

PUBLIC SERVICE DELIVERY

PUBLIC SERVICE DELIVERY will change dramatically under Part 5 of the Digital Economy Bill. If the Bill becomes law the way government and public authorities will access, use and share personal information will fundamentally change. UK citizens will lose all control over any personal information they share with government. Control about how our data will be used will be given to a Government minister. Very little specific detail has been given about exactly what data will be shared, how it will be shared or what technical protections will be in place. Similar proposals were made in 2009. They were scrapped for being too intrusive and for removing control from the individual.

Why will data be shared?

The **Government** have given three reasons so far why your personal information will be shared.:

1. Fuel poverty
2. Troubled families programme
3. Re-tuning of television

But **personal information** will also be shared for any “objective” the Government decide will improve the “well-being” of the individual or society, either now or in the future.

Well-being is a very broad term. It has been criticised by the Supreme Court for not being a strong enough reason for why personal information is shared.

The **Data Protection Act** says personal data can only be shared if it is for a “vital interest” and if it is “fair”.

What data will be shared?

The **Bill** does not make clear exactly what personal information will be shared.

For **example**, it could include employment data, property data, education data, tax data, energy data and criminal data.

The **Government** say they currently do not intend to share health, medical and social care data for public service delivery but this data will be shared for statistical and research reasons.

Can data be shared for other reasons?

Yes, any personal information the government or public authorities hold can also be shared to:

- Prevent serious physical harm to a person
- Prevent the loss of life
- Safeguard vulnerable people
- Respond to an emergency
- Protect national security
- Prevent or detect crime
- Prevent anti-social behaviour

Do I have a choice about why, when and how my data is shared?

No. This Bill will block the individual from making any choices about their data. A Government minister or official will make the decisions about when your personal information is shared and for what purpose.

Can I opt out of my data being shared?

No. Because citizens will not have a say about whether their personal information is shared, there is no need for the Government to provide an opt-out.

PUBLIC SERVICE DELIVERY

Will I be asked to give my consent?

No. There is nothing in the Bill which requires the government, a public authority or any other official to contact you and ask your permission for your personal data to be shared.

The new General Data Protection Regulation (GDPR) will insist an individual is asked for their informed consent before their data can be shared. This Bill will need to be changed to ensure it is compliant.

What about if my data is wrong or inaccurate?

Government does not want citizens to be able to query or amend their data, even if the data held are wrong or inaccurate.

Government thinks that amending data will create administrative problems for officials and that it could lead to people committing fraud.

Not being allowed to amend an error on your personal information breaches the Data Protection Act and will breach the GDPR.

What protections are in place to make sure my data is safe?

No technical detail has been given about how data will be shared, accessed, stored or protected.

Cybersecurity and data breaches are a big problem. Without technical detail it is not clear how any of these bodies will keep our data safe.

Almost 9,000 data breaches took place in government departments in 2014/2015.

The only reassurance in this Bill is that any official found guilty of misusing data could be sent to prison for up to 2 years. This is good but doesn't address the technical problems of sharing data.

Will the Bill comply with the Data Protection Act?

The draft codes of practice say officials who share data must "have regard" to the Data Protection Act (DPA) and other data protection guidance issued by the [Information Commissioner's Office \(ICO\)](#).

The Bill picks and chooses which bits of the DPA they want "regard" to be given to. They also refer to many other pieces of legislation as guidance.

In May 2018 the DPA will be replaced by the GDPR.

Many parts of the Bill will fail to comply with the GDPR. This will be a big problem and will make the law out of date very quickly.

Don't Forget

- You will not be asked for consent for your personal information to be shared.
- Data will be shared to improve your "wellbeing" a definition which is considered too vague.
- You will not be told if your data has been shared.
- No technical detail has been given about how data will be gathered, used, shared or stored.
- 9,000 data breaches took place in government departments in 2014/2015.
- The Government will control your data, not you.

Worried and want to have your say?

The Digital Economy Bill is already working its way through Parliament, if you are worried about the plans to share your data without asking your permission, or that your data will be controlled not by you but by a Government Minister write to your MP. You can find who your MP is and how to contact them [here](#).