

In this response, I primarily look at the privacy impacts of the suggestions and considerations of a new model of census. Other input to the ongoing process has been made in my former role at Privacy International and within the Privacy Advisory Group for the 2021 census programme.

**Q1: What are your views of the different census approaches described in this document?**

A strong benefit of the current census model, is the complete disconnect from other data sources. This provides the ability for individuals to respond as they choose, and in practice if not in principle, whether they choose. Answers may be idealised, or outright fictional, yet the overall statistical model of the population is rarely damaged. 2001's mass conversion to Jedi being an example.

Statistics cope with uncertainty well, far better, in fact, than bureaucratic procedure does.

This gives individuals the ability to answer questions without fear of judgement or data matching. Jedi was a particularly popular religion in 2001, and no statistics, religions, or ewoks, were harmed by that response.

By definition, that disconnect will be reduced by data matching, and at worst would be destroyed by full linking. Once destroyed, rebuilding the trust from those disconnected systems will require a timescale of multiple Parliaments. While this is a timescale normal to ONS, it is alien to most parts of the policy process.

In practice, the risks and public acceptability requirements will not likely be known sufficiently in advance to necessarily meet the level of certainty required for a single switch over.

**Q8: What are your views of the risks of each census method and how they might be managed?**

**Q9: Are there any other issues that you believe we should be taking into account?**

The ONS has a reputation and interest in high quality statistics, with incentives for their long term sustainability. That is potentially damaged by relying on other departments for some data collection, and the potential excuses which can be used against individuals. ONS must maintain a strong public message on a range of areas, such as "pseudonyms are ok", backed by the substantive statistical foundations which enable that to happen. Explaining advanced statistical means to the public is not likely to be easy, but it should be at least possible for someone with a web browser and a spare 20 minutes to have an understanding of what is done (and what is not done).

There is fundamental and systemic risk with the proposed data sharing, in that use could go

beyond what the public are willing to support. Any data items (fields) shared must be on the basis of an explicit legal basis solely between each single Department and the Statistics Office only, and must require the commitment of Parliamentary time to modify in any way. The census form was required to be laid before Parliament; the data sharing must not have a lower threshold. All outputs must be laid before Parliament, or available as Open Access publications for the public to read.

It must also be possible, for a lay person reading the statute on [legislation.gov.uk](http://legislation.gov.uk), to understand what is being shared. ONS should engage with the Cabinet Office's "Good Law" programme, with a view to being an exemplar piece of legislation.

That legislation must also prohibit any negative, or potentially negative, actions to be taken against individuals as a result of that data flow. While that allows departments to use the statistics published, they should not be able to get non-disclosure control treated individual data under this programme. It should not be possible for any party to become aware that an individual seems to be using an alias for the use of two different services, and take actions on that basis.

To take a contemporary example, the census form asks about bedrooms, for historical and well defined reasons. That data, however it is collected, should never be able to be used to challenge that household on the contemporary and highly political topic of the "Bedroom Tax"/"Spare Room Subsidy". It is on that point that data sharing risks become significant.

ONS requires accurate data for the production of National Statistics, not the procedural fiction incentivised by other departments policy choices.

As a result, sharing must be solely of data that is orthogonal to a Department's needs, interests and agenda.

The detail, and final legislative basis, is fundamentally important for confidence, yet is open to a broad range of competing agendas and subject to potentially wide broadening at late stages in the Parliamentary process.

In line with the response from the Royal Statistical Society, doing this in several smaller stages may be wise.

If there is a comparison exercise done, there must be a very clear legal specification and detail of how data can be matched between the two databases created. It must not be an option for the unrestricted sharing of data across Whitehall for reasons that are not the production of Statistics to be laid before Parliament.

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