

Can you put this into the melting pot of your data sharing considerations.

- (1) I don't like the use of "Legal power to share" as it is ambiguous. There is a need to distinguish between where there is a **requirement/obligation to share** (no choice but to share) and those circumstances when **you have the ability to share (i.e.** there is a volunteering to share and the sharing can be refused). The former has a legal basis of A.6(1)(c); the other is A.6(1)(e). This is important as you have the right to object to the sharing with A.6(1)(e) which could be important protection for data subjects whose personal data have been shared. This is especially the case with Digital Economy sharing "legal powers" which I understand to be an **ability to share if you want to**. (e.g. the DEA uses something like "...a specified person **may** disclose information..." which is not an obligation to share). The DEA Codes are ambiguous also – if there is a legal power to share, are you obliged to share?
- (2) Can you stress that if there is a clash of guidance, the ICO data sharing code takes precedent over any Code of P produced by any SoS.
- (3) I cannot see how your Code is relevant if there is an obligation to share; have you said this?
- (4) Can you add to the data sharing agreement somewhere

"What are the assumptions underpinning the data sharing or what are the Key Performance Indicators that demonstrate that sharing will be a success"

"If the KPIs or assumptions are proven to be wrong, the data sharing arrangement should be reviewed to see whether it remains beneficial"

"Can you pilot the data sharing arrangements to evidence the assumptions or KPIs or benefits to data subjects are correct"

"If the processing has a lawful basis for the sharing is A.6(1)(e) or A.6(1)(f), what are the criteria when the right to object will prevail".

"If a data sharing partner is subject to the right to restrict, correct or erase with respect to personal data that have been shared, what action will other data sharing partners take with respect of the A.19 right to notify"

"If data sharing is for a different purpose, has there been an assessment of compatibility of the disclosure purpose with the purpose of collection as required by A.6(4)".

Best wishes