John Perry Primary School

INFORMATION SHARING POLICY

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Policy amendments may occur at any time and you should consult the Policies page on the website for the latest update.

Approved by: School Governing Body **Date:**

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Controlled Document

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Version	Date	Author	Description of Change
1	29/08/2020	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	New Policy
2	29/08/2021	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	General Data Protection Reglation 2016/679 is amended to read UK General Data Protection Regulation
3	01/08/2024	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	Policy review. Amendments to: GDPR 2016/679 amended to read UK GDPR Section 7 amended Appendix 1 – ISA Template deleted

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1. INTRODUCTION

Sharing information across professional boundaries can bring many advantages, not least to ensure effective co-ordination and there is a need for a joint approach in the creation of robust frameworks within which information can be shared effectively, lawfully and securely.

Information sharing does of course, present risks and these need to be managed correctly. The School need to ensure that Information Sharing is carried out fairly and lawfully and in adherence with the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018.

2. PURPOSE AND SCOPE

This policy details the overarching framework specifically for the sharing of personal information, or "personal data" (defined as, any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person), shared between the School and other partners, public, private or voluntary sector organisations. It focuses on the requirements for sharing "personal data" about service users in a safe and appropriate way.

This document is applicable to all staff (including but not limited to employees, contractors, agency workers, consultants, and interims) who have been permitted access by the School to use or access school data on its behalf. It further includes School Governors when acting on behalf of the School.

3. WHAT IS INFORMATION SHARING?

Information sharing means the disclosure of information from one or more organisations to a third-party organisation or organisations, or the sharing of information internally.

Information sharing can take the form of:

- A reciprocal exchange of information
- One or more schools providing information to a third party or parties;
- Several organisations pooling information and making it available to each other;
- Several organisations pooling information and making it available to a third party or parties;
- Different departments of the School making information available to each other;
- Exceptional, one-off disclosures of information in unexpected or in emergency situations

4. DECIDING TO SHARE PERSONAL DATA

Personal data sharing is not an automatic assumption and there must be:-

- A clear objective or set of objectives as to what the sharing is meant to achieve
- A legal basis
- some form of active communication where the individual knowingly indicates consent
- A valid information sharing agreement in place unless exceptional circumstances apply.

Information sharing must only be done in adherence with the UK General Data Protection Regulation and Data Protection Act 2018 in line with the Information Commissioner Data Sharing Code of Practice

Sharing information without an individual's knowledge is permitted for:-

- The prevention or detection of crime
- The apprehension or prosecution of offenders; or
- The assessment or collection of tax or duty

5. BENEFITS OF INFORMATION SHARING AGREEMENT

Information Sharing Agreements provide the following benefits:-

- **Helps to promote information sharing** – by setting standards agreed by all parties an information sharing agreement (ISA) will help remove barriers which often hinder effective information sharing. It will allow the School to deliver high quality integrated services and make the School more effective in the way the School work.

- **Inspiring public trust by helping to ensure compliance with legislation and guidance** – organisations who sign up to an ISA are confirming that they will comply with the procedures which accompany it whenever information is shared and that they will abide by the monitoring arrangements set within it. This not only ensures compliance with legislation but also improves the public's confidence that legally required safeguards are in place and information will be correctly processed and protected.

- **Avoiding duplication of agreements and guidance** – this policy and any associated ISA's provides detailed guidance around all information sharing arrangements. This means that there is no need to duplicate information when drafting specific agreements. By signing up to the ISA, organisations agree to ensure that all agreements established between organisations sharing information for a common purpose are consistent with the agreed ISA and template agreement.

- **Transparency** – demonstrates the willingness of signatory organisations to be transparent in their information sharing practices.

- **Reduced reputational risk** – by ensuring the School have the correct processes in place the School limit inappropriate or insecure sharing of personal data.

- **Increases understanding** – with clear information sharing agreements people will gain a better understanding of knowing when it is or isn't acceptable to share information. This also minimises the risk of a breach occurring and possible enforcement action from the ICO.

- **Details the specific arrangements** who the School need to share information for a common purpose or project. This is important as it provides all parties with clear instructions and information as to how the sharing will work and what the legal restrictions are.

- **Formalise the decision taken** to share and ensure that all Data Protection requirements have been accounted for.

6. DATA PROTECTION IMPACT ASSESSMENTS (DPIA)

It is good practice to carry out a Data Protection Impact Assessment before entering into any data sharing arrangement. This will assist in identifying and reducing the privacy risks. A DPIA enables the School to systematically and thoroughly analyse how a particular project or system will affect the privacy of the individuals involved and identify and mitigate risks at an early stage.

A DPIA should be considered as part of any information sharing agreement.

7. PROCESS

The School DPO should be consulted when it is believed an ISA is required.

You must ensure when entering any regular information sharing arrangements that an Information Sharing Agreement is in place and that it states a clear and lawful legal basis to allow the sharing to take place and it is agreed by all parties and approved by the DPO.

All information sharing agreements must be regularly reviewed and will be stored centrally by the School and made available to the public on request.

8. POLICY REVIEW

The DPO is responsible for monitoring and reviewing this policy. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

9. LINKS WITH OTHER POLICIES

This Information Sharing policy is linked to the School:

- Data Protection Policy
- Freedom of information Policy
- Security Incident and Data Breach Policy
- CCTV Policy
- Data Protection Impact Assessment Policy
- Information Security Policy
- Safeguarding policy
- UK GDPR Privacy Notices

The Information Commissioner also provides a free helpdesk that can be used by anyone and a website containing a large range of resources and guidance on all aspects of Information Law for use by organisations and the public. See www.ico.org.uk

Appendix 1

RESTRICTED

NOT TO BE DISCLOSED TO UNAUTHORISED PERSONNEL

REQUEST FOR THE DISCLOSURE OF INFORMATION

Data Protection implications must be considered before information is disclosed or transferred and all requests for information must be documented.

TO:	**For the attention of:**
FROM:	**(organisation requesting information)**
Details of Information Required	
Name of person(s):	**Date of Birth:**
Any previous/alias names:	
Current address:	
Postcode:	
Consent from the individual concerned has been obtained: ☐ Yes ☐ No	
The information required and why:	
The legal gateways that you are requesting this information that apply:-	
I confirm that the personal or sensitive personal information is required for the following purpose and will NOT be disseminated to any other third party	
Failure to provide the information will result in:	
Person requesting information: (This is the named individual requesting the information who has the responsibility for using the information received in accordance with the Information Sharing Agreement)	
Print Name:	Role/Position:
Signed:	Dated:

Appendix 2

CONFIDENTIALITY AGREEMENT

To enable the exchange of information between attendees at this meeting to be carried out in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018, the Human Rights Act 1998 and the common law duty of confidentiality, all attendees are asked to agree to the following. This agreement will be recorded in the minutes.

1. Information can be exchanged within this meeting for the purpose of identifying any action that can be taken by any of the agencies or departments attending this meeting to resolve the problem under discussion.

2. A disclosure of information outside the meeting, beyond that agreed at the meeting will be considered a breach of the subjects' confidentiality and a breach of the confidentiality of the agencies involved.

3. All documents exchanged should be marked 'Restricted – not to be disclosed without consent'. All minutes, documents and notes of disclosed information should be kept in a secure location to prevent unauthorised access.

4. If further action is identified, the agency(ies) who will proceed with this action(s) should then make formal requests to any other agencies holding such personal information as may be required to progress this action quoting their legal basis for requesting such information. Information exchanged during the course of this meeting must not be used for such action.

5. If the consent to disclose is felt to be urgent, permission should be sought from the Chair of the meeting and a decision will be made on the lawfulness of the disclosure such as the prevention or detection of crime, apprehension or prosecution of offenders, or where it is required to prevent injury or damage to the health of any person.

This confidentiality agreement is in relation to the _____meeting(s)

Name: _____ Signature: _____

Date: _____

Representing (School/Organisation): _____

Appendix 3

MEETING ATTENDANCE SHEET

MEETING: _____

DATE: _____

The persons listed below agree that any information received during the course of this meeting will remain confidential at all times. Persons named below are prohibited from disclosing/using any information received/obtained without the authority of the appropriate Data Controller. Any processing of data without the appropriate authority is an offence under the UK General Data Protection Regulation and the Data Protection Act 2018.

ORGANISATION	**NAME**	**ROLE**	**SIGNATURE**