

19 October 2016

Digital Economy Bill Committee
House of Commons
London SW1A 0AA

To: Digital Economy Bill Committee

Digital Economy Bill: Part 5

Thank you for giving me an opportunity to appear before the Public Bill Committee on 13 October 2016 and respond to your questions on the Digital Economy Bill. In my evidence I recommended that the government undertake further work to develop consistency between the codes that accompany Part 5 of the Bill and align them more closely with my statutory data sharing code of practice. To help the Committee in its considerations I am providing an update on my view of the further work that has taken place to strengthen and improve the alignment and harmonisation of the codes of practice.

I am pleased to report that significant progress has been made since my evidence session and I am content that my main concerns about the codes have been addressed.

I recommended that the government consider an addition to the Bill that would make it clear that the codes of practice established under Part 5 of the Bill would be subordinate to the ICO's statutory Data Sharing Code of Practice in relation to the sharing of personal data. I am pleased that the government has taken my recommendation on board and tabled amendments to this effect. This will help practitioners gain a clearer understanding of the legislative framework and lead to greater harmonisation and consistency between the legal provisions. It will also help put the consideration of the protection of privacy at the centre of any data sharing initiative.

I am also pleased that the codes contain more practical advice aimed at practitioners, taking them through the series of steps they need to take to decide on whether to share data and how to do so effectively. This approach should help build confidence in practitioners' ability to share data when justified and to improve standards so that it is done securely and proportionately.

Transparency is key to building people's trust and confidence in the government's use of their data. I am pleased to see that further safeguards such as references in some of the codes to the mandatory implementation and publication of privacy impact assessments (PIAs), and reference to my privacy notices code of practice, have been highlighted in the Bill's codes of practice. This will build in transparency at two levels: greater accountability through the publication of PIAs and timely and clear information for individuals so they can understand what is going to happen to their data.

I am content that the codes all now reference and better align with the guidance on sharing personal data set out in our statutory code and include effective safeguards to protect people's information. I remain committed to the other points I made in my evidence and look forward to further discussions with the Government on these.

Yours faithfully

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Information Commissioner

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