

## CONSULTATION QUESTIONS

Are you responding *primarily* as a data custodian, data user or data subject? (We recognise all people are data subjects and many organisations act as data guardians and data users, but please tick only one box)

- |   |                          |
|---|--------------------------|
| Data Custodian  | <input type="checkbox"/> |
| Data User (e.g. researcher)   | X                        |
| Data Subject (e.g. member of the public or group representing citizens) | X                        |

### 1. Are there any benefits of data linkage for statistical and research purposes that are not sufficiently described here?

No, the benefits are described fully

If you ticked 'yes', please describe the further benefits of data linkage for statistical and research purposes.

Comments

### 2. Are there challenges or barriers preventing more effective and efficient data linkages for statistical and research purposes taking place that are not sufficiently described here?

Yes, there are further challenges

BEMIS recognises the value of the proposals in relation to data linkages. However it is concerned that further concentrations of data relating to individuals, notwithstanding anonymisation and encryption increases the risk of mishandling or indeed loss, of sensitive personal data as has occurred previously.

Further the linkages and implication that 'single identifiers' could/would be used across data sets to facilitate ease would potentially create a data profile for every citizen from 'cradle to grave'.

BEMIS is concerned that a number of ethnic communities would legitimately be very uncomfortable and potentially may feel threatened that there could be the possibility of some particular personal attribute, for example sexuality or religion, could be identified as a single identifier being created and held centrally. There is the possibility that some groups may withdraw cooperation and, or accuracy if it this element of the Framework proceeded as laid out.

The history of large scale ITC projects in Governments and Public Authorities is not a happy one economically and BEMIS questions the timing and cost of the current proposals, which are not clear from the document.

3. Are the guiding principles sufficient and appropriate? Please explain your answer fully and make suggestions for improvement.

No, they are not

BEMIS notes the content of the guiding principles but believes that in various places there are too many caveats and conditionality which provide too many opportunities for Scottish Government Agencies and Public bodies to avoid the potential consequences of mishandling of personal data. Bemis further comments that there is a disturbing tendency for Agencies to either 'lose' or mishandle data, or to exchange data with others who subsequently mishandle it. Bemis has provided links to examples of some of these known instances.

[http://en.wikipedia.org/wiki/List\\_of\\_UK\\_government\\_data\\_losses](http://en.wikipedia.org/wiki/List_of_UK_government_data_losses)

<http://www.telegraph.co.uk/news/politics/1574687/Governments-record-year-of-data-loss.html>

[http://www.mod.uk/nr/rdonlyres/3e756d20-e762-4fc1-bab0-08c68fdc2383/0/burton\\_review\\_rpt20080430.pdf](http://www.mod.uk/nr/rdonlyres/3e756d20-e762-4fc1-bab0-08c68fdc2383/0/burton_review_rpt20080430.pdf)

<http://www.bbc.co.uk/news/uk-scotland-11119488>

<http://www.scotland.gov.uk/Resource/Doc/229747/0062215.pdf>

Thus BEMIS suggests the following:

- 1) At **3a. Guiding Principles** there should be no use of '*should*' and it be replaced with '*will*'
- 2) At **PUBLIC Interest points 1 to 8** all uses of 'should' be replaced by 'will'. Remove, at point 11 "*As far as possible, account should*" with 'Account will be taken'
- 3) At **Privacy** remove all uses of "should" in points 13/14/16 and replace with 'will'
- 4) At point 15 remove "serious consideration should" and replace with 'In all circumstances a.....will be carried out'.....
- 5) **REMOVAL of NAMES** and direct identifiers replace all uses of "should" and replace with 'will' at 17 & 18
- 6) At **CONSENT** point 22 replace should with will
- 7) At **Security** points 25 through 28 replace "should" with 'will'
- 8) At Access& Personnel 29 to 33 replace all uses of "should" with 'will'
- 9) Data sharing agreements and sanctions points 37 to 40 all instances of "should" to be replaced with 'will'

**4a. Are the objectives set out for a Privacy Advisory Service in Section 3c the right ones?**

Yes, the objectives are right

BEMIS believes that it should be mandatory for selections to comply with the rules, regulations and procedures of the Public Appointments and the Nolan principles.

**4b. Do you wish to be consulted on firmer proposals for a Privacy Advisory service as and when they are developed?**

Yes

**5a. Are the functions that will be led by the National Data Linkage Centre set out in section 3d the right ones?**

Yes, they are the right functions

Comments

**5b. Do you wish to be consulted on firmer proposals for a National Data Linkage Centre as and when they are developed?**

No