SAVVI IG QA Group - Review of the SAVVI IG Framework

Workshop on 19/4/2021

Welcome & Introduction

This session will be recorded for the internal SAVVI team only. It will not be shared outside of the SAVVI team.

Invitees:

Shelley Heckman	iNetwork	Present
Michelle Kern	iNetwork	Present
Paul Davidson	iStandUK	Present
Mevish Khalid	iNetwork	Present
Cheryl Boland	St Helens Council	Present
David Willis	Healthier Lancashire & South Cumbia ICS	Present
Debbie McCarron	Salford City Council	Present
Emily Griffiths	University of Manchester	Present
John Curtis	Bolton Council	Present
Michael Mentessi	MHCLG	Present
Peter Wilson	GMCA	Present
Jason Geldard-Phillips	North Yorkshire County Council	Apologies
Madelaine Govier	Huntingdonshire District Council	Apologies
John McGovern	Healthier Lancashire & South Cumbia ICS	Apologies

Recording at
https://wetransfer.com/downloads/9eedcb58b73e75f2ed606ee0f1f9db8620210423163026/a06681edf1205504d0038a2fdc56d2be20210423163103/ced613

Introduction to SAVVI

Introduction by Paul Davidson

Link to the presentation:
https://docs.google.com/presentation/d/1NwjieAcgic9Z8azg0k1D0V7-K4tlGp7YxFnURsX3jiQ/edit?usp=sharing

PW: Q. has there been any consideration of the cultural aspects of the organisations/ engagement?
At DWP, there is a new willingness & recognition that their UC data has use for secondary purposes. It is not likely that we would unlock this in 2 months, but it is in scope with SAVVI to work with Departments to release data.

DM: Q. DWP would be willing to work with us if there is a legal gateway. How do we retrospectively tell data subjects that we are changing the use of data.

SAVVI Information Governance Walkthrough

The SAVVI IG Framework

About:

No comments/questions

References:

Is there another set of key authoritative guidance that we need to be referencing?

From John Laurence Curtis to Everyone: 02:27 PM
Caldicott principles   and more than likely the national data strategy. For the Principles I would more than likely break this down into Privacy Law (UK GDPR and DP Act 2018) ; Common Law of Confidentiality and Human Rights Act 1998 at a high level. Maybe helpful to look at powers and duties and where there are restrictions on processing.

From Peter Wilson to Everyone: 02:27 PM
I would suggest the AI Guidance issued by the ICO. If you are creating algorithms to make decisions about people some of the points on transparency are useful.

From John Laurence Curtis to Everyone: 02:28 PM
Art 12 will be really key as Debbie outlined.

Principles:

No comments/questions

Roles:

No comments/questions (although discussion at the end of the workshop sought to clarify that @source organisation and @leadorganisation could be the same organisation.

Phases of data use in the SAVVI Process

Defining Vulnerability and the Local Context

From Peter Wilson to Everyone: 02:30 PM
Why pseudonymised? Is that for security reasons?

From John Laurence Curtis to Everyone: 02:39 PM
It would make sense to compare this framework with a typical DPIA and other IG products where applicable eg Data Sharing Agreement.

Davis Willis: I really like your assisted bin, what was said in the privacy notice when someone collected that service? We may need to revisit that privacy notice, when talking of specific protected data items there is legislation that says you cannot share it.
Revisiting privacy notice
Is there an explicit no?
How can we make this pragmatic? It might be that we can just drop off one part of the data to allow the rest of the data set to be used.

From John Laurence Curtis to Everyone:
There may be some RESTRICTIONS on identifiers
for example

DW: gone through ethics piece, long painful, lots of resource, think it would get there quicker where we can get rid of the objections, ideally get rid of anything thats unpleasant in the interim, looking at legislation then looking at ethics - procedural order

From Debbie McCarron to Everyone: 02:46 PM
I agree with DW on that - find lawful basis first
Maybe say 'Document the rationale for the identification of those at risk'
Correct!

PW: There needs to be a secondary check, data item is duplicated elsewhere eg high demand for children on school meals, seen as an indicator of deprivation in some areas, there is some documents to substantiate that but doesn't have impact, there should be some level challenge not just explaining the rational or need for it - sounds like it will happen after the work is done,
Under Risk Stratification Policy - That should say that the selected vulnerability attributes will be impactful in identifying people at risk
Add to column - If there is no evidence, perhaps councils should pause and collect the evidence e.g. give suggestions as to what to do.

It would be good to turn this into a logical process flow

From BolandC to Everyone: 02:52 PM
I think it's important that when this gets fed back into the catalogue that it is recognised that attributes might be relevant to some LAs/organisations but wouldn't necessarily be a successful criteria in another area, for example free school meals in a an area of high deprivation might not be a key risk factor but could be for an area of low deprivation - this was specifically in relation to the risk stratification, if searching a SAVVI catalogue to look for similar uses and existing sharing then the demographics of the population in the area needs to be a factor, we can't necessarily just lift something from another area if they aren't a statistical/demographic neighbour

Emily: regarding the ethics - at this point it is NOT akin to full ethics review as often takes place in universities for research. That kind of review involves an independent committee who meet every couple of months to review various documents to ensure participants are protected and not unfairly treated. For research that reuses existing data and does not (re)approach members of the public a quicker proportionate review would be more appropriate, which still involves documentation but more of a desktop review to ensure people are being treated fairly.

From Peter Wilson to Everyone: 02:57 PM
I would suggest not calling it a Risk Stratification POLICY. Policies have a lot of governance behind implementation. The document being produced here seems like a project review or procedural guidance.

Publish & Public Consultation - this might be difficult and may not have public buy-in or political buy-in. There is a risk that being open and transparent will lead to a lot of energy needing to be exhausted on managing negative.

JC : perhaps a solution might be to develop a draft comms plan or agreed comms plan as part of the start of that journey you have something you have agreed with various stakeholders,

DW: where comms is used successfully, can we share this in the savvi catalogue?

As part of the Publish process, consider the potential impact on Freedom of Information Requests on resourcing.

JC: Art 29 working party produced some documents which may help from a comms perspective.

From John Laurence Curtis to Everyone: 03:14 PM
I think this was the document I reviewed re Comms
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjL9qL4vorwAhX0nVwKHfu8DrcQFjAAegQIAxAD&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Fjust%2Fdocument.cfm%3Fdoc_id%3D48850&usg=AOvVaw2SySjs4jCadL6B9MEm-_Xv

PW - Link about terms for talking about data
https://understandingpatientdata.org.uk/what-are-best-words-use-when-talking-about-data

Propose a Lawful and Legal proposition for sharing

PD: Is there a difference between lawful and legal,
DM: No
PD: what would you prefer for us to use?
ACTION: change the title to Lawful (as this is preferred)

Lawful Basis
PW: may be worth taking consent out, consent isn't a tool we can use in a majority of cases, use of consent is nominal

There is debate on whether or not 'consent' as a lawful basis to include in the framework. Consent requires management and there is a strong feeling at GMCA that it is nominal and it would not be used. Salford Council has used consent in the past, and do not agree that it should be taken out.

The savvi catalogue is a good idea to help determine locally what councils will use as not everyone will always agree from an IG perspective.

Special Category Data or Criminal Offence Data
PD: to determine whether to decide is it special or criminal and if it is which article 9 is relevant to that

Is this a straight forward step? It is not a straight forward process to do, but it is a necessary step. It is not referenced in article 9
Appropriate policy document

PD: what organisation type has the data, we talk about it as a source organization, have to understand what type of organisation they are, public, private social

JC: might be useful as well on the criminal side, competent authority
More info here
https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-law-enforcement-processing/scope-and-key-definitions/

Peter Wilson:
Under Legal Gateway: is SAVVI considering confidentiality? Should this be considered as a step in the document.

JC: I think peter is right you would need to consider privacy law, human rights, data

PD: Does legal gateway not trump those?

DM, JC, PW: No it doesn't.

We need to make sure that there is a legal basis BUT we also need to ensure that we comply with the law (common law and caldicott guardian principles)

Question of the group - do not want to be a 'free ongoing IG resource'.
Getting this off the ground to prove the process works

Maybe if SIGQA group is approver of propositions into the savvi catalogue, rather than approver of the propositions themselves (there is danger that the group is held liable for propositions).

Once we start to look at propositions, we will get a better feel for good-practice templates for sharing etc.

From Debbie McCarron to Everyone: 03:28 PM
Good point, Peter, we're all busy working for our own orgs...

From John Laurence Curtis to Everyone: 03:31 PM
I would look to see if you could review from a scenario perspective models around earlier interventions. Its the building blocks.

 Agree in principle to share @VulnerabilityAttribute data

@Source Organisation is a legal entity:
Q. Is the source organisation registered to the ICO? (i.e. is source organisation paid up to ICO? They may be a legal entity but not registered with ICO)

Propose legal/lawful data sharing in principle:
PW: Q. What hat are you wearing when completing this?

Lots of cases where they have good ideas, but not go to stakeholders upfront to establish how long it takes/willingness to share data.

Should this be earlier in the process?

The Savvi Process states earlier to address stakeholders.

DM: This feels like the savvi process rather than the IG process.

We should add stakeholder involvement into the document to align with savvi process. This should not be the first time the stakeholders are involved!

As the lead organisation, they can identify the lawful basis for wanting the data - but it is not a right for the sharing.

Cannot tell the source organisation what to do. The source organisation to take their own view and opinion as to whether they wish to share the data.

Establish a request (not an instruction) from @leadorganisation to @sourceorganisation

Prepare Information Governance Documents

Opt out??

Depends which legal basis you have chosen.

Mostly not relevant.

It's about transparency

Everyone has the right to object. But it does not stop the processing if there is a legal gateway.

NHS Opt-out? Single shared care record (there is opt-out in St Helens).

Consider if there is a basis for opt-out and if so, consider how to support people to do so. It really depends on the project/vulnerability.

From John Laurence Curtis to Everyone: 03:55 PM

on the abort section, commonly it doesnt end there. There is generally a review/ escalation/ legal opinion/ rescope.

don't forget if its consent that you're using its withdrawal.

not opt out

Would SAVVI Catalogue be useful/popular to be able to check to find DPIAs that other organisations have used when sharing this data for this purpose?

Reasons for people not wanting to publish DPIAs:
- Listing risks - might not want to advertise those risks
- Vulnerability risks
- Might not have done it
- It might be only useful locally

Need to see what we can and cannot share.

Put together a template for sharing on the savvi catalogue.

Is the Appropriate Policy Document listed too late in the framework?

Councils want to use data for other purposes. It is not only about sharing with other organisations. It can be shared internally.

Clarify in the document the roles can be all in the same organisations. Need to clarify the 'hats' that you are wearing throughout the framework.

Vulnerability indicators & attributes - there have been situations where councils have not been allowed to use the marker of 'vulnerable'. Potentially we can be profiling people. Need to look at AI guidance. Risk of automated decision making

Not about profiling people that pose a risk. It is about identifying those potentially at risk to assess their needs. It is a privacy issue… need to be clear how the algorithms work. It is not an IG person reading this and we need to be REALLY clear on the context on this as it could be blurred.

If the information is to be repurposed by the organisation internally and there hasn't been a legal gateway identified then the Digital Economy Act won't be of assistance in that type of scenario

Organise digital Economy Act Special session
Action: SH to invite Heather Neate to this session.