

[Agreement/Scheme/Project Name]
Information Sharing Protocol

Document control

Author	Michele Sarginson, PDNPA Data Protection Officer
Contributors	
Version	2.3
Date of production	
Review date	
Responsibility for review	
Primary circulation list	
Sign off	

Document history

Date	Version	Comments
25/05/2018	2.1	
27/01/2020	2.2	Inclusion of legitimate interests as legal basis
14/09/2020	2.3	Review and update to meet accessibility

Contents

1.	Purpose of the protocol	3
2.	Policy context	3
3.	Scope	3
4.	Purposes for sharing information	4
5.	Information sharing requirements	4
6.	Consent [<i>delete where consent is not to be used</i>]	4
7.	Legislative context	5
8.	Key principles:	5
9.	Roles and responsibilities	6
10.	Supporting policies:	6
11.	Governance, monitoring and review	7
12.	Conclusion	7

1. Purpose of the protocol

This document is not a legally binding document. It aims to provide the basis for an agreement between the agencies and other organisations engaged in the *[partnership/scheme/project title]* to facilitate and govern the efficient, effective and secure sharing of good quality information. It sets out:

- The principles underpinning information sharing
- The general purposes for information sharing
- The responsibilities and commitments of partners to this agreement
- The arrangements for monitoring and review

This protocol should align with any other protocols to which partners may already be signatories and does not in any way supersede those existing agreements.

It is not intended that this document be definitive or exhaustive, it is recognised that as the project and *[partnership/scheme/project title]* develops and matures, this protocol may be reviewed and amended in light of new information sharing requirements to ensure that it is 'fit for purpose'.

The protocol aims to provide a set of guiding principles for information sharing within the context of the *[partnership/scheme/project title]*. It is a key principle of this protocol that it be underpinned by a series of data sharing agreements that outline the specific data/information sharing requirements between agencies.

2. Policy context

[Include mission statement facilitating sharing of data].

In order for the development of the *[partnership/scheme/project title]* to be successful it is essential that all agencies and organisations involved are empowered and committed to share good quality and relevant information in a responsible and secure way.

3. Scope

As stated above the protocol covers the sharing of relevant information between all the agencies and organisations involved in implementing and developing the *[partnership/scheme/project title]*.

A list of signatories is included at Annex A. This is not exhaustive and will be updated regularly as part of the protocol monitoring and review process.

Information may be *[state types of information to be shared e.g anonymised, personal and/or sensitive or confidential]* in nature and may be shared where *[state the basis for sharing e.g is a legal power to do so, performance of a task is the carried out in the public interest, or where a contract is to be entered into or where informed and clear consent has been sought, or it serves the legitimate interests of the party sharing the data – PLEASE NOTE THAT PUBLIC BODIES ARE LIMITED IN THEIR USE OF THE LEGITIMATE INTERESTS BASIS].*

The relevance of the scope of the protocol should be considered as part of a regular monitoring and review process.

4. Purposes for sharing information

Under the terms of this agreement information may be shared for specific purposes which supports the development of the *[partnership/scheme/project title]* and that has been agreed within a *specific information sharing agreement*. In general information sharing will be required to support the development and operation of and *[partnership/scheme/project title]*,

This may include the following:

[List the different functions for which information will be required]

This is not intended to be an exhaustive list as policy changes or delivery approaches mature. Other purposes may be identified and these will be incorporated into the protocol as part of the monitoring and review process.

5. Information sharing requirements

Purpose	Type of information	Recipients	Data controller
<i>State the function for which information is required</i>	<i>Eg. Anonymised personal – contact details, sensitive – health info</i>	<i>State who will receive and use the information</i>	<i>State who will provide the information</i>

6. **Consent** *[delete where consent is not to be used]*

Explicit consent will be sought from data subjects in accordance with the third party/partner organisations and procedures where it has been identified as a necessary condition for the processing of the information as set out in the General Data Protection Regulation and UK Data Protection Act 2018

Where consent is required it is the responsibility of third party/partner organisation to seek consent from their clients to share information for the purposes identified.

Where consent is refused or withdrawn by the data subject that information will not be used unless there is a risk of harm to the individual or others.

It should be made clear to the data subject/s the circumstances under which information will be shared with other agencies without their consent and the implications to them of not being able to share their information. The responsibility for providing this information to the data subject(s) lies with each partner/agency.

7. Legislative context

It is essential that all information shared under the terms of this protocol will be done so in compliance with the following key legislation:

- The General Data Protection Regulation
- UK Data Protection Act 2018
- The Human Rights Act
- Common Law Duty of Confidentiality

In addition each agency / organisation signed up to this protocol will have their own legal framework that governs their functions and which sets out the circumstances under which personal and sensitive information may be shared.

The relevant legislation is as follows:

[Insert list of legislation]

Legitimate interests basis is as follows:

[Insert legitimate interest(s)]

It is the responsibility of the individual agency/organisation to ensure any data sharing is done so legally, fairly and transparently, and that they comply with their own legal powers and the legislation/legitimate interests detailed above.

8. Key principles:

In signing up to this protocol the signatories agree and commit to the following principles:

- This protocol aims to align with individual partner agency statutory, legal and common law duties.
- This agreement is to be entered into alongside any existing protocols, procedures, policies and guidance to which the partner already adheres and does not supersede them.
- *This protocol will be underpinned by individual data sharing agreements that will govern data sharing transactions between partners.*
- Information will only be used for the purposes stated in this protocol, and as detailed in *individual information sharing agreements*.
- Partner agencies comply with the requirements of the General Data Protection Regulation and UK Data Protection Act 2018.
- Partner agencies support, endorse and promote the accurate, timely, secure and confidential sharing of information for the purposes stated in this protocol.
- Where it is agreed that it is necessary to share personal information it will be shared only on a 'need to know' basis and to the extent that it is the minimal amount necessary for the purpose. This will be detailed in the individual information sharing agreements.
- Personal and sensitive Information will only be shared under this agreement where there is a statutory power to do so and the conditions for processing as determined in the General Data Protection Regulation and UK Data Protection Act 2018 can be met.
- Agencies agree to ensure that data sharing takes place in accordance with their legal, statutory and common law duties and that responsibility for ensuring that they have adequate notifications, privacy notices, policies, procedures and guidance to do so remains with them.
- Signatories agree to the roles and responsibilities set out in section 6
- All information will be supplied in line with the relevant standards for information quality and security

9. Roles and responsibilities

In signing up to this protocol, the signatories agree to the following roles, responsibilities and actions in order to achieve agreement and sign off by *[state who will endorse the protocol]* and to ensure that the protocol is maintained appropriately.

Role	Responsibility	Implementation	Date
<i>[Job title]</i>	<i>[Endorsed by]</i>	<i>[Actions]</i>	<i>[Date]</i>

10. Supporting policies:

It is important that partners commit to ensuring that all information sharing is in line with their own existing standards, policy and guidance with reference to:

- Information quality
- Information security
- Data protection
- Confidentiality

Individual agencies are responsible for detailing their requirements for compliance in their individual information sharing agreements and are responsible for their own processes and procedures to monitor and ensure compliance.

11. Governance, monitoring and review

The review, monitoring and amendment of the protocol will be undertaken by *[state person(s) responsible]*. Formal review will be undertaken annually unless legislation or policy changes dictate otherwise.

New parties to this agreement may be included at any time, the formal arrangements for which will be managed by *[state person(s) responsible]* and agreed by *[state person(s) endorsing decision]*.

All amendments to the protocol will be reported to and signed off *[insert person(s) responsible for endorsing changes to protocol]*.

12. Conclusion

This protocol proposes a consistent approach to the sharing of information between partners/agencies. All partners need to be able to balance the conflicting demands of the need to share information with other agencies and the requirement to maintain the principles of privacy and confidentiality. These conflicting demands are acknowledged by this protocol which provides a basis for partners to be confident that where information is shared it will be done in a consistent, responsible and secure way and only for the purpose of supporting the development of the *[partnership/scheme/project title]*.



Appendix A - Signatories

Name	Signature	Date
<i>[Name]</i>	<i>[Signature]</i>	<i>[Date]</i>