



Data Protection Good Practice Note

Data sharing between different local authority departments

This guidance aims to explain to local authorities the data protection issues they need to consider when deciding whether to pass personal information from one department to another within the same local authority.

Key issue

For the purposes of the Data Protection Act 1998 (the Act), a local authority is a single organisation which makes its own decisions on how personal information is used. A local authority is composed of many separate departments. Because it is a single organisation, if one local authority department passes personal information to another department, this will not be a disclosure of personal information as defined by the Act. Only if the local authority passes personal information to any other organisation, will this be a disclosure of personal information.

However, if one department holds personal information for one particular purpose and then passes it to another department so that it can be used for a different purpose, then this will be a secondary use by the local authority of that personal information.

For example:

Local authority A wishes to pass personal information to local authority B. This is a disclosure of personal information.

Local authority A wishes to pass personal information from their housing department to their environmental services department. This is not a disclosure of personal information. It is a secondary use by local authority A of personal information, which was originally obtained for housing purposes, but will now also be used for environmental services purposes.

Data protection considerations

If a local authority wishes to pass personal information from one department, which is using it for one purpose, to another department to use for a different purpose, then they must comply with the data protection principles. The two most relevant principles in these circumstances are the First Principle and the Second Principle.

Complying with the First Principle

The First Principle states that

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless-(a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met”.

Lawful processing:

A local authority must look at its own governing legislation and consider the Human Rights Act 1998 and common law in order to decide whether its actions are lawful. It must also apply these considerations to its use of personal information.

Schedules 2 and 3:

A local authority must be able to satisfy a Schedule 2 condition. If the information is sensitive personal information, for example information about someone’s ethnic origin, the local authority must satisfy a Schedule 3 condition.

Fair processing:

All organisations must ensure individuals whose personal information they collect, understand what is being collected, why it is being collected and who is likely to see it. They must also explain any secondary uses for the personal information, particularly if these will not be obvious. If local authorities are aware when they collect personal information that several departments will use it for different reasons, it would be unfair not to explain this to individuals.

Complying with the Second Principle

The Second Principle states that

“Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in a manner incompatible with that purpose or those purposes”.

This means, unless a relevant exemption applies, that a local authority must not obtain personal information for one set of purposes and then use it for a completely separate and unrelated, i.e. incompatible, set of purposes.

If local authorities are open and transparent about all the probable reasons for collecting information in the first instance this will allow them to put that

information to several uses, in a variety of departments. This would be in accordance with the Second Principle.

More information

If you need any more information about this or any other aspect of data protection, please contact us.

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