

January 17, 2017  
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Senior Executive Officer  
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## The National Citizen Service Bill Committee submission<sup>1</sup>

Dear Committee,

We write to point out the likely incompatibility of Clause 9 of the draft NCS bill<sup>2</sup> with rights to privacy and Data Protection Act 1998 and human rights law, and suggest it should be removed from the Bill.

It is unclear which precise pieces of children's personal data the Bill intends to share with the NCS, their source and data integrity. Many 15-17 year olds will have no working records or NI number of their own at HMRC. There is no description in what manner and with what safeguards and oversight personal data will be shared. This submission is based on an assumption that when the personal data was collected of parents, carers or children, it was collected for a designated purpose and that did not include an explanation that their personal data may be shared with the National Citizen Service or be used in direct mailshots to their address.

It is incompatible with existing Data Protection law to obtain data for one purpose and use it for another, because fair processing is required at the time of its collection -- that is, telling the people from whom it came at the time of collection, how you intend to use their data -- new use like this for an entirely different purpose, breaches principles 1 and 2 of Data Protection law.<sup>3</sup>

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

Further, since the intent is to use children's information, targeted at children, it needs extra sensitivity. Clause 9 as written would also interfere with privacy and family life in Human Rights legislation by sending unsolicited mailshots to a child's home, with unforeseen consequences, without opting in, or prior consent.

For example, there is complexity added in case of two or more addresses recorded for parents of a child. There are potentially unthought out risks if HMRC were to send details of a child to a home address at which the child does not reside.

The NCS programme incurs costs to families who participate.<sup>4</sup> The National Audit Office warned last week that the scheme would be 40 per cent undersubscribed in 2020 at current levels of growth and said costs per place had to fall by 30 per cent if the scheme was to remain within budget<sup>5</sup>.

Further, there is no guarantee of the ownership structure of the NCS or its mailshot management in future. There are no safeguards in this clause to prevent the data being passed to a private third party to carry out the mailing or use it for another purpose as scope creeps without any boundaries in place. Could the NCS take on paid company advertising and use the content of the mailshot to include advertising to children alongside its own information - after all, the draft bill 9(3) says only that the NCS Trust should determine the content.

Clause 9 of the draft NCS bill should be removed in its entirety from the Bill.

Thank you for your consideration. I am happy to answer any questions at any time.

Sincerely,  
Jen Persson  
Coordinator, defenddigitalme

<sup>1</sup> <http://www.parliament.uk/business/news/2017/january/have-your-say-on-the-national-citizen-service-bill/>

<sup>2</sup> <http://www.publications.parliament.uk/pa/bills/cbill/2016-2017/0114/17114.pdf>

<sup>3</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/conditions-for-processing/>

<sup>4</sup> <http://www.ncsyas.co.uk/ncs-for-your-teen>

<sup>5</sup> <http://www.thirdsector.co.uk/views-sought-national-citizen-service-bill/policy-and-politics/article/1421127>