

## Consultation Response

### Wales Accord on the Sharing of Personal Information (WASPI) code of conduct

April 2023

Age Cymru is the leading charity working to improve the lives of all older people in Wales. We believe older people should be able to lead healthy and fulfilled lives, have adequate income, access to high quality services and the opportunity to shape their own future. We seek to provide a strong voice for all older people in Wales and to raise awareness of the issues of importance to them.

We are pleased to respond to the Wales Accord on the Sharing of Personal Information (WASPI) consultation regarding a proposal for the WASPI framework to apply to become an approved Information Commissioners' Office (ICO) Code of Conduct under the provisions of article 40 of the UK General Data Protection Regulation.

WASPI is a tool used for lawful and safe sharing of personal information that has been in place for over a decade. Over this time period, a greater understanding of when and how to share information internally and between agencies across Wales has developed. However, over the same time period there have been numerous cases in Domestic Homicide Reviews and Adult Safeguarding reviews where **not** sharing information has prevented the full picture of risk being understood, which has contributed to serious injury or homicide.

We are not clear how the proposed Code of Conduct will:

- enhance the current framework
- benefit practitioners
- help to assimilate the sharing of information
- further protect the information of individuals.

We believe the existing WASPI framework already includes the necessary information on safe sharing of personal information that protects the safety of older people in Wales. We are unclear from examining the proposed changes whether they provide added value and safety for vulnerable older people in Wales. We believe that to improve safety for vulnerable older people, resources should be directed towards why information is not shared and towards multi agency engagement and training on the importance of sharing the right information in the right way and at the right time.

Particularly for smaller organisations that deliver community services, steps taken to safely hold and maintain up to date personal information require a great deal of effort – from safe storage of necessary paperwork whilst out and about, through to the case management systems necessary for monitoring and reporting. We are concerned that the work that is required for small organisations to be WASPI compliant using existing ISP templates is considerable, which may explain why many smaller organisations are not already signed up to WASPI. The consultation documents state that this is a neutral cost exercise. However, there is additional work for every organisation that is required to share information safely. It is important that agencies required to sign up to WASPI are resourced sufficiently to meet compliancy requirements and this must be reflected in an increase in contract value.

Many organisations across Wales that are GDPR compliant and work with vulnerable people may be largely WASPI compliant for contracted work but may not have gone through specific WASPI compliant checks due to volume of work required. As such, the additional requirements here may further disincentivise potential providers of services such as community care, at a time when public services are struggling to meet the demand for services as we come out the pandemic.

Monitoring (internal and external) is a necessary part of ongoing quality assurance and quality improvement mechanisms. It is important that any monitoring mechanisms set up from this are proportionate. The proposed Code sets a number of monitoring mechanisms which will be implemented to ensure that a Code member remains compliant. From details supplied, we are not clear how this adds value. We believe that any such monitoring must be proportionate, and must take into consideration the capacity and the resources of organisations being monitored. It should be further explored whether such monitoring processes are already being addressed by existing monitoring services to avoid duplication of effort.

We are unclear how sanctions for non-compliance will be decided upon and how this will impact services that are under contract to deliver support from public authorities. If an agency is sanctioned, will this then mean that the service delivery contract is voided? How will those needing this service be affected? How will sanctions help agencies be compliant with appropriate information sharing? As such it is important that sanctions are proportionate and take into account the effects of a service not being able to deliver the service it is there to provide.

In this context, to enable organisations to demonstrate that they are using, sharing and storing information effectively and lawfully, it is suggested that further training, guidance and support is needed for organisations in relation to the current WASPI framework - to promote the culture of sharing information and to facilitate the timely and lawful sharing of information, both within and between organisations.

We hope that these comments are helpful, and we would be pleased to provide further information if requested.

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