

The Information Commissioner's Response to the Department of Energy and Climate Change "National Data-Framework: Making data available Consultation document"

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 ("DPA"), the Freedom of Information Act 2000 ("FOIA"), the Environmental Information Regulations ("EIR") and the Privacy and Electronic Communications Regulations 2003 ("PECR"). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner welcomes the opportunity to respond to the "*National Energy Efficiency Data-Framework: Making data available Consultation document*" (the "Consultation"). We have chosen to respond to the questions that are directly relevant to Information Commissioner's work.

1. Do you agree DECC should release anonymised NEED data?

In principle, we are supportive of initiatives to make data more open and available for use, as long as individuals' privacy and the requirements of the DPA are respected at all times. Ensuring compliance with the first data protection principle which requires that personal data are processed fairly and lawfully will be particularly important.

2. Do you agree with the proposed approach to publishing two separate datasets for different purposes?

We agree with this approach, as it allows the measures taken to protect individuals' privacy to be tailored to each dataset, bearing in mind the purpose for which each dataset is released, who is likely to use them and the different levels of risk to individuals' privacy.

5. Do you agree with the proposed approach to anonymisation for

- i. The public use dataset; and**
- ii. The end user licence dataset?**

In both cases, we are pleased to read that DECC has taken our "Anonymisation: managing data protection risk"¹ code of practice into account and intends to take steps to minimise the risk of individual households being identified. However the ICO code of practice does not cover all anonymisation techniques and is not a detailed manual on how to successfully anonymise data in all circumstances. As the title makes clear, it helps organisations manage data protection risks. Specific sources of practical expertise and guidance are available such as the UK Anonymisation Network (UKAN) which the ICO helped to establish. This is coordinated by the University of Manchester, the University of Southampton, the Open Data Institute, and the Office for National Statistics.²

We are also pleased to read that DECC has recognised that different types and levels of disclosure may require different steps to ensure that individuals' privacy is protected. This appears to be reflected in the extra steps that DECC will be taking in relation to the end user licence data set in comparison to the public use dataset.

The ICO cannot provide a complete assurance that the proposed approach taken would be fully data protection compliant in all circumstances. However, on the basis on the information available, it would appear that DECC's approach generally reflects the guidance in the "Anonymisation: managing data protection risk" code of practice.

- 6. Do you agree with the proposed approach to publication and access?**
- i. Do you agree with the proposal for a smaller publically available dataset?**
 - ii. Do you agree with the proposed restrictions on access to a more extensive dataset?**

As mentioned above, we are supportive of the proposed approach of releasing two data sets in order to satisfy different needs.

We would broadly agree that limiting the size of the publically available dataset, and the restrictions on access to the more extensive dataset, are sensible steps to reduce the risk that individuals can be identified.

January 2014

¹ http://ico.org.uk/for_organisations/data_protection/topic_guides/anonymisation

² <http://www.ukanon.net/>