

INFORMATION SHARING PROTOCOL
BETWEEN
PARTNER ORGANISATIONS
PROVIDING SERVICES TO
BEDFORDSHIRE RESIDENTS

NB

This is not an information sharing agreement only an overarching protocol that the members of this group agree to share personal data in a way that complies with the law is fair, transparent and in line with the rights and expectations of the people whose data is being shared.

Each project that requires personal data sharing will need its own information sharing agreement (ISA).

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1. Background

The protocol is an agreement to a set of standards for the sharing of personal information between the organisations set out in appendix 1 and to facilitate the development of information sharing agreements (ISA) for individual projects that require data and information sharing.

The groups included in this protocol all provide services to residents in Bedfordshire.

2. Why do we need to share information

Government policy places a strong emphasis on the need to share information securely across organisational and professional boundaries, in order to ensure effective coordination and integration of services. The Government emphasised the importance of security and confidentiality by strengthening the legislation and guidance in these areas: Data Protection Act 1998, Caldicott review of 2003 & 2013.

Much of the information that needs to be shared involves personal details about service users and their needs. Current practice on information sharing may vary considerably. Some staff are reluctant to share the person identifiable data (PID) of service users because of uncertainties about procedures, legislation and guidance.

Other staff may be unaware of recent changes and may be continuing to share information on the basis of informal arrangements. These arrangements may not comply with guidance or the law and this can leave individuals and the organisations they work for, at risk of possible legal action.

The Caldicott report 2003 & 2013 recommended that organisations should draw up and implement protocols in order to protect patients' confidentiality as well as facilitate the transfer of information between practice organisations on a need to know basis for justifiable purposes.

Public sector organisations in Bedfordshire have recognised the need to provide a clear framework to help facilitate the sharing of information and have responded by establishing an inter-agency steering group to develop this protocol.

3. What is the Information Sharing Protocol

This Protocol is an over-arching framework agreement for information sharing between health, social care and other public sector organisations in Bedfordshire.

It focuses primarily on the sharing by the partner organisations 1 of 'personal' and 'sensitive' information as defined under the Data Protection Act 1998, and 'private' information defined in the Human Rights Act 1998.

This Protocol will:

- Help to clarify the legal background on information sharing
- Sets out the responsibilities of the organisations for managing sharing.
- Outline the principles of sharing that need to underpin the process.
- Provides a framework within which organisations can develop Information Sharing Agreements (ISAs) for specific service areas.
- Include arrangements for monitoring and reviewing the use of the Protocol and for responding to breaches.

The Protocol is to be used as best practice standards that the partners should endeavor to meet in order to fulfill any duty of care which exists in relation to the sharing of personal information.

4. What are the benefits of the Protocol?

- **Helps to promote information sharing**

The Protocol contains details that are relevant to all information sharing agreements (ISA). Signatories from partner organisations agree to ensure all ISAs established between partner organisations are consistent. As a consequence individual ISAs can be relatively brief documents. The Protocol will assist with removing barriers that prevent information sharing and help to ensure that service users receive integrate services, which is a key principle of Government policy.

- **Helps to ensure compliance with legislation and guidance**

The Data Protection Act 1998 stipulates that organisations must satisfy themselves that the partner organisations they share information with, have the necessary procedures in place to comply with the Act's requirements. It would not be practical for organisations to carry out such checks each time they wished to share information. Signatories to the protocol confirm they will comply with these procedures whenever information is shared and that they will abide by the monitoring arrangements within the Protocol.

- **Assists Organisations**

The Protocol includes guidance to assist organisations in their compliance with legislation and guidance and:

- Helps ensure that consent to share personal information is obtained from the data subject wherever this is necessary and appropriate
- Encourages information sharing where there is a requirement to do so
- Assists partner organisations have appropriate procedures in place to ensure compliance with legislation
- Defines the specific purposes for which these organisations have agreed to share information to meet their responsibilities to protect, support and care for communities and individuals
- Sets out the responsibilities of organisations to implement internal

- arrangements to meet the requirements legislation.
- Describes how the Protocol will be monitored and reviewed.

5. Objectives of the Protocol

For the citizen/data subject:

- Protects their information in line with the Data Protection Act 1998.
- Should help provide a better service if information can be found more quickly
- Offer a less bureaucratic service not having to repeat information
- Makes it safer for the citizen if relevant staff have access to current information
- Helps provide coordinated care
- Improves access to records held by signatories
- Ensures that information is shared in times of emergency to save and protect life and when it is lawful to do so.

For the Member Organisations:

- Helps to ensure they protect personal information in line with the Data Protection Act and other relevant legislation.
- Gives a clear advice for case responsible worker to access appropriate information on customer
- Empowers staff by providing ready access to customer information
- Enables staff to meet statutory duties across organisations
- Helps to improve data integrity and information quality to enable better management of the quality of performance
- Allows staff to be flexible and responsive to changes in the situation of service users and carers.
- Enables partnership and shared practice between organisations
- Manages risks to staff and organisations more effectively
- Supports Information Sharing Agreements (ISA) between member organisations
- Allows the correct information to be shared quickly in an emergency to save and protect life

6. Principles

Purposes for which information may be shared

Sharing information between organisations is not prevented under the Data Protection act and may be shared for the following reasons:

- Improving the health and social care of people
- Protecting people and communities (including to save and protect life in an emergency)
- Prevention and detection of crime
- Supporting people in need

- Protection and safeguarding of children and vulnerable adults
- Investigating complaints
- Managing and planning services
- Commissioning and contracting services
- Developing inter-agency strategies
- Performance management and audit
- Research relating to statistical analysis - anonymised as appropriate

This is not an exhaustive list.

Sharing personal data should however consider the principles and schedules of the Data Protection Act, other legislation & guidance (see appendix 3) and the organisations own data sharing protocols.

7. Principles governing the sharing of information

A number of safeguards are necessary in order to ensure a balance between maintaining confidentiality and sharing information appropriately. The key principles governing the sharing of information are detailed in the Data Protection Act 1998 and the Caldicott principles. The Human Rights Act and the common law "duty of confidence" are also relevant in this context. (See key legislation for further details)

The sharing of information by organisations under the protocol will be based on the following principles:

- **Commitment to sharing information**

Partner organisations recognise that multi-agency initiatives require a commitment to sharing personal information in compliance with guidance and legislation.

- **Statutory Duties**

Partner organisations are fully committed to ensuring that they share information in accordance with their statutory duties including the requirements of the Data Protection Act 1998 and the Human Rights Act 1998 (See key legislation)

- **Caldicott requirements**

All organisations recognise the requirements that Caldicott imposes on NHS organisations and Social Services departments. They will ensure that requests for information from these organisations are dealt with in a manner compatible with these requirements (see key legislation)

- **Management of Police Information**

Police information refers to all information obtained, recorded or processed for a policing purpose. Authorised Professional Practice (APP) for Information Management, Sharing police information.

- **Consent**

Wherever possible organisations will seek consent from the data subject

to share personal information. Where consent to disclose information is requested, the data subject will be made fully aware of the information it is proposed to share and the purposes for which it will be used. If a person is unwilling to give consent, information will only be shared in exceptional circumstances and where there are appropriate statutory grounds for doing so.

Examples of exceptional circumstances are:

Emergencies (Major incidents) e.g. flooding, terrorist events, severe weather, pandemics where non-disclosure would put a person's life at risk.

Information sharing in an emergency. See flowchart in appendix 2

- **Duty of confidentiality**

It is generally accepted that most (if not all) person identifiable information provided is confidential in nature. All organisations which are party to this protocol accept this duty of confidentiality and will not disclose such information without the consent of the person concerned, unless there are statutory grounds and an overriding justification for doing so. In requesting release and disclosure of information from partner organisations, all staff will respect this responsibility.

- **Sharing without consent**

Organisations will put in place procedures to ensure that decisions to share personal information without consent have been fully considered and comply with the requirements of the relevant legislation. Such decisions will be appropriately recorded for audit purposes. Member organisations will ensure all staff receive training in these procedures.

- **"Need to know"**

Where it is agreed necessary for information to be shared, this will be done on a "need to know" basis i.e. the minimum information consistent with the purpose for sharing will be given.

- **Information kept confidential from the service user**

Where professionals request that information supplied by them to be kept confidential from the data subject, the outcome of this request and the reasons for taking the decision will be recorded. Such decisions will only be taken on statutory grounds.

- **Specific purpose**

Partner organisations will not abuse information that is disclosed to them under the specific purposes set out in any information sharing agreement (ISA). Information shared with a member of another organisation for a specific purpose will not be regarded by that organisation as intelligence for the general use of the organisation.

- **Fact/opinion**

When disclosing information about an individual, professionals will clearly state whether the information being supplied is fact, opinion, or a

combination of the two.

- **Use of anonymised / pseudonymised information where possible**
Personal information will only be disclosed where the purpose for which it has been agreed to share clearly requires that this is necessary. For all other purposes, information about individual cases will be anonymised or pseudonymised, taking into account other information that may have been released and that could assist with identifying individuals.

8. Access to information

People will be fully informed about the information that is recorded about them. They will be able to gain access to information held about them in Subject Access Requests and to correct any factual errors that have been made. If the organisation has statutory grounds for restricting a person's access to information about them, they will be told that such information is held and the grounds on which it is restricted. Where opinion about a data subject is recorded and they feel the opinion is based on incorrect factual information, they will be given the opportunity to correct the factual error and record their disagreement with the recorded opinion.

9. Complaints procedures

Partners are committed to having procedures in place to address complaints relating to disclosure of information. Data subjects will be provided with information about these procedures upon request.

10. Staff awareness

Member organisations will ensure all relevant staff are aware of and comply with their responsibilities in relation to:

- this protocol & how it relates to information sharing
- the confidentiality of information about service users
- the commitment to share information in accordance with guidance and legislation

11. Disciplinary action

Member organisations will ensure contracts of employment and standing orders include reference to the issue of disciplinary action should staff disclose personal information on a basis which cannot be justified on statutory grounds.

12. Security

Member organisations will ensure that any data transfer are conducted in a secure manner and the data is held, used and destroyed securely and appropriately.

13. Breaches

Organisations will work together to ensure that any breaches of confidentiality are appropriately integrated and reported accordingly.

14. Monitoring and review of the protocol

The Information Sharing Steering Group will be responsible for overseeing the monitoring and review process.

○ Monitoring arrangements

Following adoption of the protocol, lead members will provide confirmation that procedures have been implemented within their organisation in accordance with the protocol.

Complaints received by organisations relating to information disclosure will be analysed to determine whether they relate to a breakdown or an inadequacy of the protocol.

All reported breaches of the protocol will be followed up in accordance with member organisations' local procedures.

○ Review arrangements

Reviews will be carried out annually unless legislative change requires more immediate action.

One month prior to the review date, all parties to the protocol will be asked to submit feedback on the use of the protocol and put forward proposals for the amendments and for addressing any problems that may have arisen. Appropriate advice will be obtained in relation to any proposed major changes.

15. Adoption and dissemination of the protocol

○ Adoption

The parties to the protocol agree that the procedures detailed in the document provide a framework to support appropriate information sharing agreements (ISA) between organisations

○ Disseminating the protocol

The parties to the protocol agree that it will be disseminated as appropriate within their individual organisations. They also agree to make it available to members of the public as appropriate.

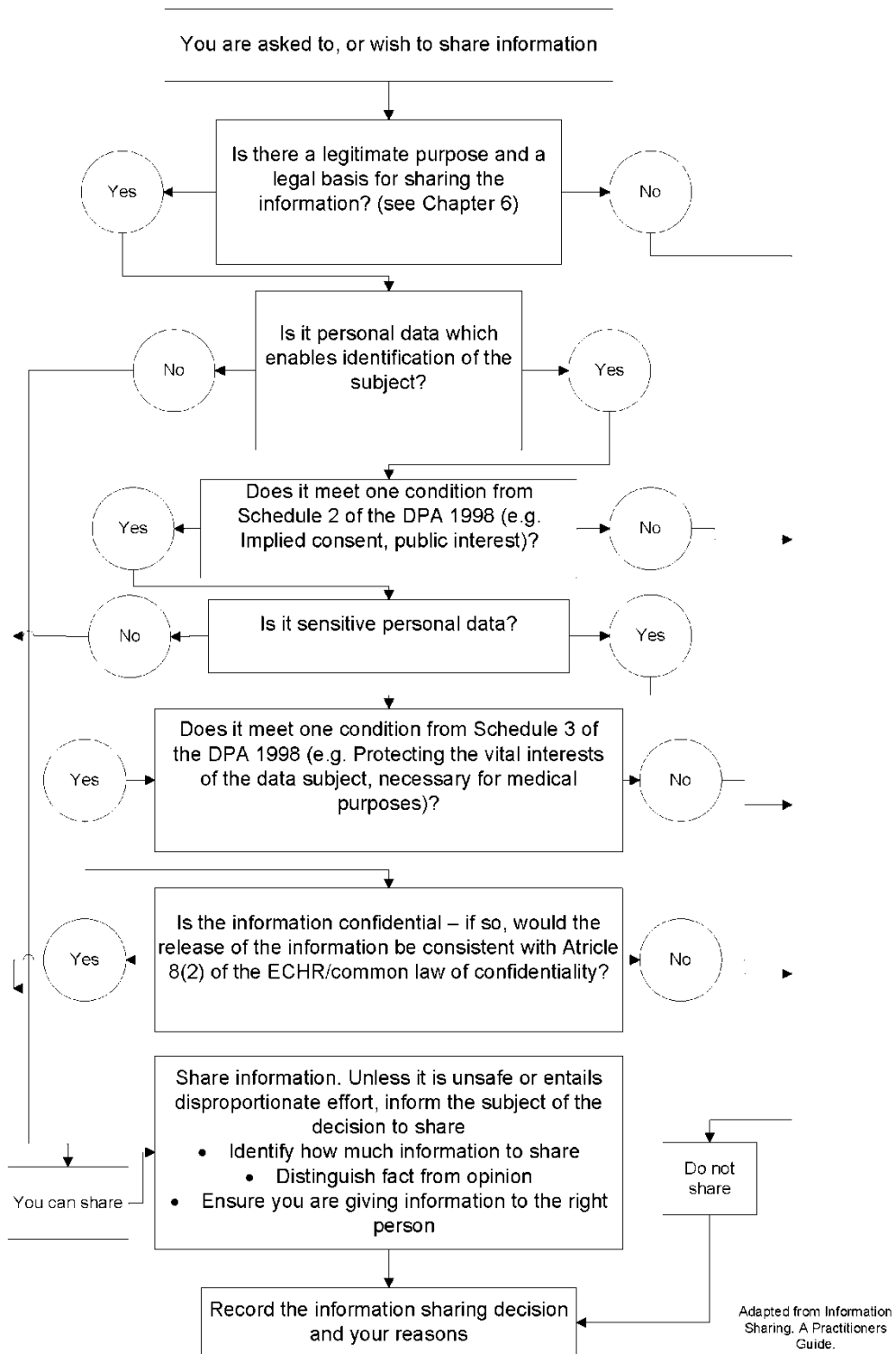
Appendix 1

Partner Organisations:

Bedford Borough council
Bedfordshire Clinical Commissioning Group
Bedfordshire Fire and Rescue Service
Bedfordshire NHS Hospital Trust
Bedfordshire Police
Bedfordshire Prison Service
Cambridgeshire Community Services
Central Bedfordshire Council
East & North Hertfordshire Clinical Commissioning Group
East Anglia Ambulance Trust
East London NHS Foundation Trust
Hertfordshire Valley Clinical Commissioning Group
Luton Clinical Commissioning Group
Luton & Dunstable Hospital Foundation Trust
Luton Borough Council
South Essex Partnership University NHS Foundation Trust
Virgin Health

Appendix 2

Flow Chart for Information sharing in an emergency



Appendix 3

Key legislation & Guidance

Key legislation affecting the sharing and disclosure of information are set out below but this list is not exhaustive.

Data Protection Act 1998

www.legislation.gov.uk/ukpga/1998/29/contents

Human Rights Act 1998

www.legislation.gov.uk/ukpga/1998/42/contents

Caldicott Report 1997

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4068404.pdf

Caldicott Information Governance Review 2 2013

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192572/2900774_InfoGovernance_accv2.pdf

Common Law Duty of Confidentiality

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/publicationsandstatistics/publications/publicationspolicyandguidance/browsable/DH_5803173

Crime and Disorder Act 1998

www.legislation.gov.uk/ukpga/1998/37/contents

Criminal Procedures and Investigations Act 1996

www.legislation.gov.uk/ukpga/1996/25/contents

Health and Social Care Act 2001 (Section 60)

www.legislation.gov.uk/ukpga/2001/15/contents

Freedom of Information Act 2000

www.legislation.gov.uk/ukpga/2000/36/contents

Regulation of Investigatory Powers Act 2000

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

Civil Contingencies Act 2004 (and accompanying regulation and guidance)

www.legislation.gov.uk/ukpga/2004/36/contents

Departmental advice for professionals on when and how to share information about children, young people and families

<https://www.gov.uk/government/publications/information-sharing-for-practitioners-and-managers>

Information Commissioners Website

<http://www.ico.org.uk>


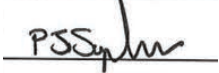









https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf











Appendix 4



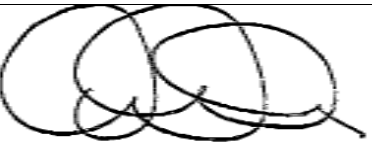
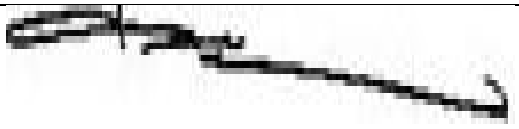
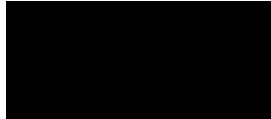

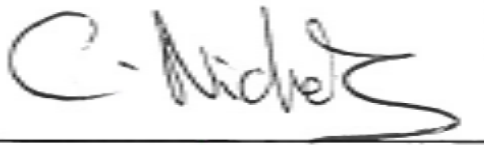
Document Revisions

4/3/2008	Version 1.0 adapted from Leeds protocol	1st draft for information Sharing Group
14/3/2008	Version 1.1	2nd Draft with comments from group
2/4/2008	Version 1.2	3rd Draft with further comments from group
21/4/2008	Version 1.3	Final draft
30/12/2008 to 16/3/2010	Versions 1.6, 1.7, 1.8	Additional signatures
11 October 2010	Version 2.0	Redesigned & reviewed by group
30/3/2011	Version 2.1	Updated Emergency planning information, formatting and additional signatures
February 2014	Version 3	Revised & Circulated for comment to all members – NHS reorganization change of membership & to include all organisations.
November 2014	Version 4	To be signed by all parties
June 2015	Version 4.1	Slight amendment: typo + link to ICO website. To be signed by remainder of organisations
October 2015	Version 4.2	Bedfordshire Safeguarding group removed – covered by CCGs

Organisations

Organisation Logo	Organisation Name	Signature	Position in Organisation	Date
	Bedford Borough council		Chief Executive	18/8/2015
	Bedfordshire Clinical Commissioning Group		Caldicott Guardian for Bedfordshire	25/11/2015
	Bedfordshire Fire and Rescue Service		Deputy chief Fire Officer	7/9/2015
	Bedfordshire NHS Hospital Trust		Finance Director SIRO	20/4/2015
	Bedfordshire Police		Deputy Chief Constable	25/6/2015
	Bedfordshire Prison Service		Governor	8/7/2015

<p>Cambridgeshire Community Services  NHS Trust</p>	<p>Cambridge Community Services</p>		<p>Chief Executive</p>	<p>29/10/2014</p>
	<p>Central Bedfordshire Council</p>		<p>Chief Information Officer</p>	<p>21/4/2015</p>
	<p>East & North Hertfordshire Clinical Commissioning Group</p>		<p>Caldicott Guardian</p>	<p>26/11/2015</p>
	<p>East of England Ambulance Services NHS Trust</p>		<p>Medical Director / Caldicott Guardian</p>	<p>30/11/2015</p>
	<p>East London NHS Foundation Trust</p>	<p>Dr Kevin Cleary</p>	<p>Medical Director & Caldicott Guardian</p>	<p>11/8/2015</p>
	<p>Hertfordshire Valley Clinical Commissioning Group</p>	<p><u>Piane Curbishley</u> </p>		
	<p>Luton Clinical Commissioning Group</p>		<p>Dr Nina Pearson Chair</p>	<p>4/11/2014</p>

	Luton & Dunstable Hospital Foundation Trust		Caldicott Guardian	5/12/2014
	Luton Borough Council		Chief Executive	26/6/2015
	South Essex Partnership University NHS Foundation Trust	 	Dr Milind Karale (Caldicott Guardian) Mark Madden (SIRO)	20/11/2014 14/11/2014
	Virgin Care		Head of Operations – South	19/11/15