



**Response to the Registrars General for England & Wales, Northern
Ireland and Scotland Consultation Paper**

Disclosure of Death Registration Information

March 2007

1. INTRODUCTION

- 1.1 The Fraud Advisory Panel (the “Panel”) is an independent body of volunteers drawn from the public and private sectors. The Panel’s role is to raise awareness of the immense social and economic damage that is caused by fraud and to help both the public and private sectors, and the public at large, to fight back.
- 1.2 Members of the Panel include representatives from the law and accountancy professions, industry associations, financial institutions, government agencies, law enforcement, regulatory authorities and academia. The Panel works to encourage a truly multi-disciplinary perspective on fraud.
- 1.3 The Panel was established in 1998 through a public-spirited initiative by the Institute of Chartered Accountants in England and Wales. Today, it is a registered charity and company limited by guarantee. The Panel is funded by subscription, donation and sponsorship.
- 1.4 The Fraud Advisory Panel welcomes the opportunity to respond to the consultation paper on the disclosure of death registration information by the Registrars General (the “RGs”) for England and Wales, Northern Ireland and Scotland for use in the prevention, detection, investigation or prosecution of offences.
- 1.5 The Panel believes that the timely disclosure of death registration information will be beneficial to the prevention, detection, investigation, and prosecution of fraud and other offences, particularly Impersonation of the Deceased (IOD).
- 1.6 Recent research commissioned by the Panel recommended that information relating to deceased persons should be made available to appropriate persons or bodies, subject to adequate safeguards¹.
- 1.7 This response has been prepared on behalf of the Fraud Advisory Panel by members of its Investigation, Prosecution and Law Reform Working Group, and in particular by Andrew Durant, Navigant Consulting (Europe) Ltd and Jane Smith, Independent Consultant.

¹ Fraud Advisory Panel. *Perceptions on the Impact of Data Protection Legislation on the Successful Private Sector Investigation of Fraud: A preliminary study*. March 2006.

2. APPLICATIONS TO RECEIVE DEATH INFORMATION (Your Question 1)

- 2.1 Access to bulk information should be limited to those organisations that can demonstrate a clear need to receive it for the prevention, detection, investigation or prosecution of offences and have adequate safeguards in place to protect against misuse or abuse.
- 2.2 Members of the Fraud Advisory Panel include representatives from the public, law enforcement and private sectors. It is envisaged that a number of our members will apply to receive death information for use in the prevention, detection, investigation or prosecution of offences.
- 2.3 The Fraud Advisory Panel itself however will not be making an application to receive this information.
- 2.4 Disclosure of death information is likely to be of particular importance to the following types of organisations:
- Law enforcement agencies
 - Public bodies (including local authorities, Audit Commission, Immigration)
 - Credit reference agencies and CIFAS – the UK's Fraud Prevention Service
 - Financial and commercial institutions (including banks, insurers, telecommunications service providers, etc) to ensure there are no fraudulent applications or claims for contracts, credit, mortgages, insurance, pensions/annuities or other financial products.
 - Some consultancy organisations, particularly those which perform due diligence on individuals on behalf of clients as part of background investigation or pre-employment screening.

3. USE OF INFORMATION TO ADDRESS IOD FRAUD OR OTHER OFFENCES (Your Question 2)

- 3.1 The Panel agrees that organisations will need to take a responsible approach to death registration information to ensure that “no living, genuine customer is disadvantaged”² .
- 3.2 The Panel would suggest that a formal process be put in place to enable appeal by living, genuine customers who have been mistakenly identified as deceased, and for the correction of errors in affected databases. In addition, a regular review should be undertaken to identify whether there are any systematic problems that are leading to these errors. This process could be administered by the board of the death information disclosure regime.
- 3.3 We believe there are likely to be very limited circumstances in which data recipients will need to onwardly disclose death registration information in bulk to third parties. Therefore licence agreements with data recipients should limit bulk onward disclosure of death registration information without the prior approval of the RGs that it is for a legitimate and specified crime reduction purpose.

4. DEATH INFORMATION ITEMS TO BE DISCLOSED (Your Question 3)

- 4.1 The Fraud Advisory Panel believes that organisations which intend to apply to receive and use death registration information are best placed to respond to this question.
- 4.2 However we would like to note that the accuracy of data which is shared is vital; inaccurate data leads to inaccurate conclusions and potentially serious consequences to innocent parties³.
- 4.3 A more comprehensive dataset containing some additional identifiers (such as “alias names of the deceased” as aliases are very useful for detecting fraud), may prove more beneficial and cost-effective long-term, particularly in preventing fraud, by

² Registrars General for England and Wales, Northern Ireland and Scotland. *Disclosure of Death Registration Information*. December 2006. p17.

³ Fraud Advisory Panel. *Response to the Home Office Consultation Paper “New Powers Against Organised and Financial Crime*. October 2006.

improving the reliability of matches and thus reducing the number of subsequent applications for full death registration details.

5. METHOD OF INFORMATION DISCLOSURE (Your Questions 4 & 5)

5.1 The Panel has no comments to make on the proposed method of disclosing death registration information to recipient organisations. We believe that organisations which intend to apply to receive and use death registration information are best placed to respond to these questions.

5.2 However, the Panel notes that current technology would allow immediate access to death information upon registration, although this raises questions about the cost benefit of producing regular (weekly or otherwise) files against immediate access, and the problems of encryption and security of data.

6. HISTORICAL RECORDS (Your Question 6)

6.1 The Panel believes that while there may be some benefits to be derived from the availability of death information in respect of older death records these benefits are likely to decrease over time. CIFAS – the UK’s Fraud Prevention Service has found that impersonations of dead children can date back as far as 60 years.

6.2 Without access to older death records it is likely that the private sector would have to continue to rely on commercially available database solutions.

7. LICENSING & COMPLIANCE ARRANGEMENTS (Your Question 7)

7.1 The proposed licence agreement and compliance arrangements seem sensible and necessary.

7.2 The Panel believes that it is important that clear rules of engagement and proper safeguards and controls are put in place if greater sharing of data is to occur between the private and public sectors⁴ In the case of the current consultation, this should

⁴ Ibid.

include appropriate controls to detect whether death registration information has been misused by a licensed party.

8. OTHER COMMENTS (Your Question 8)

Information-Sharing Between the Public & Private Sectors

- 8.1 The Fraud Advisory Panel has previously acknowledged that the debate about data-sharing and matching between the public and private sectors is still in its infancy⁵.
- 8.2 The current proposals perhaps present an opportunity to assess the benefits or otherwise of cross-sector data-sharing within a controlled setting, particularly as death registration information is in the public domain as soon as a death is registered and falls outside the scope of the Data Protection Act 1998.
- 8.3 The Fraud Advisory Panel would therefore encourage the RG's to conduct a 12 month review of any data-sharing scheme put in place in order to determine the perceived benefits and/or problems. Such a review would be highly pertinent to the ongoing debate as to increased data-sharing between the public and private sectors.

UK Nationals Who Die While Abroad

- 8.4 The remit of the current consultation paper does not extend to death information relating to UK nationals who have died while abroad.
- 8.5 There may be some merit in conducting a separate exercise to determine the incidence of fraud and other offences that have been committed in the United Kingdom using the identities of UK nationals who have died abroad with a view to a protocol being established with RG's in other jurisdictions to inform the UK authorities of a death. This may only be practicable for Commonwealth and EU members.

⁵ Ibid. Also see 'Government Fraud Review' and 'Information Sharing Vision Statement'.