



Ministry of
JUSTICE

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Dear Simon

CORONERS AND JUSTICE BILL: REPORT STAGE AMENDMENTS

I am writing to confirm that the Justice Secretary has tabled an amendment on to the Coroners and Justice Bill on 17 March to remove clause 154 (previously clause 152), which creates an information sharing order-making power. The amendment will be considered at Commons Report stage on 24 March.

As you know, the proposal for information sharing orders stemmed from a recommendation of the independent Data Sharing Review Report, conducted by the Information Commissioner, Richard Thomas and Sir Mark Walport, Chief Executive of the Wellcome Trust. Their Report was published on 11 July 2008 and included recommendations for changes to the legal framework for data sharing, in part, to support better public service provision.

The Government remains convinced that there are many benefits to the public in sharing data: it is instrumental in the effective delivery of public services that tackle crime, protect the public and help people to gain access to new opportunities, developments and support. Information sharing orders made under this provision were intended to give clarity and remove unnecessary legal hurdles, but not without checks and balances. The Review Carried out by Richard Thomas and Mark Walport suggested some such checks and balances, and we added others. The intention was not, as some commentators claimed, for the power to be used to allow indiscriminate data sharing across Whitehall. It would rather have provided a more streamlined and effective process for ensuring the legality of specific data sharing arrangements on a case-by-case basis, where it was both necessary and proportionate to do so.

The order-making power needed to be capable of establishing new information sharing gateways in a wide array of circumstances. For instance, some of the occasions in which an information sharing order could be used include:

- providing disadvantaged learners and households with the technology to access education and government services;
- delivering anti-virals efficiently and reliably in case of a flu pandemic;
- targeting worklessness initiatives at those who are on means tested benefits, and who have been claiming on a long term basis; and
- identifying those most likely to benefit from help meeting fuel bills.

However, the Government understands the concerns expressed about the proposal.

Data security is a priority for Government and it is vitally important that public trust in Government's handling of personal data be maintained and the privacy of citizens protected. The Government has always said there is a proper balance to be struck between providing the positive elements of sharing personal data and the right to privacy of the individual, including ensuring sensitive personal data, such as medical records, are protected.

As Bridget Prentice made clear when this provision was debated in Committee, the Government recognises that the wide scope of the power as drafted has thrown up concerns, including that the power was open to misuse. That was clearly never the Government's intention, so the Justice Secretary removed the clause from the Bill. This shows the value of parliamentary scrutiny and given the widespread concern about the clause we believe it was right to make our position clear as quickly as possible.

We will consider further the data sharing provisions and, in doing so, take account of the issues raised by Members of Parliament and interested parties. I would like to reaffirm our continued commitment to clarifying and simplifying the legal framework governing data sharing, which Richard Thomas and Mark Walport recognised as necessary, and officials will continue to work with interested parties outside Government to consider the best way of achieving this consistent with the fundamental principles of data protection which mean that. Data sharing should only take place when it is justifiable, proportionate and when proper safeguards are in place.

A handwritten signature in black ink that reads "Michael Wills". The signature is written in a cursive, slightly slanted style.

Michael Wills MP