General Points about the Consultation

First, any policy in this area needs to distinguish clearly between data sharing and information sharing (and indeed knowledge sharing). In our experience these are rarely the same thing and collapsing the terms or using them interchangeably leads to confusing assumptions regarding the nature of what is being shared, for what purpose and with what intent. Data (plural) is rarely meaningful beyond very specific boundaries and relationships and may be analysed or processed in a number of ways. Information implies the act of informing someone of something, and implies a much more defined interpretative frame if the information is to 'make sense'. We have tried to summarise this point in the title of our ESRC funded Seminar Series in the phrase "what else needs to be shared (or not shared) when we share information?" Because these fundamental distinctions are not clearly made in the consultation document, we are concerned the remaining edifice of argument rest on shaky foundations.

Second, the implicit model in the consultation is an individual citizen in a range of transactions with a monolithic state and/or its agents. By its very nature this is a reductive model focusing on just one form of relationship between government and citizen - discrete transactions. Drawing on our empirical work exploring how the various parts of public services use information (or not), we would supplement and extent this view by emphasising the relational nature of information in the interactions between the citizen and the state and the ways in which informational transactions are often experienced by citizens as interdependent, tangled and linked into (often confusing) narratives (see e.g., Dawes, et al. 2009).

Third, in our empirical research we have identified a much richer set of interactions between the Government, its agents and those who live and work in the UK than is envisaged in much of the consultation document. For instance our work on families (Cornford et. al 2013a) shows seeing the family as a unified (or unifiable) and stable category or specific data item belies the complex nature of family lives. Collecting data and information about families tends to be service specific and the nature of familial relations are represented accordingly, leading to inconsistencies in the nature of what is shared about families. We could make similar points about the nature of information sharing in the lives of older adults, especially those with reduced capacity for decision making (whether chronic or acute), or military veterans (who may or not want to be identified as such) (Wilson et al. 2015). These are more complex situations, in which there is an information sharing problem on the citizen sides of the transaction as much as on the public services side. The ability for local public services to be delivered for those most in needs often relies on the ability to know of, and to know about, such individuals in this wider context (what we have called the 'view from somewhere' – Wilson, et al. 2011, Cornford, et al. 2013b). In these contexts, information is likely to distributed around the various agencies (formal and informal - public/private and voluntary) and across family and other social networks (McLoughlin, Wilson and Martin, 2013).

Fourth, with regards to the specific questions regarding contexts including Fuel Poverty, Civil Registration, Combating Fraud, Debt and Research it is our view that Government agencies and those delivering public services should have the ability to make referrals to each other subject to the

appropriate consents, communication and recourse mechanisms being in place. The emphasis on particular situations for data sharing implies an extension of the 'Gateway' model described in the Law Commission review as a significant issue ripe for policy simplification: "The large number of legislative gateways, spread across primary and secondary legislation, is difficult to navigate and creates complexity. There are express and implied gateways, permissive and mandatory gateways, gateways which restrict use or onward disclosure and gateways which do not." (Law Commission, 2014: 73). The consultation seems to have interpreted this statement to mean that the number of gateways should be reduced. We would argue that a more radical interpretation is required, one that questions the model of gateways as the primary way of providing controlled, accountable information sharing in public services and that addresses the mechanisms that have generated a plethora of gateways in the first place (see McLoughlin, Wilson and Martin, 2013). If these more fundamental architectural issues are not addressed, we suspect that the success of attempts to reduce the number of gateways and simplify their procedures will be short lived.

Fifth, our recent review "Information sharing is easy to say, but harder to do well" (Wilson and Gray, 2015) for the Centre of Excellence for Information Sharing made the following additional points about current state of knowledge (academic and practitioner) around information sharing in particular but which have relevance to the data sharing issue.

"That the information sharing literature is dispersed over a wide variety of academic disciplines, policies, and professional contexts. The term is used in different ways, and is taken to mean different things, in all these contexts. Previous experience in health, care and education services, where dispersed public services are managed using approaches such as information governance, suggest that it is highly unlikely that a 'one size fits all' or purely bureaucratic or procedural approach to information sharing, based on the requirements of one organisational perspective, is going to 'solve the problem' on its own."

"Dealing with complexity requires the development of appropriate tools and interpretative skills (both individually and collectively) for those involved in public services. For example, individuals and organisations need to understand the provenance of information that is being shared – who published what, about whom, when, with what context, and with what authority – and they need the skills and tools to make judgements based on all of these issues."

Improved – simplified or clarified – data governance of the kind envisioned in the consultation document, while important, is therefore unlikely to result in improved sharing, and therefore more economical, efficient and effective public services, as long as other issues are not addressed at the same time. To make improvements the need for information sharing need to be built into public service professionals' role structure (including training and job descriptions), it needs to be reflected in reward and incentive structures, and it must be reflected in the patterns of relationships and routines – the professional culture of public services (Richardson and Asthana, 2006). Each of these elements needs to be adequately resourced. Without addressing these issues, even well designed changes to data and information governance are likely to fail to make a difference, leading to counterproductive cynicism.

Finally we would observe that previous government policy on co-production in public services has envisaged a more active citizen being more responsible and engaged in the production of services. This potential can only be realised if the ways in data and information is conceived in public and social policy is represented as an integral part of that vision. It is possible to describe a more sophisticated approach which could lead to better service coordination, practitioner confidence, information sharing behaviour and service delivery: local service communities could work together to improve their information sharing relationships (internally and externally), in parallel with improvements in systems and resources. In the context of the government's devolution agenda for England, the issue of such local 'interpretative communities" (Cornford et al., 2013) and the local governance of information sharing (Wilson et al., 2013) are increasingly important. Central policy is only ever likely to be a part of such an approach.

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