

## **Social Research Association**

### **Response to Cabinet Office consultation on 'Better Use of Data' 2016**

22 April 2016

The Social Research Association is a charitable membership organisation founded in 1978, representing over 850 social researchers in the UK and Ireland who work in government, academia, research agencies, the voluntary sector and as independent practitioners. The SRA's aims are to uphold good standards of research, while providing a voice for our members and a focus for sharing knowledge among the wider social research community.

Please note that our response to the Cabinet Office consultation on 'Better Use of Data' refers only to **Section C**, the proposals to give UK public bodies the power to share data for research purposes and official statistics.

In principle we welcome the broad aims of the proposals to enable increased data-sharing between public bodies, which should enhance access to data for research purposes, improving the quality and scope of research.

We are responding to the specific questions 15, 16, and 17 raised in the consultation, as well as raising issues arising from other areas.

#### **Part 1: RESPONSES TO QUESTIONS IN THE CONSULTATION DOCUMENT**

**Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?**

In principle we can see a justification for fees if the income is used by government departments to contribute towards the extra resources that increased demand for data-sharing will require. (We say more on this later.) However the work involved in responding to data sharing requests (in particular the accurate specifying of the detail) will surely require greater resourcing than fees alone could provide.

In many cases the requests for data-sharing will come from research projects commissioned by a public sector body, and so payment of fees will just involve shifting money around within Government, thereby reducing the value of the fee.

It is also important that there is clarity about the fee rates to be charged for data-sharing, in order for the cost to be included in research proposals, as these are often fixed price contracts.

**Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?**

Publishing details of rejected applications and reasons for rejection would give useful guidance to future applicants. But we can see no obvious reason for naming the rejected

applicants. In the first instance, guidance about the conditions for acceptance would be needed, to which examples of accepted and rejected applications can be added later. Since it would be important to tell unsuccessful applicants why their bids were not accepted, doing this in relation to published guidance clearly makes sense.

**Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?**

The consultancy document notes that determining whether or not research is ‘in the public interest’ would be a matter for the UK Statistics Authority, and obviously these decisions will need to be made on a case-by-case basis. The principles should be in line with Data Protection legislation, including general criteria that applications will be assessed for their contribution to an understanding of society, policy or practice, and that reasons for rejection could include (for example) that the data can be obtained elsewhere, or exceptionally, that the expected cost of fulfilling the request is not justified.

## **Part 2: OTHER COMMENTS ON THE CONSULTATION DOCUMENT**

### **(a) The exclusion of public bodies who deliver health and adult social care services**

We can appreciate the sensitivities that have led to this proposed exclusion. Also, the provision and sharing of health data is already subject to its own legislation and guidance. However we strongly support the [RSS's initial response](#) on this point, which states (page 5) “It is hugely important that standards for research emerging from the Cabinet Office proposals are integrated with those that will be brought in place for patient records.” The ‘trusted third parties’ of these proposals must also be trusted and recognised by the bodies that safeguard health data.

### **(b) Private companies and organisations who collect and hold public data**

The consultation refers throughout to data held by public bodies and public authorities. However many private organisations operate public services on behalf of central and local government, collecting and storing administrative data about members of the public. Since the collection of this data is paid for with public money, we believe strongly that its availability for research should also be included in this legislation.

Since such data is collected under the auspices of a public body it may be felt to be included by implication, but we request that it should be made explicit, to avoid the possibility of suppliers claiming an exemption for information they believe to be ‘commercial in confidence’.

### **(c) Non-inclusion of data collected by government surveys**

Many surveys funded by government departments include requests for respondent consent to data linkage, usually involving combining the survey data with administrative records.

However, it is not always easy to actually carry out linkage, often due to the inaccessibility of the administrative data.

We therefore request that this legislation covers the linkage of survey data and administrative data, with the aim of making this more straightforward. The value of this inclusion for research would be considerable, and seems central to the stated purpose of the legislation in facilitating better informed research. Administrative data is not collected for research purposes, and its value can be vastly increased when combined with survey data.

Survey researchers would form a sophisticated group of users of government administrative data because many will have previous experience, for example using benefit records to draw samples of respondents. From this prior knowledge researchers will be aware that such records are rarely 100% accurate, and require careful assessment of validity. This group could be a valuable source of guidance and advice to less-experienced users.

#### **(d) Detailed descriptions of data matching processes**

We appreciate the need for these proposals to provide strong assurances that the security of administrative data will be guaranteed. However by including detailed descriptions of the ways to achieve this (eg. item 98, page 27, with reference to roles such as ‘indexers’), the legislation may be at risk of building in obsolescence if better methods become available in the future. It would be preferable to establish the underlying principles of data matching in law, and being clear this is separate from any detailed illustrative example.

#### **(e) Replacement of Information Sharing Orders (ISOs)**

Item 109d (page 30) notes that ISOs may not be used to give ONS access to provide statistical services, a restriction that “is thought to have originated in a desire to ensure a level playing field in securing survey work”. As ONS actively engages in competitive tenders for surveys, we request that the proposed new legislation to facilitate ONS’s access to data should include a requirement that ONS gains no competitive advantage from it when tendering for survey work.

#### **(f) Non-public sector access to research data**

There is no mention of whether non-public bodies, eg. commercial research agencies, will be allowed access to de-identified matched datasets for specific research purposes. We believe that in principle there should be no objection to this, provided that the results of such research are made publicly available.

#### **(g) Extra resources needed in government departments**

We agree that the UKSA is the appropriate body to oversee the working of the proposed new data-matching, but it is essential that the considerable extra resources needed by the

Authority will be forthcoming, so that their central role in assessing applications and overseeing the matching and provision of data does not become a bottleneck in the process. However we repeat our concerns that additional departmental resources will also be required, to avoid bottlenecks. The [Impact Assessment to the Consultation](#) states (page 3):

It is expected that public sector bodies affected by the legislative change will face one-off familiarisation and training costs associated with the change in legislation. Public sector bodies will also incur administrative costs associated with an increased volume of data sharing requests. However, it is expected that any data sharing burden would be at least partially offset by benefits associated with increasing the quality and quantity of policy relevant research.

These two factors, the cost of fulfilling data-sharing requests and the benefits of better-quality policy relevant research, seem to be only tenuously connected. The costs of providing data are tangible and necessary, and comes first in point of time - therefore this work must be resourced regardless of anticipated future benefits, if these proposals are to succeed.