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RT Hon Oliver Dowden MP  
Secretary of State for Digital, Culture, Media and Sport  
Department for Digital, Culture, Media and Sport  
100 Parliament Street  
London SW1A 2BQ

10<sup>th</sup> December, 2020

To:

The Secretary of State for Digital, Culture, Media and Sport

We are migrants' rights organisations and privacy advocates writing to express our concerns about how the National Data Strategy, in its current form, is likely to impact vulnerable and / or marginalised groups, specifically migrants and refugees. We believe that the strategy will compound the particular vulnerabilities they experience, and we want to draw your attention to ways that you may be able to prevent this from happening.

The specific concerns we have regarding the strategy are:

- "fairness" and data
- representation and bias in government data
- multi-agency and cross-sector data-sharing
- individual trust and responsibility

## **Fairness and data**

We acknowledge that data can have a positive impact on individuals and society, and can provide insights that can help to solve critical social challenges, thereby improving lives. However, data also poses risks that often negatively impact vulnerable and / or marginalised groups disproportionately and can entrench the structural inequalities and discrimination they already face.

It is difficult not to consider the National Data Strategy in the context of the increasing use of data and new technologies in immigration policy and procedures. For example, [automated decision-making, search of mobile devices, social media monitoring and facial recognition](#). Both the Hostile Environment and the Immigration Exemption found in the Data Protection Act 2018 have undermined the trust of migrants and refugees in the government. The former has had serious consequences for people's lives, as we've seen with the Windrush Scandal, whilst the latter breaches the GDPR by restricting the data rights of migrants and refugees for the purposes of immigration enforcement.

## **Representation and bias**

It is unclear how the government intends to use and process the information (fairly, lawfully and transparently in accordance with GDPR) it collects to inform policy decisions, and also, how it will mitigate against data-driven bias and discrimination based on the nine characteristics protected under the Equality Act 2010 specifically race, which includes ethnic or national origins. This is crucial, particularly in light of the events of this summer when the Home Office was forced to scrap the algorithm it was using which decided visa applications based on nationality.

In several places the strategy states that there are "legal barriers (real and perceived)" preventing both multi-agency sharing and cross sector sharing which must be addressed. We are concerned that these strands of the strategy could, in the future, be used to dilute the protections that the Equality Act 2010 provides against discrimination based on the protected characteristics.

It's already known that the gathering of data on vulnerable groups such as migrants and refugees is challenging. In 2019, the head of the Demographic and Social Statistics Branch of [UN Statistics](#) called for a "comprehensive strategy for improving migration data at local, national, regional and global levels." The Data Strategy could mitigate these issues, but it does not.

## **Multi-agency and cross-sector sharing**

As well as an absence of clear data, there are also gaps in data which have implications for policy decisions. For example, there is limited data available on the use of NHS services by migrants and refugees. Who is going to gather this data? How is the

government going to improve the quality of the data it has on migrants and refugees and fill these gaps? Reducing the barriers to both multi-agency sharing and cross-sector sharing of data can help to address some of the gaps in data and allow the government and other stakeholders to design more effective policies and interventions but only when it is done in a trustworthy rules-based framework that respects the right to privacy.

### **Transparency and accountability**

We feel that the strategy lacks details about how the government intends to address the other challenges which data-based decision-making causes, such as transparency and accountability as well as ethical dilemmas which block the strategic aim of “Creating a fairer society for all.”

A successful Data Strategy needs to explicitly detail the approach the UK government will take towards data governance. Although the strategy acknowledges the need for “appropriate mechanisms”, it does not detail how the various mechanisms it refers to will work in practice to achieve data governance. These should include robust measures and safeguards that will be put in place to protect the public and to mitigate against risks as well as an effective redress mechanism. This is essential to ensuring public trust in data use which is required for informed and voluntary consent.

Therefore, we respectfully call on the Government to meaningfully engage with migrants’ rights organisations to address the issues we have raised. We also ask you to engage with those with lived experience so that they can participate in shaping the strategy. This is necessary to ensure that the strategy does not have a negative impact on migrants and refugees.

The Government must recognise that sharing the personal data of people who are already marginalised and excluded, without clear safeguards or boundaries, exacerbates exclusion and pushes migrant communities further away from essential services. **It must be an explicit aim for the National Data Strategy that it contributes to an environment where all communities in the United Kingdom can trust that their personal data will be treated lawfully and fairly.** We look forward to helping you achieve that aim.

We await your response.

Signed (in alphabetical order),

After Exploitation

Bristol Refugee Rights

City of Sanctuary

Focus on Labour Exploitation

Joint Council for the Welfare of Immigrants

Kalayaan

Migrants' Rights Network

Migrant Voice

Open Rights Group

Praxis

Project 17

Reading Refugee Support Group

the3million

Dr John R Campbell (Refugee Legal Group UK)

Judith Carter (Refugee Legal Group UK)

Mandeep Duhra (Refugee Legal Group UK)

