



OPTICAL CONFEDERATION & LOCSU

RESPONSE

BETTER USE OF DATA CONSULTATION

The Optical Confederation represents the community eye health sector including 12,000 optometrists, 6000 dispensing opticians, 7000 optical businesses and 45,000 ancillary staff in the UK, all of whom provide high quality and accessible eye care services to the public on behalf of the National Health Service. The Optical Confederation articulates their views to government and supports members through services and solutions.

The Local Optical Committee Support Unit (LOCSU) provides quality, practical support to Local Optical Committees (LOCs) in England to help them to develop, negotiate and implement local objectives in respect of primary ophthalmic services.

The eye health sector is comprised of optical practices of varying sizes ranging from national and international high street and supermarket brands, regional and family companies, to mobile domiciliary providers and individual opticians

The Optical Confederation and LOCSU support the “delivery of targeted improvements for individuals and businesses...reducing burdens on businesses and improving the protection of data and the provision of public services” (*paragraph 3, page 1*). We believe that in addition to the delivery of public services and better decision making, the proposals will and must also support the better delivery of public health.

We agree with the Cabinet Office that “Health and care data play a critical role in the design and delivery of public services and improved outcomes for citizens” (*paragraph 28, page 8*). However owing to the sensitivity of the data, we support the point that its inclusion within proposals must involve additional safeguards which conform to recommendations outlined in the Caldicott review (*paragraph 28, page 8*). We are willing to work with Cabinet Office and Department of Health officials on any integration of health and care into proposed legislation. However a requirement is that such incorporation should not place new and unnecessary financial and administrative burdens on the eye health sector.

We welcome assurances that with the open policy process the Data Protection Act (DPA) 1998 will not be weakened (*paragraph 17, page 6*), and that all the proposals are aligned to “Data Protection Principles” (Schedule 1, DPA). We further welcome the express provision that information cannot be disclosed if it contravenes the DPA, or is prohibited by the Regulation of Investigatory Powers Act 2000 (Part1) (*paragraph 72, page 20*).

We note that it is proposed that there may be limited circumstances when information may be used more widely than the original purpose (*paragraph 38, page 11*). We are concerned about this possibility. There must be absolute clarity about when and how such data will be used.

Improving Public Service Delivery

1. Are there any objectives that you believe should be included in this power that would *not meet* these criteria?

- *No*

2. Are there any public authorities that you consider would not fit under this definition?

- *Yes. The proposed definition “a person who exercises functions of a public nature” should be adopted. Therefore any body which is not fulfilling a public service function would not fit under the definition.*

3. Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

- *Yes.*

4. Are these the correct principles that should be set out in the Code of Practice for this power?

- *Yes, but with a number of caveats. The Guidance will be helpful if it outlines potential shortcomings/pitfalls which should be avoided in the development of a business case for data sharing. A principle for how disputes will be handled needs to also be included.*

Providing Assistance to Citizens Living in Fuel Poverty

- 5. Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?**
 - *Yes, as sometimes the most vulnerable are the ones least likely to step forward to get available or necessary assistance. As an example those who are visually impaired should be assisted as much as is possible, and if this is best achieved through data sharing, we are supportive.*

- 6. Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?**
 - *We have no view*

- 7. Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?**
 - *We have no expertise here.*

Access to Civil Registration to Improve Public Service Delivery

- 8. Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?**
 - *Yes, provided that use of this access is restricted to its core purpose; i.e. providing a service.*

- 9. Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?**
 - *Yes, provided that this sharing is restricted to the core purpose; i.e. information updating and by extension service accuracy and efficiency on the part of public authorities.*

Combating Fraud against the Public Sector through Faster and Simpler Access to Data

10. Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

- *The proposals are sensible and have our support. However we believe that no system is without flaw and from time to time will breakdown. On these occasions the proposals must include the right of appeal if things go wrong as a last option, in keeping with fairness and natural justice. Any right of appeal will prevent being caught in perpetual injustice.*

11. It is proposed that the power to improve access to information by public authorities to combat fraud will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the Fraud gateway be operational for before it is reviewed?

- *It is not clear, how objective evaluation of the gateway and pilots will be assured/guaranteed. This evaluation is a critical determinant as to the appropriate time for a Ministerial review.*

There is a need for greater clarity as to the exact information which is to be shared by organisations, and where the boundaries are for such sharing. The type and exact information which can be shared will determine how onerous its provision/sharing will be and this will have to be factored into the operational time for the fraud gateway before it is reviewed.

Improving Access to Data to Enable Better Management of Debt owed to the Public Sector

12. Which organisations should Government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtors who owe multiple debts?

- *The government should engage with healthcare providers and representative organisations. We would wish to be assured that when taking action on multiple debts to government, this action does not inhibit an individual's access to healthcare. A practitioner should still be able to provide service to someone in need, irrespective of that provider's debt status.*
- *In the case of the eye health sector, the government should work with the Optical Confederation and LOCSU.*

13. How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?

- *Scrutiny should be undertaken by a steering group comprising government representatives, industry experts and representative organisations such as the Optical Confederation and LOCSU. This will afford in-depth and objective analysis of both the design of the pilots and their delivery of outcomes and benefits.*

14. It is proposed that the power to improve access to information by public authorities for the purpose of better managing debt owed to government will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the debt power be operational for before it is reviewed?

- *It is not clear, how objective evaluation of the pilots will be assured/guaranteed (Note recommendation- 11). This evaluation is a critical determinant as to the appropriate time for a Ministerial review. However 3-5 years is considered reasonable.*

Access to Data which must be Linked and De-identified using Defined Processes for Research Purposes

15. 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?

- *Yes, provided that it is on a cost recovery basis. Production or making available data requires resource utilisation by optical sector organisations. This is especially burdensome in the case of small organisations acting as or on behalf of public authorities (eg the Minor Eye Conditions Service MECS enables optometrists to accept referrals from GPs for patients with eye problems). We would be very concerned if fees did not reflect the financial and administrative burdens on public authorities associated with data provision and sharing.*

We would not oppose a maximum fee provided it is justifiably reasonable.

16. 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?

- *Yes.*

17. 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?

A health and wellbeing criteria should be used to determine public benefit.

Access by UK Statistics Authority to Identified Data for the Purpose of Producing Official Statistics and Research

18. Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

- *We have no view.*

19. If your business has provided a survey return to the ONS in the past we would welcome your views on:-

- a) the administration burden experienced and the costs incurred in completing the survey, and**
- b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics.**

- *N/A*

20. What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to processes that collect, store, organise or retrieve data?

- *The Code should be sensitive to the nature of the industry to be impacted. It should have criteria that are flexible and can be adapted to the different operating*

circumstances and risks associated with different parts of the eye health sector; i.e. consistency should not be confused with “one size fits all”. It is also important to ensure that the Code of Practice works with, rather than duplicates, existing regulatory systems. We would be very concerned if the Code placed new and unnecessary financial and administrative burdens on the eye health sector.

- *There is also no evidence that a move from civil to criminal penalty is justified. Unless the government has proof that justifies this move, we are not supportive of the proposal.*