

Ms Julie Muir
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12 October 2012

Dear Ms Muir

Consultation on the creation of a National Confidential Forum for adult survivors of childhood abuse in care

The Information Commissioner's Office (ICO) welcomes the opportunity to take part in the consultation on the creation of a National Confidential Forum (Forum) for adult survivors of childhood abuse while in care. The ICO is responsible for the regulation and enforcement of the Data Protection Act 1998 (DPA) and our response will be limited to areas where we feel there are DPA implications or concerns.

Paragraph 17 of the consultation document expressly states that no individual taking part in the forum will be identified in the Ministerial Report. Also, no individual members of staff or organisations where the reported incidents took place will be identified. The ICO welcomes the emphasis placed on personal privacy in this regard but stresses the need for effective procedures to be put in place to ensure that accidental disclosure of personal information is avoided. The ICO will shortly be publishing a Code of Practice on the Anonymisation of Personal Data and it is recommended that reference is made to it in the development of these procedures.

Paragraph 18 indicates that the Forum will operate for a fixed time period and that this will be set in the establishing legislation. Paragraph 19 outlines the proposal for the Forum to be established and maintained by an existing public body. It should be noted that under Section 20 of the DPA any amendments to the current Notification of that public body held by the ICO must be made in advance of the processing of personal data for the purpose of the Forum, if not already covered. Moreover, the relevant public body should develop appropriate

information governance procedures to be followed during the life of the forum and at its termination.

Confidentiality and other protections are discussed in paragraphs 26 and 27 of the consultation. The DPA requires that individuals are given information about who is collecting their personal information, the purpose that information will be used for and where any possible disclosure of their personal information may be made. The ICO therefore would expect each individual to be provided with a privacy notice in advance of their making an application to join the forum. It would also be appropriate to remind participants of these points at the start of any forum session.

The ICO would be keen to work with the public body which is given responsibility for the forum to ensure that the policies and procedures for the protection of the personal information recorded by the forum are robust. In developing those, we would recommend that consideration is given to the Scottish Government's Identity Management and Privacy Principles and that a Privacy Impact Assessment is undertaken prior to the establishment of the forum in order to assess the privacy risks to individuals arising from participation.

Yours sincerely

Dr Ken Macdonald
Assistant Commissioner (Scotland & Northern Ireland)