

## **The Information Commissioner's response to the public consultation from the Regulation and Quality Improvement Authority (RQIA) entitled 'Draft Strategic Plan 2022-27'**

### **About**

The Information Commissioner's Office (ICO) has responsibility for promoting and enforcing the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA18), the Freedom of Information Act 2000 (FOIA), the Privacy and Electronic Regulations 2003 (PECR), the Network and Information Systems Regulations 2018 (NIS) and the Environmental Information Regulations 2004 (EIR).

The ICO is independent from government and upholds information rights in the public interest, promoting transparency and openness by public bodies and organisations, and data privacy for individuals. It does this by providing guidance to individuals and organisations, solving problems where it can, and taking appropriate action where the law is broken.

### **Introduction**

The Information Commissioner (the Commissioner) is pleased to respond to the RQIA, regarding its public consultation on its 'Draft Strategic Plan 2022-27'.

We welcome initiatives in the strategy that aim to influence and drive change and improvement across the health and social care system, and are pleased to consider the impact of proposals on the information rights of individuals. It is important that these initiatives take into consideration the broad spectrum of information rights legislation, which, could lead to the safeguarding of privacy and data protection principles alongside greater openness and transparency from the outset of this strategic plan.

### **ICO Response**

The ICO promotes openness and transparency by public bodies. This is a theme that we see reflected in the draft strategic plan through the

publication of inspection programmes and associated reports, as well as the introduction of a baseline survey which seeks to obtain the views of key stakeholders. Such candour should build confidence amongst stakeholders and also in the wider regulatory process.

These actions should be encouraged, but care should be given to whether these will involve [personal data](#). If so, it is important to ensure that appropriate safeguards are in place to protect individuals' personal information<sup>1</sup>. In addition, it is important to be aware of individuals' [right to be informed](#) about the collection and use of their personal data. Providing detailed and clear [privacy information](#) is a valuable way to help foster and build trust with stakeholders, which should enable the collection of more useful information.

Regarding the above, we previously welcomed the opportunity to engage on the 'Proposed Publication of RQIA Inspection Reports of Services for Children and Young People'. Please note our previous engagement and correspondence will also be relevant to the proposals outlined in this consultation.

Good data protection policies and practices will complement the RQIA's work by supporting stakeholders to feel confident in contributing and sharing their experiences with the RQIA, which in turn, will help safeguard and improve safety and quality in health and social care services. This can be achieved by meeting your obligations under [data protection by design and default](#), considering whether there is a need to carry out [Data Protection Impact Assessments \(DPIAs\)](#), and seeking expert advice from your [Data Protection Officer \(DPO\)](#).

We also welcome RQIA's proposal to trial a data sharing agreement for shared working. Data protection law should be seen as an enabler for fair and proportionate data sharing, as it provides a framework to help make good decisions about sharing data. For more information in relation to how this can be done in compliance with Data protection legislation, please refer to our [data sharing hub](#).

## Conclusion

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<sup>1</sup> Please note that the ICO has prepared new draft guidance covering [anonymisation and pseudonymisation](#) as well as other [privacy enhancing technologies](#).

Whilst working together, the ICO and RQIA have previously benefited from a close and effective working relationship. We are therefore committed to continued cooperation on matters pertaining to data protection and information rights.

Continued engagement with the ICO on the issues highlighted in our response should assist the RQIA in their overall aim of improving safety and quality in health and social care services.

We look forward to engaging further on this and any other areas where the ICO's experience and expertise would be welcomed by the RQIA.