



# Public Sector Data Sharing Act, 2021

## All You Need To Know

*“Creating a safe and digital environment for ALL”*

### The Bill

The Public Sector Data Sharing Act, 2021 was gazetted on October 9th, 2021, and will facilitate the sharing of data between public sector agencies and other entities, and provide for an Office for Data Analytics, while addressing other pertinent connected issues.

The Act is a result of a partnership between the E-Governance and Digitalization Unit under the Ministry of Youth, Sports and E-Governance, the Economic Development Council and the Compete Caribbean Partnership Facility jointly funded by the Inter-American Development Bank (IDB), the United Kingdom’s Foreign, Commonwealth & Development Office (FCDO), the Caribbean Development Bank (CDB) and the Government of Canada.

### Objectives of this Bill

This Bill will promote the management and use of public sector data as a public resource that supports good government policy making, program management, and service planning and delivery while recognizing the protection of privacy as an integral component.

It will facilitate the expeditious sharing of public sector data between public sector agencies and provide protections in connection with data sharing under this Act by specifying the purposes and circumstances for which data sharing is permitted or required.

It will ensure that data sharing involving health information or personal information is in compliance with the requirements of the data protection and privacy legislation concerning the collection, use, disclosure, protection, keeping, retention, or disposal of such information; and will require compliance with data sharing safeguards.

### Key Definitions

*Data* - any facts, statistics, instructions, concepts, or other information in a form that is capable of being communicated, analyzed or processed whether by an individual or by a computer or other automated means

*Data analytics work* - the examination and analysis of data for the purpose of drawing conclusions about that data including, for example, conclusions about the efficacy of Government policies, program management, or service planning and delivery by government sector agencies



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*Data provider* - the public sector agency that controls public sector data provided under this Act to a data recipient

*Data recipient* - the public sector agency to which public sector data is provided under this Act

*Exempt public sector data* - public sector data held by a prescribed public sector agency and any other public sector data, or public sector data of a kind, prescribed by the Act and any regulations

*Health information* - refers to human health information

*Minister* - the Minister responsible for digital transformation, e-governance or information technology

*Public sector agency* - a Government Ministry, Department, or Unit; a statutory body; a person or body exercising public official functions declared by regulations to be a public sector agency for the purposes of this Act

*Public sector data* - any data that a public sector agency controls, but does not include data of a kind exempted by this Act or any regulations made under this Act

### Who does the Act apply to?

The Act will apply to all public sector agencies, including statutory bodies or persons and entities conducting official public functions.

### Office for Data Analytics

The Office for Data Analytics will be in the Ministry responsible for digital transformation, e-governance, or information technology. It will undertake data analytics work on public sector data received from across public sector agencies and make available the results to public sector agencies, the private sector, and the general public.

### Facilitating Public Sector Data Sharing

For the purpose of sharing and using public sector data, every data provider shall determine the purpose for which the data is to be shared and used; whether the data recipient is an appropriate public sector agency and whether the results of data analytics work is appropriate for disclosure or publication.

The proposed data recipient, under the Act, must be appropriately equipped and in possession of the relevant skills and experience to effectively use public sector data for the proposed purpose; and the proposed data recipient will restrict access to the public sector data to specified persons with appropriate security clearance.

A public sector agency will be authorised to share public sector data that it controls with another public sector agency to enable data analytics work to be carried out on the data; and to enable related public sector agencies to develop better government policy making, program management and service planning and delivery by the agencies.

If public sector data is shared under this Act, the data provider and the data recipient shall comply with all data sharing safeguards that are applicable to that public sector data.



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### Safeguards Provided by the Act

A data provider and data recipient shall ensure that health information or personal information contained in public sector data that is capable of being shared is not collected, used, disclosed, protected, kept, retained, or disposed of otherwise than in compliance with this Act and any other data protection and privacy legislation and the Belize Constitution.

If a data recipient that is provided public sector data that contains health information or personal information becomes aware that the data protection and privacy legislation or the Belize Constitution, has been or is likely to be contravened in relation to that information while in the data recipient’s control, the data recipient shall, as soon as is practicable after becoming aware of the contravention or likely contravention, inform the data provider and the Minister of the contravention or likely contravention.

A data recipient that is provided with public sector data that contains confidential or commercially sensitive information shall ensure that the information is dealt with in a way that complies with any contractual obligations of the data provider concerning how it is to be dealt with.

Where a data recipient arranges for a person, other than another public sector agency, to conduct data analytics work using public sector data, the Chief Executive Officer or Head of Department, as the case may be, shall ensure that appropriate contractual arrangements are in place before the public sector data is provided to ensure that the person deals with the data in compliance with any requirements of the data protection and privacy legislation, the Belize Constitution, and any Government data security policies that are applicable to the data recipient.

### For more information

If there are any questions or the need for further clarification, please contact the E-Governance and Digitalization Unit at [info@egov.gov.bz](mailto:info@egov.gov.bz) or visit the E-Governance and Digitalization Unit Facebook Page.

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