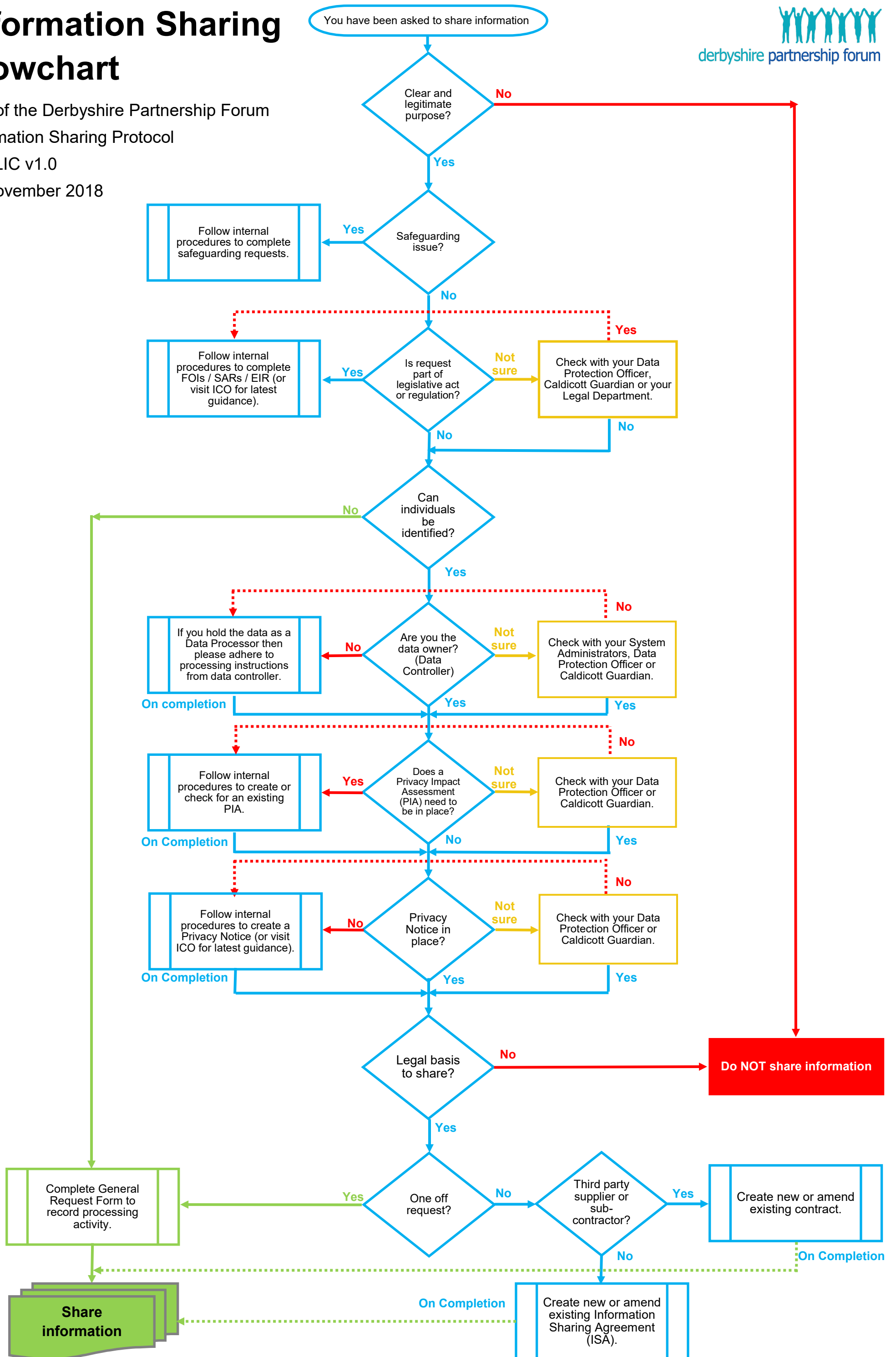


Information Sharing Flowchart

Part of the Derbyshire Partnership Forum
 Information Sharing Protocol
 PUBLIC v1.0
 30 November 2018



Explanation of some of the flowchart sections:

Is there a clear and legitimate purpose for sharing information? Whether you work for a statutory or non-statutory service, any sharing of information must comply with the law relating to confidentiality, data protection and human rights. Establishing a legitimate purpose for sharing information is essential to meet these requirements. See sections 3 to 5 of the DPF Information Sharing Protocol for more information and advice.

Is the information request about a safeguarding issue? When sharing personal information relating to an imminent safeguarding concern the safety of the individual should be your first priority. As long as you can justify your decision to share information under these circumstances and have recorded it appropriately you will not be in breach of data protection legislation. See your organisations policies and procedures on Safeguarding information.

Is the request part of a legislative act or regulation? The public have the right to request information from a Public Authority, and as such may receive requests such as Freedom of Information (FOI), Subject Access Requests (SAR) and Environmental Information Regulations (EIR) requests, there is a duty to fulfil these requests within given parameters and time limits. Check your organisations policies and procedures.

Can individuals be identified? Does the information enable a living person to be identified? If the information is anonymised, it can be shared. However, if the information is about an identifiable individual or could enable a living person to be identified when considered with other information, it is personal information and is subject to data protection and other laws. Please see the GDPR principles (Appendix 4 of the DPF Information Sharing Protocol and also see the Caldicott Review 2013 for further information and also for clarity on deceased individuals).

Do we own the data? Is this organisation the Data Controller? There are specific roles regarding data and its ownership and if we are the owner then we have the duty to control and specify how our data is handled, processed, stored and shared. If we are not the owners, then we are 'Data Processors' and as such we must adhere to the rules, guidelines and security measures stipulated by the Data Controllers and we MUST maintain records of all processing activity.

Does the request requires a Privacy Impact Assessment (PIA) to be in place? Has a PIA already been conducted on the data/project? If not, start with the PIA screening questions which will help you assess if a full PIA is required. If the answer is Yes to any of the screening questions then a PIA is required (see your organisations policies and procedures for further information on how to find existing and create new PIAs).

Is there a Privacy Notice in place? As a Data Controller we own and process hundreds of items of data and everyone now has the right to be informed about any personal information held. How we use it, who we share it with, how we keep it secure, how long we keep it for and their rights, including those about accessing their records.

We have a duty to publicise this in a Privacy Notice, see your organisations policies and procedures for further information on how to find existing and create new privacy notices.

Do you have a legal basis to share information? There are six lawful basis to processing personal and/or special category data, namely: Contract, legal obligation, vital interests, public task, consent and legitimate interests, and if your organisation is a public authority then at least one of the six lawful bases must be applied whenever data are processed.

Is the request a one off or more frequent? To fulfil our purpose of sharing information between departments, professions and organisations to improve the lives of our residents we receive many requests some which are ad-hoc/ one-off or some types need to become more formalised. Your organisation has policies and procedures for dealing with the differing types of information sharing and procedures to formalise the process of sharing information such as completing an Information Sharing Request Form, Information Sharing Agreement or make amendments to an existing contract with a third party:

- **General requests for information** – requests for information are received and sent from across the organisation and a record of what information requests we receive and how we then process the requests should be recorded, whether or not you decide to share information and the exchange formalised by all Parties via the use of the Data Sharing Request
- **Data protection clauses in Third party/supplier contracts** - formalisation of agreed processing activity by all Parties
- **Information Sharing Agreement (ISA)** – formal document detailing how data is to be processed by all Parties who are signatories to the Agreement

Share information - You have made the informed decision to share information, you should share it in a proper and timely way, act in accordance with the principles of the GDPR and DPA 2018, and follow your organisations policies and procedures for information governance and security. Take steps such as appropriate staff training, increase information security, and ensure data accuracy.

Do NOT Share information - You have made the informed decision to NOT share information, for reasons such as no legal basis or the data requested is not relevant to the purpose requested for example. Your decision and the reasons why you have not shared the data should be recorded for future reference so others can check the decision made (occasionally the same request can be received via multiple avenues), it is good practice to use a Data Sharing Request Form to record your decision.

Source: This flowchart has been adapted from the Derbyshire County Council Information Sharing Policy and Guidance document v1.0.