PACAC inquiry

Data Transparency and Accountability: Covid 19

Response from the UK Open Government Network Steering Committee

1.0 Who we are

The UK Open Government Network (UK OGN) is a coalition of active citizens and civil society organisations committed to ensuring governments work with and for citizens. We believe that governments work better when they work with citizens in a meaningful and open way, when they share how they operate and spend money and when they help us hold them to account.

As a coalition, the UK OGN works with local and national governments to help deliver this vision, raise awareness of the challenges faced by citizens and civil society organisations, and campaign on related issues. The coalition is made up of four separate-but-overlapping networks (Northern Ireland, Scotland, Wales and the UK) each of which works with the national government in their country. The Steering Committee is made up of those elected by the members of the UK OGN and three appointed representatives to ensure Northern Ireland, Scotland and Wales are represented on the committee.

2.0 Our response

The principles of open government are accountability, transparency and participation. The UK Government as a member of the Open Government

Partnership has made a commitment to ensure that everyday business of government should operate under these principles.

The COVID-19 pandemic has highlighted a number of examples of where this has not been the case.

The pandemic has emphasised the necessity for data to be collected and published by the UK Government to allow the devolved administrations, local authorities, health boards, communities and every individual to be able to effectively respond to the threat of the virus. Having transparent and accessible data is fundamental in our ability to keep people safe.

From publishing disease spread statistics to location-tracking apps, open data has become key to facilitating a collective and informed pandemic response.

It is crucial to ensure that data initiatives balance opening sufficient data to inform and increase trust in public health policies, while also protecting individual data privacy and rights.

Accountability, transparency and participation are therefore critical to ensure this balance is met when determining open data measures.

We are living through an unprecedented time. And it is clear that the UK Government is facing unparalleled challenges as it seeks to protect lives and livelihoods. Yet, it is also clear that too often the principles of open government have been ignored and this has led to issues around data transparency and accountability.

Please note the following in direct response to this inquiry:

2.1 Data sharing across the devolved administrations / local authorities to enable mutually beneficial decision making

"What we need is the real-time, patient-identifiable data that the Government receives rather than the limited, anonymised data we are currently getting," said

Andy Burnham, Mayor of Greater Manchester in July 2020. He continued, "...we also need reliable data from the national contact tracing system. One expert told me this week that the lack of patient-specific data was like local detectives being asked to solve crimes without being given the names of any of the victims or suspects… my appeal to the Health Secretary is a simple one: give us everything you have got on Greater Manchester. Then we will be able to form a strong partnership between national and local government in beating this virus on the ground."

Andy Burnham was not the only local mayor calling for localised data.

It took until July for data to be shared with local authorities. This was too slow, undermined public health departments and leaders across the country who were accountable to people in their communities.

2.2 Timely, clear, transparent, data-led decision-making.

Procurement was a life and death issue in responding to the coronavirus pandemic.

Yet a government buying fast should not excuse it from buying openly and publishing data in a timely manner. In fact, open government principles can help make this process more effective and get equipment to those that need it, while guarding against corruption and waste.

As highlighted in the Open Government Partnership 'Guide to Open Government and the Coronavirus: Public Procurement,' public procurement is 'one of government's greatest corruption risks because of the size of spending.' Furthermore, 'emergency health procurement is even higher risk as it may involve sole sourcing, accelerated timeframes, prepayment and a general scramble to secure supplies that may minimise due diligence and supplier scrutiny.'

There are too many procurement contracts that have raised eyebrows: the £108 million given to a small family-run pest control company with net assets of £18 000; the £252 million PPE contract awarded to a private equity firm based in the tax haven of Mauritius who supplied 50 million unusable masks; the £840 000 coronavirus messaging contract issued by the Cabinet Office owned by people with

strong links to Michael Gove; the employment agency with net assets of £623 that was awarded an £18 million government contract to supply face masks; the £108m contract to a sweet wholesaler for the supply of PPE.

Furthermore, there has been widespread and systematic failure of the Secretary of State for Health and Social Care to comply with his duty under regulation 50 of the Public Contracts Regulations 2015 to publish, within 30 days, contract award notice. Court proceedings have now been issued with regards to this matter.

In addition, the SAGE meeting of September 21st included a recommendation for a 'circuit breaker' lockdown, based on the best available data. These minutes were not published until Monday October 12th immediately after the Government had announced a Three Tier System.

The delay of the publication of the SAGE minutes and the timing of their subsequent release (immediately after the announcement of Tier Three) is not in accordance with the principles of open government.

2.3 Public / journalist / parliamentarian comprehension of data published during the pandemic to promote accountability.

The letter from the UK Statistics Authority to the Health Secretary (02/062020) points out that there was 'limited value' in the way data was being presented by the government to help us to 'understand the epidemic, alongside the ONS survey, showing us how many people are infected, or not, and their relevant characteristics.'

A further letter (05/11/2020) from the UK Statistics Authority has criticised the Government for the way it presented data to justify England's second lockdown: '...the use of data has not consistently been supported by transparent information being provided in a timely manner. As a result, there is potential to confuse the public and undermine confidence in the statistics.'

There are multiple examples of journalists complaining at the data being presented. To quote Jennifer Williams, Political Editor of the Manchester Evening News: 'Feel like I have sat an exam today, drained trying to stay on top of what Covid data is / isn't accurate, useful and in context.'

2.4 Understanding of data security and public confidence in the Government's data handling

Trust in the UK government as a source of information about coronavirus has declined substantially since April, as detailed by the [Reuter's Institute](). 48% rated the government relatively trustworthy in late May, down from 67% six weeks earlier.

At the height of the pandemic the UK Government chose to be an outlier by using a centralised model to develop a Contact Tracing app. This raised fears (not least by the Joint Committee on Human Rights) including: the amount of data being collected (which was likely to fall foul of data protection law and human rights protections); the lack of legislation to enshrine privacy protection; independent oversight, with power similar to the Information Commissioner; and transparency processes, including how the app, and data collected through it is being used.

Millions of pounds and several months later, the government ditched this app in favour of the decentralised, privacy-conscious model. In addition to the waste of public funds, and the loss of valuable time at the height of the pandemic, this eroded the publics' trust in the government with regards to the use of data and their competence with data handling.

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