

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

Data sharing brings important benefits to organisations and individuals, making our lives easier and helping to deliver efficient services.

It is important, however, that organisations which share personal data have high data protection standards, sharing data in ways that are fair, transparent and accountable. We also want organisations to be confident when dealing with data sharing matters, so individuals can be confident their data has been shared securely and responsibly.

As required by the Data Protection Act 2018, we are working on updating our data sharing code of practice, which was published in 2011. We are now seeking your views on the [draft updated code](#).

The draft updated code explains and advises on changes to data protection legislation where these changes are relevant to data sharing. It addresses many aspects of the new legislation including transparency, lawful bases for processing, the new accountability principle and the requirement to record processing activities.

The draft updated code continues to provide practical guidance in relation to data sharing and promotes good practice in the sharing of personal data. It also seeks to allay common concerns around data sharing.

As well as legislative changes, the code deals with technical and other developments that have had an impact on data sharing since the publication of the last code in 2011.

Before drafting the code, the Information Commissioner launched a call for views in August 2018. You can view a summary of the responses and some of the individual responses [here](#).

If you wish to make any comments not covered by the questions in the survey, or you have any general queries about the consultation, please email us at [datasharingcode@ico.org.uk](mailto:datasharingcode@ico.org.uk).

Please send us your responses by **Monday 9 September 2019**.

## Privacy Statement

For this consultation, we will publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full.

For more information about what we do with personal data please see our [privacy notice](#).

## Questions

Note: when commenting, please bear in mind that, on the whole, the code does not duplicate the content of existing guidance on particular data protection issues, but instead encourages the reader to refer to the most up to date guidance on the ICO website.

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.

The updated Code is extensive; however we have a few queries and suggestions:

1. Could the summary be linked to the relevant paragraphs in the body of the document, to assist with location and easy reference which can also be used by lay data subjects?
2. It does not appear to raise the issue of the changes in regards to the UK's status in Europe and data sharing post-EU exit. It could be helpful to have a reference/acknowledgement that this is due to occur and signpost to any assistance/procedure that may help in the management/storage/use of personal data.
3. Does the ICO have a part to play in this document to direct/signpost public sector organisations on how to work with private bodies that are

part-owned by themselves?

4. There does not seem to be any reference to Councillors in the updated Code. This would be a helpful indicator and guide for Councillors and public sector employees.
5. The glossary is helpful however it may be better placed at the beginning of the document.

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?

The updated Code refers to incidents relating to children; however there is not a specific section for schools including academies. A section with guidance on how schools relate to data sharing would be helpful for this sector.

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?

The Summary / Executive Summary could be created as a guide for the full document. Something like the explanatory notes for a piece of legislation however not running to more than 10-20 pages.

It would also be helpful if the document could be interactive so it is able to take you to the relevant section by clicking on the reference or page number.

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

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.

There are scenarios referring to schools (where children are mentioned) however no school-specific case studies; schools would find such a section helpful.

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.

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

- Strongly agree
- X 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
- X On behalf of an organisation
- Other

Please specify the name of your organisation:

Shadow Authority for Buckinghamshire Council

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