

15 June 2012

Office of the Chief Statistician and
Performance
4N-06 St Andrews House
Regent Road
Edinburgh EH1 3DG

Dear Sir/Madam,

Thank you for the opportunity to contribute to this consultation. As the national agency for sport we are supportive of developments which could speed up cycles of improvement and better inform policy and spending decisions.

We recognise that technological advances have dramatically expanded the potential for data linkage, providing new opportunities for research as well as methodological challenges. We would be keen to know more about how data linkage might support our research.

sportscotland strongly supports ongoing, broad and open debate involving the general public about data linkage. We feel it is open discussions about whether and how linkages are made, which will enhance understanding, support sound linkage decisions and promote responsible data stewardship in this field.

We attach a completed response form and look forward to the next stage of consultation in the development of this framework.

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

Data User (e.g. researcher)

Data Subject (e.g. member of the public or group representing citizens)

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

Yes, there are further benefits 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 No, the challenges have been identified

If you ticked 'yes', please describe the challenges or barriers.

Overall we feel the challenges and barriers are well described. However, we would like to highlight and reinforce the following issues:

- When discussing data linkage, which relates to the issues of data collection, processing and sharing, we think that it would have been prudent to make more reference to the Data Protection Act (DPA). This would help support the objectives of data linkage, within the legal framework. Further work may therefore need to be carried out to ensure that a balance is sought between the rights of individuals and the often competing interests of those with legitimate reasons for using personal information. This would reassure individuals.
- **sportscotland** understands that the DPA is not a barrier where information sharing is necessary, justified and proportionate. However, **sportscotland** wants to stress the importance of appropriate safeguards being put in place in order to ensure quality, up to date and secure data.
- To ensure that the data is of good quality, up to date and secure, **sportscotland** is of the belief that this will, as a consequence, result in the need for improved systems (for example I.T. or administrative) by the organisations that collect and hold survey data. We feel the financial and training costs that will be borne by these organisations should be acknowledged.

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

Yes, they are sufficient and appropriate No, they are not

Please explain your answer fully and make suggestions for improvement.

Overall, we have confidence in the guiding principles set out in the consultation document but are concerned about the following issues:

- The need for explicit consent is vital and yet paragraph 23 implies that this can be overruled quite easily. In the first instance, we would feel more comfortable if the need for explicit consent was not diluted and if necessary, review this going forward. The difficulty is that once a precedent has been set, it will be difficult to retreat from that.
- Paragraph 23 refers to an 'oversight body'. More information about who this would be and what general powers they have would be of benefit.
- Paragraph 21 states individuals collecting data should "*adequately inform data subjects*". **sportscotland** are concerned about what this will mean in practice and feel more detail would be helpful here.
- As an organisation, we feel that statements produced to achieve explicit consent should ensure individuals are fully informed when qualitatively new knowledge about them is created through the process of data linkage. We feel the principles relating to consent could be enhanced with consideration of the way statements of consent are developed.
- We support the principle set out in paragraph 5 in relation to projects where commercial gain is envisaged. However, we feel more detail is required in relation to situations where data is linked retrospectively/ post-consent.

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

Yes, the objectives are right

No, they are not

Please explain your answer fully and make suggestions for improvement.

In general, we are comfortable with the objectives set out for a Privacy Advisory Service but note they are high level and would welcome the opportunity to comment on these when they are more fully developed.

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

Yes No

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

No, they are not

Please explain your answer fully and make suggestions for improvement.

In general, we are comfortable with the objectives set out for a National Data Linkage Centre but note they are high level and would welcome the opportunity to comment on these when they are more fully developed.

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

Yes No