

GD 2016/0082



Isle of Man
Government

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Council of Ministers

Considerations relating to a single resident record for the Isle of Man

In Tynwald, December 2016

1. EXECUTIVE SUMMARY

1.1. This paper responds to the Tynwald Select Committee on the Operation of the Jury System in 2016, in particular:

Recommendation 9

The Cabinet Office should lead a cross-Government working group to consider, investigate and propose the principles for a centralised Citizen Database as follows:

- *To consider the whole of the Public Service and identify any services in addition to electoral roll and jury service that could benefit from such a central register;*
- *To consider the method by which the database could be constructed automatically from existing systems to provide as accurate a record as possible;*
- *To consider the legal framework required to facilitate the creation and maintenance of such a database;*
- *To consider the costs and plan, together with the benefits, and report to Tynwald.*

Recommendation 7

Recruitment of jurors should be modernised so that the names are collected from a centrally held universal list of citizens, not based on Sheadings, but with safeguards to allow a mixture of jurors from various parts of the Island.

1.2. The response has been formed through discussions with areas of Government including Crown & External Relations, Government Technology Services, Attorney General's Chambers, the General Registry and the Information Commissioner.

1.3. The use of the term 'citizen database' should be clarified. The report does not recommend the wholesale collection and sharing of all personal information held by Government into one place. It recommends a feasibility study to investigate whether a single, core record, derived from existing data held on other systems, could be used as a way of establishing a single identity for an individual across different Government systems. A resident record.

1.4. The report concludes that there could be benefits associated with the development of central resident record. It also states that any approach should be subject to extensive consultation and that appropriate safeguards would be required.

1.5. The report identifies several principles which would underpin the development of any feasibility study into a central resident record:

- i. Residents should be in control of their own personal information
- ii. Residents should not have to give the same basic information to different parts of Government multiple times
- iii. The record would be automatically updated when a change of name, address or personal circumstances are requested by the resident.
- iv. Information captured should be limited to basic personal information, which is accurate and kept up to date
- v. Government policymaking should be based on accurate, up to date demographic data and trends as supported by a central register.

- vi. Public bodies should continue to adhere to their obligations under the Data Protection Act and other relevant legislation to ensure the rights of individuals are protected.
- vii. The electoral and jury registers should be formed automatically from resident records.

1.6. The report concludes that the Cabinet Office should undertake a full feasibility study into how a central resident record for the Isle of Man could be developed.

2. INTRODUCTION

- 2.1. This report arises from the investigations of the Tynwald Select Committee on the jury system. In its report, the Select Committee identified that the state of the current electoral roll, used to select potential jurors, was 'one of the most serious failings of the current system and requires urgent remedy.'
- 2.2. It is recommended by the Select Committee that a single resident record could form the basis of future electoral register and provide the information from which future electoral registers and juror lists are drawn. In addition to that, the committee recommends that the electoral roll be compiled automatically from information already held in other parts of Government.
- 2.3. It is important to emphasise that the report examines the approach which Government could take to create a single resident record. It does not look to create a central 'pool' of sensitive, service specific information such as medical or tax records.
- 2.4. As more people use the internet in their daily lives¹, there are increasing expectations from people to have more control over their own data and to conduct more of their business online. In the Isle of Man, this is demonstrated by growing registrations for, and use of, online services. There have been over 69,000 enrolments for online services, with over 133,000 online payments made to Government in 2015.
- 2.5. The online Government Change of Address service shows demand by customers for this 'tell us once' approach. Between January and August 2016 there were 562 applications made to this service.
- 2.6. The process of electoral registration is still heavily paper based. At least once each year, the electoral registration unit in the Cabinet Office will write to all households in the Isle of Man, asking eligible residents to supply their details. This is in direct conflict with the growing appetite for digital services and effective use of customer information.

3. BACKGROUND

- 3.1. The Island's electoral register is currently compiled in accordance with legislation on a household basis. Recently in neighbouring jurisdictions there has been a move to individual electoral registration. In the UK, the Representation of the People (England and Wales) (Amendment) Regulations 2016 make some changes to electoral registration in England and Wales, including allowing for electronic registration and for voters to check their registration status online which could also be considered for the Isle of Man.

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<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2016>

- 3.2. It is a legal requirement to provide information for the electoral register, although it is not a requirement to vote, or to appear on the edited register which is available to purchase. The full register is available for public inspection. To be registered, an individual must be aged 16 or over, and have been resident for a minimum of 12 months. The system also records whether the elector wishes to opt out of the edited register.
- 3.3. Despite the legal requirement to provide information for the register, and concerted promotional activities from the Cabinet Office, as at October 2016, around 15% of the eligible population are not on the electoral register.
- 3.4. The full electoral register is not just used for elections, but also other legitimate purposes that are set out in the Registration of Electors Regulations 2003. For example, the full register is provided to the three Credit Reference Agencies in the UK every year. Money Judgments in the IOM Courts of Justice are forwarded by the General Registry via Registry Trust Ltd (the UK body that records County Court Judgments) to the Credit reference agencies.
- 3.5. The private sector uses these records when considering credit and loan applications. Significant safeguards to these data sets, including oversight by the UK Information Commissioner, are set out in the UK Consumer Credit Act 1974. The lack of a record on the electoral register has led to Manx residents having difficulty in obtaining credit including mortgages. These databases have a significant influence on peoples' lives, perhaps more than any other shared dataset, and have been operation since the 1970s with little issue.
- 3.6. The existing process of electoral registration is entirely paper based, time consuming and inflexible. Whilst work is ongoing to modernise this process, there has been extensive public discussion around the seeming disconnect between the number of Government services which already hold the basic, core information required for electoral registration purposes and the need for an annual canvas to verify this information.
- 3.7. This has led to frustration being expressed from residents who cannot understand why they are being asked for the same information again. There has also been frustration from candidates and subsequently elected Members of the House of Keys, who have spoken of a lack of confidence in the accuracy of the register, despite the improvements which have already been made. There is now a Tynwald select committee² to examine the electoral process surrounding the 2016 General Election.
- 3.8. The electoral register is just one of many places in Government where resident information is held. Most Government services are administered through the use of a computer system. Yet because many of the systems have evolved over time and are in different parts of Government, it is rare that these systems see the resident as a single entity.
- 3.9. There are around 60 main databases and over 200 separate systems used across Government that store basic personal information which then requires customers to provide the same personal data to identify themselves multiple times, and as well as

² <http://www.tynwald.org.im/business/committee/OOGE/Pages/default.aspx>

being costly and inconvenient to the citizen, can lead to information not being updated consistently.

3.10. The Information Commissioner, as the independent supervisory body for the Data Protection Act 2002, has raised concerns about the way that personal data is currently collected, stored and shared by Government

3.11. The concept of a single, central resident record, created from core pieces of information held across Government could address some of these concerns. The complexity in making this happen should not be underestimated, but if it is done correctly, and with the appropriate safeguards in place, there are substantial benefits, both for residents and for Government.

4. PROPOSAL

4.1. The Cabinet Office should develop a feasibility study to explore the means by which existing Government systems which hold 'core' and reliable sources of resident information such as name, address, date of birth, gender, National Insurance number could be used to create a register of residents containing a single verifiable instance of each resident.

4.2. The Cabinet Office should further explore how this register could then be used to populate other systems in Government, including the creation of the electoral register and the jury register.

4.3. It is important to state again the scope of this proposal. Any such record would not include any service specific information such as tax, health or social security records.

4.4. There are clearly legal, technical and moral issues to be considered when investigating a proposal of this nature. These will be addressed as follows:

4.5. Legal

4.6. The creation of a single residents register would require amendments to existing legislation. Any such amendments would be subject to meeting international obligations on data protection and privacy, including the Human Rights Act 1998 Article 8 on the right to private life.

4.7. In addition, primary legislation would be required to provide the necessary powers and safeguards in relation to such a significant change.

4.8. The Government is committed to ensuring that the Island is able to comply with the provisions of the General Data Protection Regulations by 2018 and is actively considering the changes that may be needed to its existing Data Protection legislation, to ensure parity and adequacy with new European General Data Protection (GDPR) regulations. Regardless of the implications of the UK leaving the European Union, Isle of Man-based businesses trading with the EU will need to comply with these regulations.

4.9. Electronic identification (eID) is a secure way for citizens and businesses to prove their identities online under the EU [eIDAS regulation 910/2014](#). eID assurance

could mean Government is able to expand the range of online services available to Island residents. Paper forms of identification, such as utility bills, are disappearing, and eID could offer a way to confirm identity to businesses, such as banks when opening an account, or to online services with age restrictions.

4.10. Technical

4.11. Technological requirements will be considered in detail, should Tynwald agree to undertake a feasibility study. In particular, the following areas will need to be considered:

- Construction of a central register of core data from existing trusted sources of information
- Ensuring the accuracy of data that is fed in
- Options for how information will be collected, maintained and updated
- Options for resident access to their data
- Costs of developing an in-house solution, or purchasing or building a new system
- Storage and security
- Links or dependencies with existing systems and databases

4.12. Moral

4.13. The moral considerations linked to this proposal should not be ignored. Only 43% of people have confidence in Government, according to the 2016 Social Attitudes survey³. A survey carried out by Government Technology Services in 2015 showed that 24% of people did not trust Government with their data⁴. Any such proposal should include substantial and widespread public engagement and consultation. There are perceptions that any collation of personal data could be the beginning of an intrusive, surveillance society in which the state uses information indiscriminately and without checks and balances. These perceptions should be taken seriously and any proposal should include rigorous and stringent legislative safeguards and governance. Parliamentary approval should be given at all stages of the development of any proposal.

4.14. Government should be aware of these concerns, but not detracted. It is important to note the progress of the so-called millennials, or those born after 1980 and the first generation to come of age in the new millennium. Over two thirds of millennials have signed up to a social network⁵. 60% of millennials have said they would be willing to share their personal preferences and habits to marketers⁶. So Government must also be mindful that a new generation has greater expectations on how Government uses their information to ensure better services.

5. BENEFITS AND RISKS

³ <https://www.gov.im/media/1352363/2016-06-15-social-attitudes-survey-final.pdf>

⁴ <https://www.gov.im/about-the-government/departments/cabinet-office/government-technology-services-gts/digital-survey-executive-summary/>

⁵ <http://irismillennials.com/articles/united-kingdom/>

⁶ <http://www.mintel.com/press-centre/social-and-lifestyle/millennials-share-personal-info>

- 5.1. The benefits arising from this proposal should be explored in more detail. Initial investigations have shown that benefits could be realised in several areas:
- 5.2. Policymaking and service design: The existing census system is a huge and costly undertaking. In addition, due to the manual nature of collection, even basic population statistics take almost nine months to collate. This means that Government is constantly working off information with a long time lag. A single resident register could provide almost real time information which would better inform policy decisions and service design.
- 5.3. Customer service: A central resident record would reduce the number of errors due to data quality, being based on a single version of the truth. In addition, the number of interactions with Government due to changes in core data such as name, address and marital status could be reduced. A modern, online system would put residents in control of their own data and ensure that contact details are updated centrally and automatically.
- 5.4. Statutory obligations: Residents of the Isle of Man are required to take part in the census, register on the electoral roll and take part in jury duty. A central register could replace the census in future and help to produce an accurate, easy to use electoral register and jury list. For Government, it could assist in reducing risks in data collection and storage such as errors and data breach and reduce the duplication of records and administration across Government.

5.5. Risks

- 5.6. Technology would form a large part of any solution to develop a central resident record. Any technology project, particularly those associated with personal data, carry risks which need to be actively managed. It is important to note that Government securely stores and processes large amounts of highly sensitive data.
- 5.7. Errors: The potential for errors on other systems to be replicated on a central record exists and therefore cross-references, checks and balances and exception reports should be built into any system to ensure information is accurate.
- 5.8. Security: Data security is increasingly important as the number of cyber-attacks globally increase exponentially. The Government already takes a number of precautions in relation to the storage and security of sensitive personal data and would need to ensure any central register would be secured to an appropriate level in line with the other sensitive data it already stores and processes. It is also important to ensure access is provided on a role based approach with clear and regularly monitored access logs, as with other systems particular in health and tax. Government will work closely with the Information Commissioner to ensure an effective and robust security framework is in place for any system. This will include effective and dissuasive legislative sanctions for misuse.
- 5.9. Abuse of scope: Without proper safeguards in place, other Government agencies, with perhaps honourable intentions, could seek to use the information, allied to their own information, to obtain intelligence on residents without their consent. For this reason it is important that parliamentary approval is given for the establishment of any such system as well as for any request for expansion of the

scope of the system and the protocols and intentions for which any such record could be used.

6. CONCLUSION

- 6.1. Any new approach to the collection and management of resident information is a complex and emotive topic. It is vital to carry out extensive engagement and consultation with Tynwald, Government and the public. This interim report simply expands on the initial recommendation from the Select Committee and clarifies some of the topics which would need to be explored in a detailed feasibility study.
- 6.2. It is clear that there are benefits associated with the creation of some form of resident register. It is also clear that there are privacy concerns and risks which must be addressed as part of any such investigation.
- 6.3. If approved and taken forward as a project, this will not be a minor undertaking. It will require a significant amount of officer time as well as consuming financial and legislative resources which must be weighed up against other priorities.
- 6.4. Any proposal will require in-depth consultation and must consider responsibilities for updating and maintaining records and ownership of the register.
- 6.5. The emerging technology and online environment must not be ignored. People are becoming increasingly sophisticated with their demands in relation to the way Government delivers its services. They expect to be in control of their data, and they expect Government to be smart enough – with their permission – to join up their information and to only tell us once about changes to their personal information.
- 6.6. This revolution in digital services is already happening in the UK, in the Channel Islands, Estonia, Singapore and Malta. The Isle of Man should also consider its Government services in the context of these other jurisdictions also competing for residents and business. To be left behind in the digital age could prove costly for the Isle of Man.
- 6.7. This is not a project which should be undertaken quickly or without a significant amount of detailed research and consultation. The technical complexities surrounding the development of a single resident record must be fully explored, alongside the legislative requirements to effectively support any proposal. In addition, robust and effective safeguards must be identified which will give confidence to the public that their data is being used for the purpose intended and held in a safe manner. Finally, all this must be supported by a business case which clearly weighs the benefits against the costs and risks.