

NORTH LINCOLNSHIRE COUNCIL

**POLICY AND RESOURCES
CABINET MEMBER**

INTERNAL INFORMATION SHARING POLICY & PROTOCOL

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To approve the adoption of an internal information sharing policy and protocol and endorse the undertaking of a system/information audit resulting in an up to date register of systems and information held in the council along with a register of data exchanges.

2. BACKGROUND INFORMATION

- 2.1 The appropriate exchange of information both externally and internally is essential to deliver effective and efficient services to our customers, to meet their needs and ensure their welfare and protection. However, there is a balance between the need to share sufficient information to deliver effective services, and preserving the privacy of the individual.
- 2.2 To assist understanding and the application of effective information sharing it is helpful to identify and document what can and cannot be shared with who, how and for what purpose.
- 2.3 The primary legislation around information sharing is the Data Protection Act 1998 and guidance produced by the Information Commissioner's Office states that a local authority is a single organisation and can make its own decisions on how personal information is used.
- 2.4 However, if one department holds personal information for one particular purpose and then passes it to another department so it can be used for a different purpose, this will then be a secondary use and there would then be a need to comply with the data protection principles.
- 2.5 To ensure compliance with the requirements of the Data Protection Act 1998 and to demonstrate openness and transparency it is advisable to inform individuals about how their data will be used and consent to share should be sought. This is except where statutory requirements or common law principles support the disclosure or withholding of information without consent.
- 2.6 In addition compliance with the NHS Information Governance self assessment toolkit requires robust arrangements to be in place for information sharing.

External sharing of information

- 2.7 The Humber Information Sharing Charter establishes the principles and standards under which information sharing will take place between signatory organisations from the Humber region. Most public sector bodies in the region have either or are going to sign up to this charter, supported by individual information sharing agreements between organisations.
- 2.8 As a signatory organisation of the Humber Information Sharing Charter we agree to work to the following principles of information sharing:
- Support and promote the accurate, timely, secure and confidential sharing of both person identifiable and anonymous information in accordance with our legal, statutory and common law duties, and the requirements of the Humber charter and other additional guidance as notified to us;
 - Ensure a copy of the Charter and the identity of the designated officer are clearly and widely promoted across the organisation and available to all;
 - Have in place effective policies and procedures to meet our responsibilities for the secure and confidential sharing of information aligned to statutory requirements and the Humber charter;
 - Ensure that all employees and those acting on our behalf are aware of, understand and comply with their responsibilities for information security and confidentiality through appropriate promotion, training, monitoring and enforcement;
 - Ensure all our data meets the high standards identified in the Audit Commission's 'Improving information to support decision making: standards for better quality data', Nov 2007, and any locally agreed protocols

Internal sharing of information

- 2.9 The sharing of information internally within the council is necessary for the design and delivery of services. Appendix 1 sets out an internal information sharing policy and protocol (which will form part of the information management framework) for the formal exchange of personal information and intelligence within the council.
- 2.10 The adoption of this policy and protocol supports the development of a single Joint Strategic Assessment (JSA) for North Lincolnshire and the joining up of national and local data can provide richer intelligence and add value to the reports generated through the data observatory and ultimately to guide the design and delivery of public services.
- 2.11 In the spirit of 'one council, putting our customers first' we should commit to the principle that information will be shared within the council

unless there are statutory or other justifiable business reasons that prevent this.

2.12 Undertaking the activity using aggregated non-personal information should always be considered before the use of personal information. The following activities can and should normally be undertaken using aggregated non-personal information.

- Managing and planning service delivery
- Performance Management
- Identifying best practice

2.13 There are a number of key systems that are currently used to store information and there is a need to undertake a system audit to identify what data is currently held, whether this data is personal information and also to provide assurance on the quality and accuracy of data held. There are also systems in place in the council that can facilitate the exchange of data.

2.14 There is a legislative requirement to document these systems and exchanges through the development of a data dictionary. It is proposed that the existing system databases be used to store the data management plan.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – The Cabinet member approve the internal information sharing policy and protocol and endorse the undertaking of a system/information audit resulting in an up to date register of systems and information held in the council along with a register of data exchanges.
- 3.2 Option 2 – The Cabinet member does not approve the internal information sharing policy and protocol and the undertaking of a system/information audit and request changes

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 is the preferred option as this supports the ‘one council, putting our customers first’ ethos and supports the delivery of positive outcomes for local people.
- 4.2 Not approving the internal information sharing policy and protocol could impact on the design and delivery of services and failure to join up activities. Without robust agreements in place it could also result in information being shared inappropriately and breaches of legislation.

5. RESOURCE AND OTHER IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 None

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (WHERE APPLICABLE)

6.1 An integrated impact assessment has been undertaken and no adverse impacts arising from this report have been identified. Having in place internal information sharing arrangements support compliance with the Data Protection Act 1998.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST

7.1 Consultation has taken place with the Senior Information Risk Owner (SIRO), Information Asset Owners (IAO), Information, Improvement & VFM group members and the Principal Information Governance Officer and CMT. All support the need for an internal information sharing framework and the need to undertake a council wide system/information audit.

8. RECOMMENDATIONS

8.1 It is recommended that the Cabinet member for Policy and Resources approve the internal information sharing policy and protocol and endorse the undertaking of a system/information audit resulting in a register of systems and information held in the council along with a register of data exchanges.

DIRECTOR OF POLICY AND RESOURCES

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North Lincolnshire Council Internal Information Sharing Policy and Protocol

Introduction

Sharing information between services is vital to the provision of co-ordinated and seamless services. In addition, the sharing of information can help to meet the requirements of statutory obligations and improve outcomes for local people.

This policy and protocol forms part of the Information Governance Framework and sets out the details for the secure and confidential sharing of personal information within the council and is in accordance with principles defined in the Humber Information Sharing Charter.

The Strategy and Information Governance team can provide help and support on any aspect of information governance, including the sharing of data.

The council uses an information sharing protocol to help us make decisions about whether or not to share data. The protocol highlights the need to:

- Develop a clear rationale for any data share that is being proposed
- Encourage flows of information
- To identify the legal basis for information sharing, including justification for the sharing of personal data and consideration around the use of aggregated or household/property level information.
- To identify any legal basis or common law reason for withholding data or for sharing without the need for consent and transparency.
- Identify any foreseeable risks and how these will be managed. Including issues such as data protection, confidentiality, consent, security etc

1. Basis for sharing information

It is vital to develop the rationale for information sharing before taking steps to acquire any data. It is important to consider what will be achieved, the alternatives, whether anonymised, pseudonymised or aggregated data could be used, how more data will deliver a solution to a known problem or to help identify new opportunities.

There is also a need to establish whether there are legal powers to carry out the function to which the information share relates and to consider any restrictions implied by existing statutory, common law or other legal provisions e.g. Article 8 of the Human Rights Act 1998, Data Protection Act 1998.

It is also important to ensure that any service area that receives personal data and holds and processes such data is able to identify a paragraph in Schedule 2 of the DPA 1998 to ensure the processing is fair and lawful. If the personal data is sensitive a paragraph in Schedule 3 will also need to be identified.

Personal and sensitive data are not to be shared unless the need is fully justified. The service area must have a legal and legitimate reason for access and be fully aware of their obligations under all relevant legislation.

2. Understanding different types of data sharing

‘Personal data’ not only relates to information such as someone’s name, address or other personal characteristics, but also to any information about a living person from which they can be identified. This means, for example, that even in making a request for statistical data there could be risk of disclosing the people concerned (e.g. where there are very small numbers of the specified population in a particular neighbourhood). Data can also become ‘personal’ if they are combined with information from another source in such a way as to allow an individual to be identified.

‘Sensitive personal data’ needs to be treated especially carefully. Examples of this include race, ethnic origin, religious beliefs, health or physical condition, sexual orientation, trade union membership, previous offences or court proceedings. It is necessary to avoid the interests of the individual being prejudiced in any way by the use of shared data. Any proposals for data sharing involving such details must be compelling and robust in proportion to those risks.

In addition to ‘personal’ and ‘sensitive personal data’ the council also holds household/property level information. This data can not identify individuals by name or other sensitive information other than the address.

Finally the council holds anonymised, pseudonymised and aggregated data. Anonymised data are individual data records from which the personally identifiable fields have been removed. Aggregated data is data which is processed to produce a generalised result, and from which individuals can not be identified. Pseudonymised data is data that has been anonymised and an artificial identifier is included to enable where necessary a backtracking exercise be carried out to identify individuals. An example of this is NHS numbers.

3. Processing and storage of personal information

Personal information will be shared and processed between council departments in accordance with the Data Protection Act 1998.

All information shared under this agreement, personal or otherwise, must only be used for the purpose(s) specified at the time of disclosure(s) unless obliged under statute or regulation, or under the instructions of a court.

Where a service department receiving information under this agreement, wants to use that information for any other purpose, they must seek and receive permission from the original department before using the information for that purpose.

The personal information shared under this agreement must be relevant and proportionate to achieve the purposes identified in section 1. Only the minimum necessary personal information will be shared and where possible aggregated non-personal information will be used.

The information should be complete, accurate and up to date to ensure service departments are assured that the information can be used for the purposes for which they require it.

Arrangements will need to be in place for the secure exchange and storage of information. The department receiving the information will need to ensure that their staff are able to access only the shared information necessary for their role and that they are appropriately trained so that they understand their responsibilities for confidentiality and security.

The department that owns the data must make service departments they share information with aware of their rules on information retention. This information must be securely disposed of when no longer required for the purpose(s) it was shared for or to meet any legal or audit obligation and a record of this disposal should be kept.

4. Rules and responsibilities

Each service department will appoint a single point of contact who must work together to jointly manage the valid and legally justified sharing of personal information for the purposes of this agreement; ensure the accuracy of the information shared, deal with data discrepancies and ensure breaches are reported and investigated.

It is expected that all service areas who share data will be able to provide robust audit trails for all data they hold and whether is data is considered personal and sensitive.

All protocols will be reviewed at least annually.

Signatories must be at Assistant Director level or above and once completed the protocols should be sent to the councils Senior Information Risk Owner (SIRO) for final verification and consent.

Example of internal information sharing



The Local Taxation and Benefits department are regularly asked to share the information they hold about the 74,000 households in North Lincolnshire. Where permitted in primary legislation information or where there is consent information is generally shared freely. Examples of this included limited sharing of some key data from Revenues & Benefits with Housing, Electoral Registration and Social Care for specific purposes

Where this is not the case anonymised information can be shared down to a level where this does not identify somebody. Examples of this may include area, street or or post codes.

Sometimes requests to share information are received where there currently is no consent in place. However, sometimes a process can be changed to enable us to gather the consent. An example of this Adult Education enrolment forms. Benefits to both the individual and the council would need to be considered in these situations.

There are instances where sharing requests are refused on the grounds of not being appropriate or it being too time consuming to extract the dataset.



North Lincolnshire Council Internal Information Sharing Protocol Template

1. TEAM/CONTACT DETAILS

Lead Officer	
Service area	
Directorate	
Telephone number	
Email address	
Department owning data	<i>Please identify who/which service area holds the information you require, include details of where the information is stored e.g. Civica, CRM, Carefirst, Confirm, Mayrise etc</i>

2. RATIONALE

Background/context	<i>Please describe the project aims and objective and purpose for which you need the data, and explain how information sharing will improve outcomes for local people</i>
Intended use	<i>How does your service area intend to use the data? Give details of the intended use and describe the purpose underpinning the use of this data</i>
Will the information be used to match to other data	<i>If applicable please list linking data sets or detail the information source that you intend to link with this data.</i>

3. WHAT DATA ARE YOU REQUESTING?

Corporate data dictionary reference	Please specify and explain using the corporate data dictionary what data you are requesting and what format is required. If data required can not be found in the data dictionary please specify its location
Sensitive personal	Please specify and explain if you require access to non-anonymised or sensitive personal data. E.g. Health or physical condition, sexual orientation, trade union membership
Personal	Please specify and explain if you require access to non-anonymised or personal data. E.g. name, address, DOB, NHS number
Anonymised /aggregated / pseudonymised	Please list what data is being requested and from what source – be precise, and specifically detail the data items or fields you think you will require. Summarise the impact of not acquiring this data.
Data required and subsequent frequency of data requests	Specify when you need the data initially, and state how regularly you expect to need this data. All information sharing arrangements will need to be reviewed on an annual basis.
Volume of data requests	How many individual records do you expect to request each time you need this data

4. EXISTING INFORMATION SHARING AGREEMENTS

Are you aware of any existing information sharing agreements?	Do you know about any existing agreements that are in place covering the data you require?
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Strategic fit	Please provide details of how this fits with the vision and priorities set out in the Council Strategy
Other potential users	Please list all potential users that could: <ul style="list-style-type: none"> (i) Benefit from this data (ii) Benefit from your proposed use

5. LEGAL COMPLIANCE

Legal authority	What legal authority do you believe covers this request to share this data? Please consider whether you have the legal powers to carry out the function to which the data share relates.
Data Protection Act compliance	Does this proposed information sharing arrangement comply with the Data Protection Act? You will need to ensure that the agreement is lawful under schedules 2 and 3 of the Act. Have data subjects given consent for their data to be shared for this purpose?
Information security	Insert the arrangements in place to ensure the security and confidentiality of the information
Retention and disposal	When will the shared information be reviewed to determine if its needs to be retained? What arrangements are in place for disposing of the information when it is no longer required?

6. CONDITIONS OF USE

Specific conditions of use	Conditions on usage (if any) to be completed by the data controller in the supplying service area

7. APPROVAL

Directorate approval:

Approved:	Yes		No	
If NO please explain why:				
Name:				
Position:				
Directorate:				
Signature:				
Date:				

SIRO approval:

Name:	
Signature:	
Date:	