can become so riddled with holes no-one will use it.

NHS numbers are particularly beneficial in supplying a unique national customer ID to verify data and if at all possible the NHS should be pressured into allowing this to be shared. Some councils have been able to use this information in their social services departments.

Insofar as the quality of the data is concerned it is possible to create a 'hierarchy of truth' for data that is not clearly correct. An address that has not been confirmed for four years might be of lesser validity than say one that had been verified six months ago.

3.3 Culture

Staff motivation for data sharing can be another hurdle requiring attention, so appropriate change management techniques, such as raising awareness, consultations, training and support ought to be provided. Similarly, where customer information is involved, consultations and ethical committees may need to be set up to ensure the participants are in touch and there is a community of accord with the process.

3.4 Evaluation

Finally, there is a need to continually evaluate the process of data sharing rather than build up an unnecessary industry in this area. Looking at the fiscal and customer service benefits in the long term and analysing the fiscal costs of conducting the process and maintaining the database are all necessary to assessing the final benefits of data sharing.