# ICO consultation on the draft updated data sharing code of practice

Q1 Does the updated code adequately explain and advise on the new aspects of data protection legislation which are relevant to data sharing?

- ○ Yes
- ◉ No

Q2 If not, please specify where improvements could be made.

Vodafone welcomes the opportunity to provide feedback on this data sharing code of conduct and is pleased to see the ICO updating their code in order to provide clarity when data sharing in line with the new requirements under the GDPR. We would welcome even more clarity on what may be the appropriate lawful basis when sharing data with a specific reference to legitimate business interests. Would all parties to the data sharing need to rely on legitimate business interests or could one parties legitimate business interests permit data to be shared within a group, to the point that all parties to the data sharing could rely on that one company's interest? For example, could a bank's legitimate interests to prevent and detect fraud be relied upon when another company is asked for information they may be holding about their customer in order to verify that individual is who they say they are.

Q3 Does the draft code cover the right issues about data sharing?

- ○ Yes
- ◉ No

Q4 If no, what other issues would you like to be covered in it?

Vodafone would welcome having more of an overview of when data could be shared with other third parties, who are not law enforcement agencies). For example, sharing intelligence amongst banks of known fraudsters for the purposes of prevention and detection of fraud. The ICO mentions on page 64 that this may be permissible under sch 1(10) of the DPA and sch2 (for the prevention and detection of crime) but only in reference to sharing data with law enforcement agencies. It would be helpful to refer to whether this extends to other companies who are trying to build a case for the law enforcement agency to investigate.

Q5 Does the draft code contain the right level of detail?

- ○ Yes
- ◉ No

Q6 If no, in what areas should there be more detail within the draft code?

Vodafone would welcome clarity on the reference to data pooling on page 18 of the guidance. Does the ICO believe that data pooling would mean that all parties to that pool will always be considered joint controllers (as stated) or could they ever be a scenario considered separate controllers? There may be instances where parties to a data pool could be considered separate controllers and by referencing joint controllership only in the scenario indicates that the Art 26 obligations apply in every instance of a data pool when that might not be the case in reality.

Q7 Has the draft code sufficiently addressed new areas or developments in data protection that are having an impact on your organisation's data sharing practices?

- ○ Yes
- ◉ No

Q8 If no, please specify what areas are not being addressed, or not being addressed in enough detail.

We welcome the updates to the guidance to take into consideration the new requirements under the GDPR and the explicit carve out for anonymous data not being in scope of the code. However, we would also appreciate a reference to pseudonymisation and whether this would be a useful tool in securing data when data sharing and whether the receiving party of pseudonymous data sets would still need to treat that data as personal, if they do not hold the key and will never have the ability to identify the individuals in that data set.

Q9 Does the draft code provide enough clarity on good practice in data sharing?

- ○ Yes
- ◉ No

Q10 If no, please indicate the section(s) of the draft code which could be improved, and what can be done to make the section(s) clearer.

This guidance does provide a lot of clarity and Vodafone very much appreciates the 'At a glance' summaries to digest the information more easily. What would make the guidance even clearer is if there was an assessment tool (similar to the Data Protection self-assessment) for organisations to use when thinking about data sharing. This would make the guidance more tailored and interactive when looking for specific advice on data sharing.

Q11 Does the draft code strike the right balance between recognising the benefits of sharing data and the need to protect it?

- ◉ Yes
- ○ No

Q12 If no, in what way does the draft code fail to strike this balance?

Q13 Does the draft code cover case studies or data sharing scenarios relevant to your organisation?

- ○ Yes
- ◉ No

Q14 Please provide any further comments or suggestions you may have about the draft code.

Vodafone welcomes the example concerning mobile phone operators and data sharing with credit agencies. We believe the example is a good illustration of how that data sharing works in practice and is strongly aligned with that interpretation. We would also appreciate more examples on sharing data with other organisations (who are not law enforcement bodies) for the purposes of fraud and prevention of crime.

Q15 To what extent do you agree that the draft code is clear and easy to understand?

- ○ Strongly agree
- ◉ Agree
- ○ Neither agree nor disagree
- ○ Disagree
- ○ Strongly disagree

Q16 Are you answering as:

- ○ An individual acting in a private capacity (e.g. someone providing their views as a member of the public of the public)
- ○ An individual acting in a professional capacity
- ◉ On behalf of an organisation
- ○ Other

Q17 Please specify

Q18 Please specify

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Q19 Please specify

Thank you for taking the time to share your views and experience.