The Rt Hon AMBER RUDD MP  
Secretary of State for Work & Pensions  

22 January 2019

The Rt Hon Frank Field MP  
House of Commons  
London  
SW1A 0AA

Dear Frank,

You asked for further information around the possibility of a tick box to allow claimants to share their personal information on the Universal Credit online system during our meeting on 21 November 2018.

It is my understanding that you suggested implementing a tick box on the Universal Credit online system that would enable claimant data to be shared. As a default position this box could be pre-ticked, the intent being that unless a claimant ‘unticks’ the box they will be treated as having consented to data sharing. Treating consent in this way would enable DWP to share claimant data more efficiently with third party organisations such as representatives providing support to claimants, aiding a smooth transition during the managed migration process.

We welcome any ideas that will help claimants share information effectively – and we are currently working on options to deliver this – however, our assessment is that this suggestion does not comply with General Data Protection Regulation (GDPR).

In order to be valid, consent must meet certain conditions. GDPR states that consent must be a freely given, specific, informed and unambiguous indication of wishes by a statement or clear affirmative action. As such, a tick box system would not meet this requirement. Furthermore, GDPR explicitly makes it clear that a pre-ticked opt-in box system does not constitute consent. It is important that people actively and explicitly opt in, meaning pre-ticked boxes, opt-out boxes or other default settings must not be used.

We fully support the principle of sharing claimant data with third parties who are providing support to claimants. We currently are refining a number of processes to allow this to happen effectively, particularly during managed migration, and are working with a range of stakeholders in order to achieve this.

We have also agreed to explore options for improving the process of explicit consent in relation to Universal Credit in collaboration with the Social Security Advisory...
Committee, to consider how current practices could be enhanced and to publish a report on our joint conclusions.

I will update the Committee on the outcome of these approaches.

best wishes

The Rt Hon Amber Rudd MP
SECRETARY OF STATE FOR WORK AND PENSIONS