



Senator the Honourable Donna Cox
Minister of Social Development and Family Services

**PRIVATE MOTION
PROCLAIM THE REMAINING SECTIONS OF
THE DATA PROTECTION ACT**

Senate
February 28, 2023

Mr. President, I am grateful for the opportunity to provide my contribution on this Private Motion which calls on the Government to immediately proclaim the remaining sections of the Data Protection Act. I agree that we should proclaim it as soon as possible to ensure that there are checks and balances aimed at safeguarding citizens' fundamental right to privacy.

DATA SHARING

The issue of data protection is an important one for us at the Ministry of Social Development and Family Services. As you might be aware, our job is to address the social challenges of poverty, social inequality and social exclusion, with particular emphasis on developing and executing programmes and services that protect and assist vulnerable marginalised groups in society, such as women, children, persons with disabilities, the elderly, the poor/indigent, the socially displaced, ex-prisoners, deportees and persons living with HIV/AIDS. Therefore, there is little room for error in our policy and decision-making because of the critical nature of our services and the impact they have on people's lives.

Mr. President, in that vein, the Ministry is heavily reliant on data to inform our decision and policies. However, the application process for our grants and services is one that requires the collection of substantial amounts of personal information.

Through this data we are able to reach people where they are and provide the services they need, without which we will be making policies by vaps, squandering taxpayer's monies while our citizens' needs go unmet.

This said, the question many ask is how do we balance human dignity and information privacy? The Members on the other side, will have us believe this is a simple issue: proclaim the act in its entirety and this will resolve the numerous concerns and complaints citizens have about the use of their private information.

The Members Opposite will also have us believe that Government Ministries and Agencies are sharing information among themselves, without citizens' consent, and this is with the intent of placing information in the Government's hands to be used against them.

However, I can tell you, the Ministry of Social Development and Family Services cannot provide any of our grants and services without our clients agreeing to provide or permit us to access personal information. For example, to obtain Senior Citizens Pension, an applicant must prove that they have been living in the country for a requisite number of years. Currently, the applicant needs to bring in all of their passports to prove their claims, barring which, they would have to approach the Immigration Division at the Ministry of National Security to certify that they have been living in Trinidad and Tobago for the stipulated period.

What that process underscores, is that the Ministry does not have the authority to request the information without the applicant's consent.

Mr President, while that process protects the applicant and the Ministry, it also causes some delays in the delivery of services. For this reason, the Ministry recently signed a MOU with the Immigration Division to expedite this process of information sharing, but please I must reiterate, that this must be done with the express consent of the applicant. What is the common thread? The consent of our applicant, which Mr President, debunks the notion that the Government through the Data Protection Act can compel any of its agencies to access personal and sensitive information of citizens without their knowledge or consent.

DELIVERY OF GOVERNMENT SERVICES

However, we must find a balancing act. While we understand the need to protect our citizens' data and privacy but we are also faced with the need to improve our delivery of services to ensure its efficient and effective.

But the Government cannot manage what it does not measure and the inputs for effective management is data. To this end, the Government has embarked on the digitalisation of business processes in the Ministries, Divisions and Agencies with the understanding that we cannot improve our service delivery if we unable to use the data that is available.

We have all been faced with complaints that the Public Service work in silos and that there is lack of communication among them. Our very citizens are left frustrated and faced with undue delays.

At the Ministry of Social Development and Family Services, we want to change this but our need for change cannot override a citizen's right to privacy. Our changes must be done in a considerate and thoughtful manner, but this cannot happen given the number of gaps which exist under the current Section 92 of the Data Protection Act, Chap 22:04.

The necessary safeguards must be in place to ensure there is no contradiction between the right to privacy and the provision of effective service delivery. Mr. President, the Act in its current form does not allow for this.

Moreover, without the proclamation of Section 42 (a) and (b), it was found that there were administrative blockades that prevented other pieces of legislation from being enforced. The Government took a decision to address these administrative blockades through proclamation.

What benefit is a law, particularly one that deals with the protection of information, if it is not fit for purpose?

PROTECTION FOR ALL

Mr President, the Minister of Digital Transformation informed us, that Trinidad and Tobago intends to accept an offer of assistance from the European Union (EU) in the area of data management to ensure our local data protection schemes meet the standards of the EU General Data Protection Regulations (GDPR).

We are heartened by this knowing fully well that our acceptance of that offer must be married to the protection of our citizens' information from third parties. We cannot have a repeat of Cambridge Analytica. With automation and the storage of data in the cloud, we must provide assurances that citizens data do not end up in the wrong hands and risk instances of identity theft, fraud, phishing or even discrimination.

Our citizens must be fully aware of the information collected, what the data is being collected for, how it will be used and how long it will be stored. Mr President there are critical areas that cannot be swept under the carpet, but must be properly ventilated and comprehensively addressed.

There is no denying that data management and data protection are important; these are issues the Government take seriously along with the grave concerns of citizens which will only be addressed when the Government create laws that are enforceable and suitable for our ever-evolving digital climate.

Mr. President too much is at risk for everyone should the Data Protection Act be proclaimed in its entirety in its current form.