

# 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.

The new code is verging on being too lengthy.

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 case studies are really helpful. I do think issues over anonymisation are worth adding further links to. A key issue I have seen many lengthy debates about it when there are controller(s) involved in anonymising personal data to share, but the other organisation who never holds the data did the requesting are they are controller too (since they may specify their requirements). Or an organisation claims it is joint controller but the contracting organisation forces them to be processor which can really restrict what they can do. Some guidance in these kinds of case studies or practical advice on how to deal with tricky negotiations would be helpful.

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?

There is too much detail. The bullet points in the text, e.g. what to include in a data sharing agreement, are great and I do not think a separate annex is necessary for a template. Also unnecessary to repeat aspects of GDPR and DPA in an annex when you already link to law and your other guidance earlier in code.

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.

Many of my colleagues would not consider a DPIA to be a "flexible and scalable tool" and view it as being an extra bureaucratic step. Also some more detail about special category data, particularly genomics - this would be v helpful for health researchers I work with.

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.

The data sharing agreements section is vague. Can any staff member get involved in drafting these or in using the word "agreement" are you prompting all organisations to seek legal advice for any 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.

Issues of data sharing agreements for anonymised data would be helpful... should controllers provide instructions to recipients (what to call them, not processors) as to what to do if there is a breach e.g. re-identification.

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 or the public)
- An individual acting in a professional capacity
- On behalf of an organisation
- Other

Q17 Please specify

I am an Information Governance Manager

Q18 Please specify

Q19 Please specify

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