

REPORT OF THE COMMITTEE ON DATA PROTECTION

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The Royal Statistical Society Meeting of 7th March 1979 was addressed by James Durbin, Professor of Statistics at the London School of Economics and member of the Lindop Committee on Data Protection. He summarised the legislative recommendations of the Report and the meaning behind them and he finally considered its implication for statistics.

The Committee was set up to advise the Government how best to regulate computer systems present and future with relation to personal information and to suggest appropriate legislation.

Durbin mentioned many of the developments in electronic data processing of the last ten years which gave cause for concern. Data processing costs were decreasing rapidly and with current developments the use of automatic data processing both by institutions and individuals would escalate. Specifically mentioned were optical and vocal input systems.

The Committee considered that dangers to the individual arose where data was inaccurate or incomplete, accessible by the wrong people or used for a purpose for which it was not collected. This was multiplied where a record of an individual was cheaply produced from various systems. Hence regulation was considered necessary to prevent cheap and easy access to maybe incomplete or inaccurate personal information which might be against the interests of the person in question.

'Computers and Privacy' had previously stated that the computer user could not be solely responsible for the safeguarding of privacy where personal information was concerned. It also said that whilst statistics dealt with aggregated data, statistics produced shall guard against possible revelations about identifiable people. A Data Protection Authority was to be instituted after the deliberations of the Data Protection Committee. That was in 1975. The earlier Younger Committee was in 1972.

The practice in other countries was studied. The agencies of these countries were sometimes advisory but mostly regulatory to varying degrees

of power. Some countries only refer to automatic systems and whereas most only concern privacy of individuals, some countries also protect associations. Compulsory registration of personal information systems was present everywhere.

The Committee decided first to legislate for individuals. With the definition that was adopted for personal information, a body to which someone belongs may come under the Data Protection Authority's ambit. Giving the scope of the original mandate and of submissions as justification, they decided to confine themselves to automatic data handling 'by means which include the use of any device capable of carrying out stored instructions'. They felt that many manual operations would quickly become automated.

The Data Protection Committee recommended that the Act would contain general principles from which could be interpreted a Code of Practice by the Data Protection Authority in consultation with the interested parties: the subject, the user and the community. This should be done without any great burden being placed on the user.

The licensing of all handling of personal information beforehand was rejected. Compulsory registration without licensing was rejected. The Data Protection Committee advocated making the Codes of Practice law. There would be a public register of systems handling sensitive data. Registration would be selective but all central and local government areas would be compulsory except when no threat to privacy was evident.

The Data Protection Authority would be financed by registration charges. It would not be an advisory body but would have investigative powers.

The Committee felt that the public was not concerned about the use of information by government.

A primary concern of the Committee appears to be to minimise on cost as set out in the principle 'in the interests of users'. Right of access to data concerning oneself is not guaranteed but subjects should know what data is handled, why, how, by whom and for what purpose. Personal data should only be used for the purposes allowed by the original Authority,

it should be accurate and complete and 'relevant and timely for the purpose used'; no more data should be handled than necessary for the purposes for which authorised. Subjects should be able to verify compliance.

The community at large should enjoy any benefits and be protected from any prejudice which may flow from the handling of personal data.

One chapter (26 of the Report) is devoted to Statistics, Research and Archives. It was felt that problems arise with small cell frequencies, publishing anonymous individual records, constructing sampling frames and using administrative data for statistical purposes. No special position was reserved for statisticians as in other countries.

Durbin concluded by remarking that a 'universal right of access to personal information' about oneself would gravely embarrass the statistician or research worker.

These matters were discussed at great depth in the discussion last year on privacy and confidentiality in statistics. It was then stated that a problem did arise with small data sets as common in medical research. Roger Jowill, who presented the paper, discussed 'informed consent' and what this meant. Where did that leave secondary analysis. Harry Wynn wondered if privacy and freedom of information were compatible. If I remember rightly, he constructed a scenario around an accident on a nuclear plant.

The paper on the Data Protection Committee was the latest in a series of papers at the Royal Statistical Society about privacy, confidentiality, right to know, and should lead to much discussion amongst radical statisticians about the use to which Government research, market research and administrative data are put.