

Consumer Scotland Data Working Group (CSDWG)
~ First Meeting ~

14:00-16:00, Thursday 3rd October 2019
Venue: Fleming B, 5AQ, Glasgow

Minutes of Meeting

Present:

- Scottish Government – Lorraine King, Head of CCPU and Chair of WG
- Scottish Government – Peter Irving, CCPU and Secretariat to WG
- Advice Direct Scotland – Andrew Bartlett
- Advice UK – Chilli Reid
- Advice UK – Ali McLaren
- Citizens Advice Scotland – Polly Tolley
- Communications & Internet Services Adjudication Scheme – John Munton
- *Doteveryone* – Jacob Ohrvik-Stott
- Financial Services Ombudsman – Debbie Enever
- Food Standards Scotland – Caroline Thomson
- Property Ombudsman – Jane Erskine [*by phone*]
- SCOTSS – Sandra Harkness
- Scottish Government – Jeremy Vincent, Social Researcher, OCEA
- Scottish Government – Paul Matthews, Statistician, OCEA
- *StepChange* – Sharon Bell
- Trading Standards Scotland – Julie McCarron

Apologies:

- *Resolver* – James Walker
- *Which?* – Thomas Docherty
- Ombudsman Services – Daniel Murray & David Pilling

Item 1: Welcome, introductions, apologies

1. Lorraine set the WG in context of the [Consumer Scotland Bill](#)¹ and the new public body it will create. SG envisaged Consumer Scotland (CS) being very much an evidence-led and data-driven organisation and the input of the WG would make a significant contribution to this ambition. The purpose of the WG would not be to actually gather data and evidence, rather it would be to suggest mechanisms, make proposals and recommendations, and, ideally, produce some form of blueprint for the Shadow Board of CS to pick-up once in place, following Royal Assent of the Bill in around May 2020.

2. Given that Consumer Scotland would not come into being with a ready-made data source, and yet would need a comprehensive picture of the consumer landscape in order to carry out investigations, it would be necessary to help ensure that the body had access to the requisite data and intelligence, gathered from a wide range of data sources.

¹ as introduced to the Scottish Parliament on 5 June 2019.

3. CS would need to have a comprehensive picture, and key to this would be the identification of key sources of public, private and third sector consumer and markets data and consideration of whether there were significant gaps that require to be addressed.

4. A collective and shared understanding of what was being asked of the WG would be essential so as to ensure it could deliver its aims in time for the Shadow Board being in place.

Item 2: Remit (what) and Terms of Reference (ToR) (how) –

5. The group considered whether the draft **remit** for the WG covered all of the right areas and whether its aims and objectives would be deliverable.

6. It was noted that the draft remit was perhaps too heavily focussed on output rather than outcome, and that it lacked a clear articulation of why the data or insight needed to be collected and what problems needed to be solved. It would also have to be expressed in terms that would allow consumers themselves to readily understand why CS would seek to gather data and why it sought a more integrated consumer intelligence system.

7. To this end, it was agreed that the remit's aims and objectives should be amended to more clearly define (and at a slightly more granular level) the various purposes for collecting the data. This would also help inform decision making at a later stage about exactly what type of data/information/insight organisations would need to provide.

❖ **SG Action 1:** to amend remit accordingly.

Detriment

8. The group discussed different types or classifications of what may constitute consumer harm or detriment. For example, financial, social, health or physical harm, such as that caused by fire, faulty goods, or under the auspices of the NHS. While it was accepted that the WG should be circumspect and flexible in its interpretation of consumer detriment, it was agreed that it should be careful about how wide its interpretation of this should extend, and that it would extend from the perspective of the WG's purpose.

9. Consideration was given to inter-connected (and mutually reinforcing) detriment, as well as journeys through detriment. It was noted that, through the 'data lense', both could be viewed as generating longitudinal data, and that so called journeys would be valuable in terms of the public's view and perspective.

10. The group agreed that – in addition to clearly defining the purposes for collecting data – the remit needed a clearer definition of consumer detriment/harm, as well as some text to specify the horizon scanning role that CS's data work stream would entail, so as to help ensure its work was future-proofed.

❖ **SG Action 2:** to more clearly define consumer detriment/harm in remit.

Data

11. With regards to different types of data sets, their sources and the various means of gathering and interpreting them, the following points were considered and noted –
- i. A mapping exercise would be required to establish: (a.) what data organisations had; (b.) how comparable these data sets might be; (c.) how they are categorised and managed; and (d.) how they might be shared.
 - ❖ **SG Action 3:** to carry out mapping exercise.
 - ii. The results of the mapping exercise should be compared to what it was that the WG envisaged would be most useful to CS.
 - ❖ **SG Action 4:** *cf.* what organisations have *vrs.* what CS might need.
 - iii. Background bits of data *cf.* aggregated data sets – what would be more useful to CS?
 - iv. Given the abundance of data out there, it would be important to be clear about defining what we mean by consumer detriment.
 - v. Any data tool would require to be flexible, requiring different codes to facilitate the categorisation of consumer harm, as well as the interrogation of other key variables such as age groups, geography, demographics.
 - vi. Similarly, different types of data would require to be treated differently, for example, depending upon their sensitivity and with regard to considerations of data protection.
 - vii. With respect to the sharing of data sets, it was noted that there were degrees of anonymisation, which could be regarded as falling on a fairly wide spectrum, and that this would have to be taken into consideration,
 - viii. As regards data from social media, ultimately, robust software capable of trawling the plethora of data out there would be required, however, until such software was obtained by CS, it would have to be done manually.
 - ix. Further consideration would have to be given to how software providers could help to ensure the inter-operability of different technology data systems, and to ensuring a consistent way of gathering information in from all organisations.
 - To this end, it was envisaged that an IT solution – for example, open source – would be required, and that it would ideally be provided in-house, as it were, through the SG’s Digital Directorate (in an exercise comparable to the digitisation of the [Land Registry of Scotland](#)).
 - x. It would also be important to ensure the input from actual consumers – as opposed to solely the organisations that were there to represent them – to act as a conduit /mechanism /proxy to check and validate things with them.
12. It was noted that the [Consumer Protection Act 2015](#) placed an obligation on the sector regulator to gather certain data.
13. It was felt that there would be merit in CS having the power to make specific requests for data to specific organisations. For example, something akin to [Ofcom’s general demand for information powers](#) under [Section 135](#) of the [Communications Act 2003](#) to require the release of information.

14. It was noted that CS would have the ability to identify priorities and put out calls for evidence, and, when carrying out investigations, would be able to require the release of primary information.²

15. The WG's governance and accountability arrangements that would underpin the principles (or more framework) would be vitally important. Plenty of examples of guiding principles out there.

Item 3: Membership

16. Under this item, the WG considered whether it felt it could achieve its strategic role from the proposed membership, as well as the potential need for sub-group(s) (e.g. technical, ethical, principles).

17. With regard to the initial membership of the WG, it was felt that the group could benefit from membership of an independent organisation such as [The Data Lab](#)³, which helps Scotland's workforce – individuals, companies, public sector organisations, universities, and data experts – maximise its value from data.

18. In addition to an external data specialist, it was felt that the input of a data security expert would also be valuable.

19. Representatives from the Information Commissioner's Office ([ICO](#)) and the Open Data Institute ([ODI](#)) should also be invited to join the WG.

Item 4: Discussion paper (definitions: data *cf.* information *cf.* intelligence)

20. The group agreed that it would be most suitable and encompassing term to use in this context was 'insights' rather than data, information or intelligence.

Item 5: Other key issues

21. Other key issues considered by the WG included the –

- a. parameters that would need to be established to ensure the WG could deliver its remit (for example, the extent of data that should be shared; the legitimate purposes for which data will be used; etc.);
- b. principles that would have to be set to ensure any system was governed and underpinned by clear ethical foundation; and
- c. potential challenges and opportunities that members could see as being the main difficulties and opportunities arising from this work.

22. In respect of (c.) the group considered how to reduce the burden on (i.e. how to make it easier for) smaller companies whilst ensuring the sharing of respective insights. It was noted that, in this regard, [Advice UK](#) had a unique reach.

23. The group agreed that it was, as yet, premature to make a determination on the need for any particular sub-groups to the WG.

² See section 4 (the research and investigation function) and section (the information function) of the [Consumer Scotland Bill](#) (as introduced).

³ One of eight Innovation Centres in Scotland – recently re-funded with a £13.5M grant from the Scottish Funding Council, Scottish Enterprise, Highlands & Islands Enterprise and the Scottish Government – for the purposes of generating significant economic, social and scientific value from data. For more information, please also see The Data Lab's [Board Terms of Reference](#).

Item 6: Format and frequency of future meetings

24. The WG would aim to hold its next meeting in November 2019.

Item 7: AOB

25. None.

SG: DECC: CCPU | 5AQ Glasgow | 8 November 2019