

PROJECT DOCUMENTATION

WORK PACKAGE 8 DESCRIPTION AND PRODUCT DESCRIPTIONS

Property / Customer Databases

Norfolk Connect Partnership

Norfolk Councils working together to provide joined up services

Norfolk Connect Project 2003/04

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Work Package 8 Description and Product Descriptions

1. Title

Property/Customer Databases

2. Purpose of Document

The purpose of this document is to provide a clear description and scope of this Work Package, to ensure that its products will be successfully produced and will fit precisely within the overall project.

3. Purpose of Work Package 8

The purpose of Work Package 8 is firstly to identify datasets which can be shared within and between Councils which can make a difference to the Councils in terms of efficiency and effectiveness in the way they conduct their business. Secondly, the work package is to make some progress in developing selected, priority datasets, which is likely to involve some data cleansing (reduction in duplication).

[Note that the Business Case for the submission to ODPM for funding described the project as 'Identifying and cleansing databases with geographical or people references' as building blocks for 'application of services, providing access, customer, land and property databases.']

4. Description of Work Package

The Councils hold vast amounts of data and it is likely that there will be considerable duplication. Data and information theorists espouse that data/information should be held only once and re-used/shared. That can be a valid goal for Councils, or even government as a whole, but a number of practical issues need to be considered:

- The Data Protection Act which dictates that personal data/information can only be used for the purpose for which it was collected and the individual's permission must be sought for other uses
- The Local Government Finance Act 1992 precludes the use of Council tax information for anything other than council tax issues [this and other issues are discussed in a paper on the web reproduced at Annex A]
- The Councils are starting from a number of 'silos' and it is unlikely to be cost effective to reduce them all to a position of all data/information being shared with no duplication.

This Work Package can only start to make a difference in terms of sharing data within and between Councils.

The remit of Work Package 8 is to

- Identify key databases which support joint service delivery between Partners
- Prioritise development of shared databases based on business criteria provided by the Partners
- Assist projects which are independent of the Norfolk Connect Partnership project to work on development of some of the priority databases, for example by providing funding or helping them to select support technology. [Note that these projects will not be managed by the NCP Project Office, though feedback from the projects will be expected in return for funding].

Given the time constraints on the project [deliverables to be complete and funding to be used by end of March 2004] it will be necessary to do some parallel working.

It is proposed that existing and new projects, which have identified the need to share data and plan to implement shared databases, should be allowed to bid for funding providing that the projects benefit a number of the Partners in the Norfolk Connect Partnership and they meet other criteria set out on the Product Description, see Annex B. Approval of funding for these projects will be on a case by case basis by the Project Board at the time that the project is ready to start development and it knows the costs. This is the most pragmatic way forward, but a consequence may be that funding is not necessarily allocated to those projects which demonstrate the greatest need and benefits due to them seeking funding from the NCP Project Board after other proposals have been approved (as it will be 'first come first served' for those who can make a good enough case).

The following projects have been identified as potential candidates for funding:

- E-licensing, in particular liquor licensing as a new function for District Councils for which a common system could be developed jointly
- A joint contact management system for use by the Council Information Centres
- A joint Census database
- Cleansing of Gazetteers
- A joint Jobs Advertising system for the Internet.

At the same time as the above, a report will be developed on opportunities for sharing data between Partners. Ideally this would have been produced in advance of the Project Board making decisions to fund external projects, so that they were aware of the context and priorities, but delaying approval of projects until this report is written would jeopardise full use of ODPM funding within the given timescales.

5. Deliverables

The following deliverables will be produced from Work Package 8 by end of March 2004:

- Shared databases as part of other projects, the number of databases depending upon what can be afforded within the ODPM budget provided
- A report on prioritised shared databases.

See Annex B which includes Product Descriptions for the above.

Beyond the end of March 2004 the following may take place, providing resources can be identified:

- Continuation of the projects which are external to the NCP project to which funding will have been provided
 - Decisions taken regarding any further development of shared databases based on the report.
-

6. Techniques, Processes and Procedures to be used

PRINCE2 is to be used to manage and control the project as a whole and links with external projects.

Procurement of any database products by external projects will follow Norfolk County Council processes and procedures (and/or possibly those of other Councils if each Council has to procure its own product).

Change management and quality reviews are specified in the Quality Plan.

7. Interfaces to be satisfied by the completed product

Work Package 8 is not linked with other Work Packages but is dependent upon external activities as follows:

- The Process Maps will provide a basis for the report on prioritised databases for sharing
 - External projects will make proposals and deliver results in return for funding.
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8. Configuration management requirements

As defined in the Quality Plan for the project.

9. Stage plan extract

<copy in from Project Plan>

10. Joint agreement on effort / cost / time

The resources to be used in Work Package 8 are as follows:

- Andrew Mewes to manage the Work Package as a whole
- Teresa Coldicott and Andrew Mewes to each liaise and work with projects selected for funding, allocated on a case by case basis, currently
 - Andrew to liaise with the Contact Management (Customer Service Centre & Council Information Centres) project (currently owned by Norfolk County Council)

- including participation in selection of a technology solution for logging customer enquiries
- Andrew to liaise with the E-Licensing project including oversight of method for selecting technology
 - Teresa to liaise with the Joint Jobs Advertising project
 - Andrew to liaise with Team Managers on Gazetteers
 - Teresa to liaise on Census databases
 - Andrew to write the report, including gathering further information
 - QA of report by Ruth and Teresa.
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11. Any constraints to be observed

The Work Package will concentrate on functionality that will benefit a number of Councils in order to meet ODPM requirements.

The time limit for spending the ODPM funding is 31st March 2004 so invoices for all work carried out must be submitted in time for processing in this financial year [date to be advised by Norfolk County Council].

12. Independent quality checking arrangements

See Quality Plan for general quality checks, roles and responsibilities. See Annex B for quality criteria and checks for all products included in this Work Package.

13. Reporting arrangements & Sign-off requirements

All deliverables will be QA'ed by the Project Office and Team Managers as required.

Approval by the Project Board will be sought for funding of external projects. External projects will be required to provide a monthly report on progress to the Project Office.

14. Problem handling and escalation

As documented in the Quality Plan. As far as possible problems will be managed by the Project Office and only escalated to the Project Board if they cannot be resolved.

14. Work return arrangements

Unlikely to be an issue as external projects will be responsible for their own work and will have their own management arrangements.

15. How completion is to be advised

Completion of external projects is likely to be beyond the end of March 2004 and will be reported to the Norfolk Connect Partnership Project Board.

The report will be presented to the Project Board.

ANNEX A

[copy of document at <http://www.actnow.org.uk/Pages/garygrant.doc>, approval given for inclusion]

Local Government Data Sharing – areas requiring guidance.

Background

Local government is in a phase of transformation – this is a result of forces coming from both within and from without local government. Historically, local authorities have not used information in a joined up manner. Councils have been arranged in a silo fashion, with departments not working in a joined up manner at all.

Local government is changing the way it uses information. The aim of these changes is to provide more effective and more efficient public services to their citizens. For example a child may be a client of the social services department, but also have special education needs, and the child's family may be in receipt of special relief in terms of council tax. To handle an enquiry from the child's parents holistically, data from functional systems collected by Social Services, Education, and Council Tax may need to be accessed by front-line customer service staff within the authority. This is often facilitated within Customer Relationship Management systems (CRM) that many local authorities are implementing.

This is simply an example of internal data sharing by a council. Local authorities also share data externally with other councils and other public organisations such as health or police.

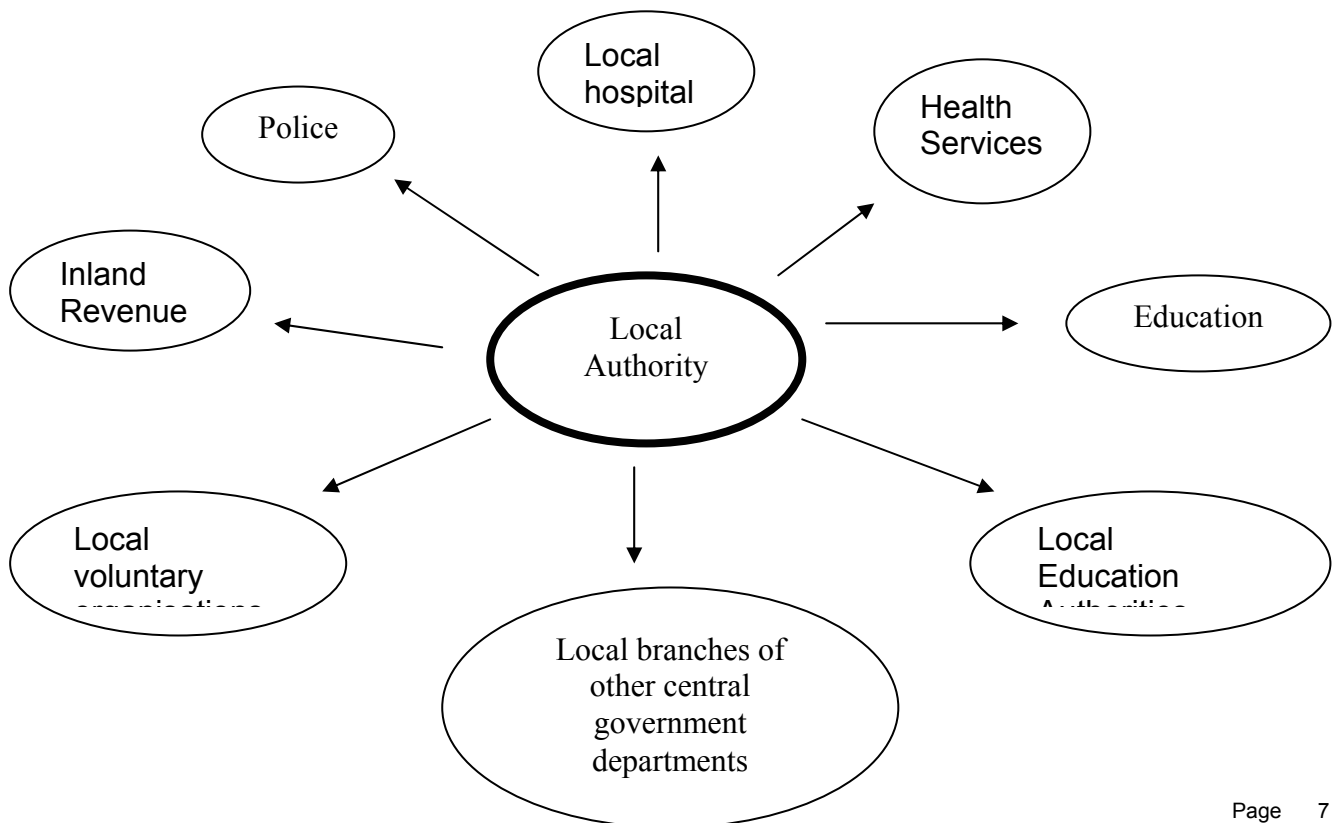
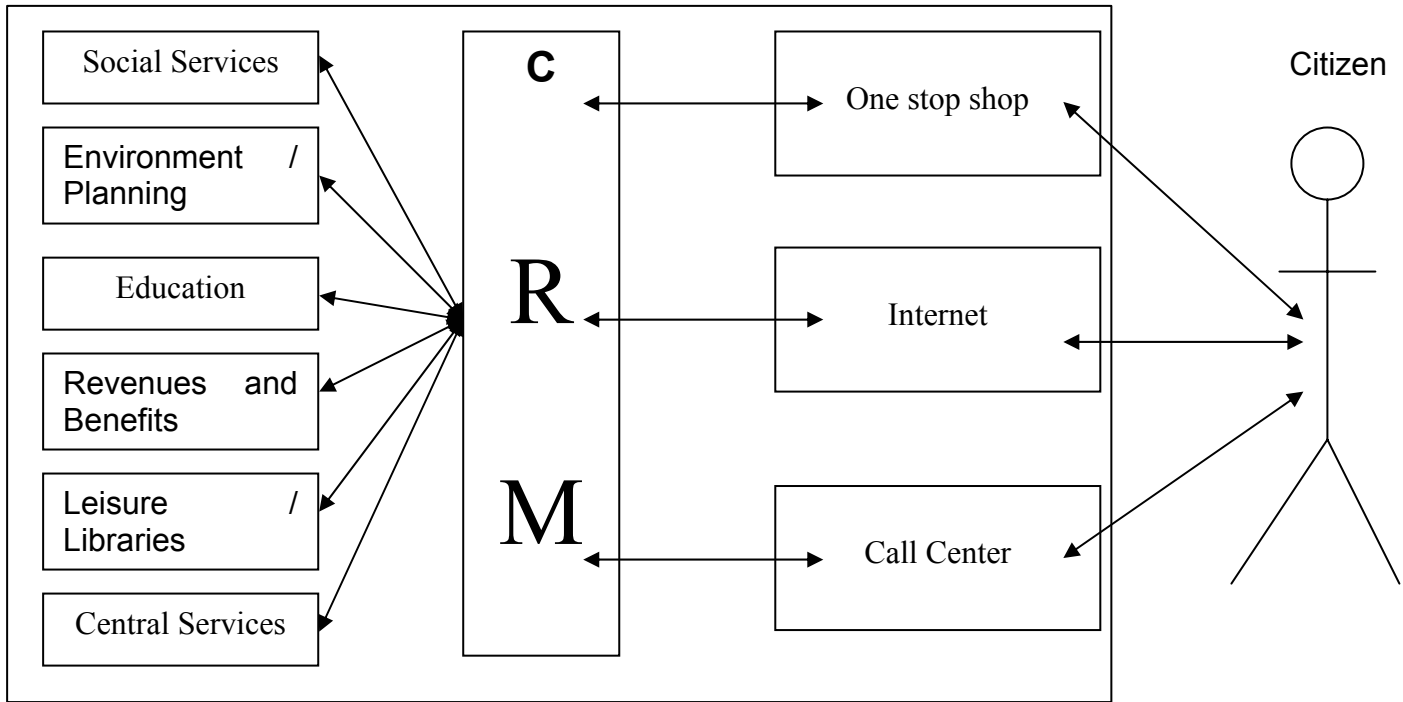
However, legal questions have arisen over what data sharing councils can legally do under the current law. For example the use of CRM systems in councils has been questioned; customer friendly processes such as corporate change of name and address systems are challengeable; and for some data, such as council tax information (sometimes used as the basis for CRM systems) specific legislation prevents data sharing with other functions.

Many Councils have taken a somewhat pragmatic approach to this situation by electing to move ahead on projects while attempting to minimise the risks of them being in breach of the law. However, for a public body it is not simply a process of risk/loss analysis of breaking the law as it is for the private sector, there is a bigger picture that needs to be considered. Can a local authority, who is responsible for enforcing various statutes, be seen flouting the law elsewhere? Some Councils have expressed a concern that breaking privacy law would give them a serious problem with credibility and public perception.

Local government is keen to comply with the law. However, there are over four hundred local authorities in the UK, each dealing with a matrix of services within its own community. There is no single control function for local authorities within central government, as local authorities handle legislation covered by ODPM, DfES, DoH, DoT, DEFRA, and others. Unlike, say, the NHS, local government does not have a centralised hierarchy that can address issues like data sharing that crosscut functions in all organisational units.

Each local authority needs to tackle data sharing topics within its own context and with its own resources. On complex issues, like data sharing, a small district council will have very few staff who might understand and address the issues. Some ICT teams are less than ten individuals, and (scarce) legal resources tend to be generalists rather than specialists. Against this backdrop, local authorities require proportionally more assistance and guidance on data sharing than large government departments.

Information flows of a modernising local authority can be represented in the following two diagrams:



The Legal Issues

The legal issues boil down to the question: what information can local authorities share, who can they share it with and in what circumstances?

To find a way in to this query, an initial step could be to divide the issues into Data Protection Act (DPA) issues and non-DPA issues. (There is, however, a crossover between the two areas because if an instance of data sharing is not lawful, it trips the first of the eight DPA principles –processing must be ‘lawful’.) It is probably most useful to begin with non-DPA issues, these are more particular to local authorities.

Non-DPA issues

- Council Tax information

The Local Government Finance Act 1992 (LGFA) precludes use of Council tax information for anything other than council tax uses. Council tax information is the closest thing most councils have to a complete dataset for their citizens and the land in their area. This makes Council Tax information an obvious base upon which council wide CRM systems can be built. A change of the law in this area would enable councils to work in a much more joined up fashion.

The Pathfinder change of address project, COATS, at Shepway District Council ran into legal issues, one of which was the use of council tax information. This from Shepway District Council:

“It is clear that the Local Government Finance Act 1992 prevents sharing of change of address information, therefore if someone comes into a One Stop Shop and advises the Council they have moved as a consequence of that Act, then that change of information cannot be shared (apparently even if the person gives their permission). What is not clear is when a notification should be treated as being provided under LGFA 1992 - e.g. if they quote Council Tax ref /mention Council Tax / say they live in the area? Advice from LCD on this issue would be helpful.”

An initial step would be to clarify under which circumstances Councils can share change of address details. However, in doing so, a situation where councils are making use of a legal loophole to avoid the effect of the LGFA may be created. Not an entirely desirable situation.

The Information Commissioner has issued compliance advice on secondary use of council tax information (this can be found on their website) – any information so obtained may only be used or disclosed for council tax purposes, unless specific statutory authority exists that allows secondary disclosure or purposes.

When Councils were asked what they would use council tax for if secondary use was allowed, reactions were extremely enthusiastic. One council commented “I think the uses could be endless as, within Local Authorities we believe Council Tax to be the most up to date accurate information we have”

Examples of potential uses include:

- populating one-stop-shop CRM databases
- identifying empty properties
- identifying demographic groups for specific marketing of service campaigns, e.g. the elderly, housing benefits information
- ensuring other council information is up to date
- residential energy (heating) loss analysis
- homelessness initiatives

In light of this situation, a change in the law allowing for secondary use of council tax information could make considerable difference to local government data sharing initiatives.

- Vires

Councils, being statutory bodies, must always be able to point to a statutory power that allows for each and every action they do. Thus, surprisingly, even if a citizen or client gives their 'informed consent' for their information to be shared, the Council must still point to a statutory power that allows it to share data in the way intended, otherwise it will be acting 'ultra vires', or without authority. There are 'general powers' such as under the S.111 Local Government Act 1972 which some argue sufficiently cover data sharing as it is "calculated to facilitate, or is conducive, or is incidental to, the discharge of any of their functions". However there is divided opinion among the legal experts whether these can be relied on for the various data sharing projects that local government is now involved in.

As mentioned above local government is in the process of joining up on three different levels: within councils, between neighbouring councils and council tiers, with local agencies and government departments on a local level.

A basic question can then be asked – do local authorities have statutory authority, or vires, to share information? But that question needs to be broken down at each level, in every instance finding statutory power to share data. Each service line must ask the question for any particular information sharing it is participating in, for each of the different organisations it is sharing information with. This is by no means a simple or straight forward task.

Internally, this issue effects directly the CRM systems that many councils are installing. Are these systems ultra vires? Are they only ultra vires if they use existing data? Are they ultra vires if they are set up in a particular structure, but alright if a different structure is used?

For data sharing between different councils, authorities must also point to statutory authority for data sharing? For example in joint one stop shops and call centres neighbouring councils often have access to shared information on their citizens.

For data sharing with local agencies and central government departments at a local level, is there statutory authority for data sharing in these circumstances? For example information is shared with the health service, education department, work and pensions on a regular basis.

The PIU report on privacy and data sharing discussed the need for an analysis of information sharing gateways. A piece of work on what information sharing gateways are available to local government may help answer some of the above questions. It may also identify areas where gateways need to be created.

An excerpt from the Information's Commissioner's compliance advice which dealt with the issue of 'lawfulness' under the DPA, illustrates the difficulties in this area:

"The issue for a local authority is, therefore, whether it has the powers to process personal data obtained for one statutory purpose for another purpose, or whether it is prevented from doing so by virtue of an obligation of confidence or any statutory prohibition on processing (including disclosure). These are not fundamentally data protection questions and local authorities must take their own legal advice as to their powers and as to statutory restrictions on uses or disclosures of data. The Information Commissioner is not able to advise local authorities on the general law" "We appreciate that this Advice Sheet does not provide any clear cut answers. This is because the issue of lawfulness is rooted not in the Data Protection Act but in other statute to which local authorities are subject"

An example from a council dealing with rough sleepers also bears this issue out.

"Homelessness initiative implemented by Social Services, working with Council's housing department, Health Trust (across 4 different health teams within the Trust), Probation, Churches Housing Association, YMCA, and other voluntary agencies. The purpose of the initiative is to promote joint working between frontline agencies that deal with rough sleepers and to share information about clients, so that more effective needs assessments of clients can be undertaken and multi-agency plans developed to enable entrenched clients to access accommodation/services in the area. Unable to ascertain legal basis for exchange of data between some of the agencies involved, particularly those in the voluntary sector. It is a matter of debate as to whether the statutory powers vested in one agency in a partnership can be used by all agencies in the partnership as the lawful basis for data exchange, i.e. for the purposes of the partnership can you apply the relevant legislation to all of the agencies involved?"

Resolution: Agreed a data sharing protocol was required and that basis would have to be written consent of the clients. This was a compromise position, given that even with consent it may still not be lawful, but was the most pragmatic solution to permit the initiative to proceed.

This is not an easy area of the law to clean up. But it will make a tremendous difference to local government when it has been resolved.

DPA issues

Local government DPA issues are likely to be covered by the general guidance that the LCD is providing. Generic guidance for the public sector on arrangements to ensure compatibility with the Act are likely to be useful to local government. The development of data protocols by the LCD are also likely to be of use to local government.

However local government is a unique type of organisation with a tremendous amount and variety of information flows, both internally and externally. Probably the greatest challenge for local government is ensuring that the numerous data flows (one council

calculated that it has 238 separate data sharing arrangements) adhere to the eight principles in the DPA.

An issue that is of particular note to local government is the interpretation under principle two of the DPA of the “purpose” for which information is gathered. Currently it appears the second principle may limit the use of information gathered by a council. Local government performs many different functions at a local level. It is not always clear whether information gathered for one purpose can be used by the council in performing its other duties. A wide interpretation of “purpose” to include local government duties would assist in data sharing and also clear up this situation. Guidance on this topic would be most helpful.

Particular concerns with the effect of the DPA have arisen over a council’s ability to notify the other agencies where there are concerns for an individual’s welfare. Two examples from a Council illustrate the type of difficulties local councils can face under the DPA.

Example 1: There was a recent situation where an elderly woman in a Council house was effectively being kept prisoner by her son. The tenancy was in her name and the rent was not being paid. All attempts by the Council to contact the woman were intercepted by the son – to the extent that the Housing staff became suspicious as to whether she was even alive. Even home visits were ineffective, as the son would not allow staff to speak to his mother. In the end, the Council began to take steps to evict her from her house (as she was not paying rent), believing that this would be in her best interests (it had become clear that the son was trying to secure the tenancy for himself and buy the property). The Council wanted to notify Social Services so that they could help her to find sheltered accommodation. However, as the woman could not be contacted, no consent could be obtained. Also, there did not appear to be any legal grounds for the Council informing Social Services without her consent. Advice from the Information Commissioner’s office confirmed that the Council was not at liberty to share the information as they interpreted “vital interests” in Schedule 2/3 of the DPA98 as being an immediate life or death risk.

Example 2: There have been other examples where the Council has been dealing with tenants who do not appear to be of fit mental health. If rent is not being paid, the Council will take steps to recover arrears and this may also result in an eviction. However, it is not always clear whether the Council can inform third parties e.g. doctors to get an assessment or social services to assist the tenant. There have been cases where the Council has asked the tenants for their consent but it has been refused (which is to be expected, as many who suffer from mental illness do not acknowledge their own condition). The legal services department did a research exercise to find the various powers the Council had under current legislation such as the Local Government Acts and the Housing Acts. There do not appear to be any information sharing powers under the above circumstances. There seem to be particular problems if clients appear to be mentally unfit. The law does not seem to protect these clients and this can be upsetting for the members of staff dealing with them who feel that their “hands are tied”.

Conclusion

To summarise, three main areas where local government have issues with data sharing have been identified:

- Allowing secondary use of Council Tax information.
- Establishing data sharing gateways that remove confusion around local government's vires for data sharing.
- Guidance in terms of the Data Protection Act tailored to local government.

Between public expectations, central government directives and common sense re-organisation, local government is under pressure to transform the way it provides public services and re-assess who it partners with in doing so. Unfortunately local government sees the legal issues above as very real stumbling blocks for data sharing on a local level. Many within local government see these obstacles as unnecessary hurdles, which could be cleared with some simple legislative changes that allow the use of currently protected data or that create data sharing gateways between public service organisations. Organisation the public largely assumes can share information anyway.

ANNEX B

1. Product Description for assisting external projects working on shared databases

Purpose of product

To ensure that ODPM funding is allocated appropriately and that funding is used for the purpose for which it was provided.

Dependencies

External projects working on shared data to bid for funding.

Format and presentation

Assessment of projects against quality criteria provided to the Project Board for approval of funding.

Quality criteria which external projects must satisfy

- Project will benefit a minimum of 2 Partners within NCP, but ideally will benefit more
- Project meets criteria for ODPM funding
- Project is developing a new database or cleansing existing databases
- Funding will be spent on developing databases or purchasing database technology before end of March 2004
- Commitment to providing monthly progress reports to Project Office is given
- There is no dependence upon the Project Office beyond end of March 2004 for support or funding
- There is evidence of a project organisation structure and the project is using best practice (eg PRINCE2)
- The requirement has been documented as a Project Brief, Statement of requirements or similar document
- Risks are being managed to ensure that the project will succeed.

Quality Checks on external projects

- Desk Review of external projects against above criteria by Project Office, recommendation developed
- Assessment of recommendation from Project Office by Project Board
- Monthly progress reports provided to Project Office
- Exception Reports produced by Project Office for Project Board as necessary.

2. Product Description for Report on key and prioritised databases

Purpose of product

To identify and prioritise databases for joint development by Partners.

Dependencies

Process Maps available.

Format and presentation

Report including

- Definitions of key terms (database, sharing, etc)
- Description of databases which could be shared to support joint service delivery (who holds what data in which form, who uses similar data, technology issues, etc)
- Data model of overall data holdings
- IT support in use
- Criteria for determining priority databases (business focused)
- Evaluation of databases to identify priority databases
- Recommendations for further work.

Quality criteria for report on key and prioritised databases

- Is it clear, understandable and readable by Team Managers, Project Board and e-Champions?
- Does it add value to the Process Mapping work?
- Is it correct for all Councils' data (differences should be identified)?
- Are all important and relevant issues identified?
- Have benefits, costs and risks been addressed?
- Does the report meet the need of Partners?
- Is it clear how the report can be used after the end of March 2004 when the Project Office may no longer exist?

Quality Checks for key and prioritised databases

- Workshop with Team Managers to discuss relevant issues
- Desk review by Project Office and Team Managers
- Desk Review and approval by Project Board
- Presentation to e-Champions for questions.

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