



## briefing

Information Governance - January 2009

### New powers allow data to be shared

**The implications of the new Coroners and Justice Bill for data protection**

**New information-sharing orders are being introduced allowing the transfer of bulk data between government departments, agencies and local authorities.**

The new Coroners and Justice Bill, which introduces the new powers, states that information-sharing orders can be proposed by Scottish or Welsh Ministers or by departments of the Northern Ireland Assembly. The power is controversial in that the new orders can enable any person to share information which consists of or includes personal data, under specified circumstances. The information-sharing orders can also remove restrictions imposed by the Data Protection Act 1998, which include the requirement that information is only to be used for the purpose it was taken.

According to Justice Minister Jack Straw, the orders come with "very strict controls" on who could have access to the data and what they could do with it. For example, the Information Commissioner will have 21 days to consider each order, before it goes on to be considered by Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly, who proposed it.

Under the Bill, the Information Commissioner is required to write a Data-sharing code of practice which will specify the rules for how data should be shared.

Mr Straw said: "I think all members of the public, as I am, are in two places on this. Data relating to you and your family should be protected and that is an absolute imperative.

"But you don't want personally to give the same information again and again if it can be safely held and safely transferred."

### Comment

The data sharing proposals contained in the Bill have far reaching implications for personal privacy as it is currently protected by the 1998 Data Protection Act. The Act currently imposes restrictions and prohibitions on all those who hold personal data and limits the extent to which personal data may be shared between government bodies on a routine basis.

While the changes proposed under the Bill will offer benefits to government bodies by enabling them to streamline data sharing arrangements, and may spare individuals from the inconvenience of having to provide their details repeatedly to separate government bodies.

The proposals are likely to give rise to further concern about the challenges to personal privacy posed by the rise of massive government databases and the transfer and sharing of personal data between these databases. In particular there are likely to be concerns about the government's ability to guarantee the security of the personal data being transferred, particularly in light of a number of high-profile data losses by government departments in recent years.

Any increase in routine data sharing between government agencies is additionally likely to make it increasingly difficult for individuals to be certain at any time about the information that is held about them by specific bodies. The Coroners and Justice Bill will face Commons debate on 26th January 2009 at its second reading.



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