

# One Staffordshire Information Sharing Protocol

## Contents

Executive summary .....	1
1. Purpose.....	2
2. Powers .....	3
3. Partners .....	3
4. Process for Sharing.....	4
5. Review .....	9

### [Appendix A](#)

#### [Signatories and Designated Officers](#)

### [Appendix B](#)

#### [Legislation Summary](#)

### [Appendix C](#)

#### [Conditions of Consent](#)

### [Appendix D](#)

#### [Information Sharing Agreement](#)

### [Appendix E](#)

#### [Fair Processing](#)

### [Appendix F](#)

#### [Individual Information Sharing Agreements](#)

### [Appendix G](#)

#### [Information Sharing Templates](#)

## **Executive summary**

The 'One Staffordshire Information Sharing Protocol' deals with the emerging issues surrounding information sharing between agencies in light of the changing nature in which organisations are delivering services for the social, economic and environmental wellbeing of the community.

Promoting and achieving wellbeing is only likely to be successful where organisations work together to ensure that communities; are kept safe; participate in healthy lifestyle choices; are looked after; are provided with the opportunity to succeed; and are part of a thriving economy.

The protocol has been produced by a working group made up of representatives from various public bodies whose remit has been to review existing information sharing protocols and replace them with 'One Staffordshire Information Sharing Protocol' which accurately reflects the current information sharing climate, legislative requirements and best practice.

Our aim is to enable partners to co-ordinate effort, collate and exchange information to achieve joint objectives, co-ordinate resources, support one another in addressing common and locally set priorities and comply with the law.

The protocol outlines the purposes for sharing information, the powers that organisations have to share information, the role of partners and what can be expected from them, the process for sharing and scheduled review dates.

## 1. Purpose

1.1 Organisations throughout Staffordshire recognise that all individuals have a right to economic, social and environmental wellbeing.

1.2 Promoting and achieving wellbeing is only likely to be successful where organisations work together to ensure that communities; are kept safe by preventing crime and disorder; participate in healthy lifestyle choices and have access to health services; are looked after by improving and joining up social care services; are provided with the opportunity to succeed through education, training and employment; and are part of a thriving economy where business has the ability to achieve.

1.3 Positive steps have already been taken by organisations across Staffordshire to ensure that these objectives can be met and to ensure that individuals receive the services that they require in a fast, efficient and personalised manner.

1.4 A number of multi-agency working arrangements have been put in to place throughout the County in order to allow representatives from statutory, voluntary and community sectors to work more closely with one another and to tailor the services that they provide to meet the needs and circumstances of each individual. These include but are not limited to; Community Safety Partnerships, Local Support Teams, Multi-Agency Safeguarding Hubs, Multi-Agency Risk Assessment Conferences and Multi-Agency Public Protection Arrangements. Sharing information between agencies is vital to the delivery of high quality, cost effective and seamless public services.

1.5 All authorities, bodies, organisations and groups will hereafter be referred to as Partners.

1.6 Persons signing the Protocol on behalf of Partners will be referred to as Signatories.

1.7 All Partners to this Protocol are committed to the partnership approach in dealing with community issues. This document will provide a robust framework for the exchange of information to support economic, social and environmental wellbeing and enable Partners to:

- a) co-ordinate effort to deal with crime and disorder and to support health and well-being, social care and education;
- b) collate and exchange relevant information to achieve joint objectives in line with government initiatives and public expectations;
- c) co-ordinate resources in respect of the same issue – joint case management;
- d) support Partners in addressing common and locally set priorities; and
- e) comply with the law.

1.8 The Protocol provides the basis upon which co-operating Partners will facilitate and govern the lawful sharing of information to ensure that agencies can work together to:

- prevent crime and disorder, bullying, discrimination and neglect in all sections of our communities,
- make our communities safer and provide support to the victims of crime,
- offer joined up health and social care services,
- identify and provide support for vulnerability in the community,

- ensure that access is available to education and training,
- allow greater individual choice of service access by community members.

1.9 The Protocol provides good practice for the sharing of information between Partners in line with relevant legislation and is an enhancement to other established working practices. It is not intended to restrict the exchange of information and intelligence between operational staff employed by the Partners. They will continue to interact both face to face and via telephone in order to carry out their operational duties and responsibilities. Such collaborative working will usually require documented procedures in addition to this Protocol. This will ensure that such information is exchanged in a lawful manner. Documented procedures covering these circumstances must not circumvent this Protocol.

1.10 Partners will provide public support for this Protocol. The Protocol will be published so that the public can see that information is being shared for their benefit in an appropriate and lawful way.

1.11 This Protocol complies with the Management of Police Information (MOPI) standards for information sharing and the Information Commissioner's Office (ICO) data sharing code of practice.

## **2. Powers**

2.1 There is no general statutory power to share information however some statutes provide public bodies with an express power to share, i.e. Section 115 of the Crime and Disorder Act 1998 which permits sharing to help prevent or detect crime and Section 8 of the National Audit Act 1983 which imposes a legal obligation on public bodies to provide relevant information to the National Audit Office.

2.2 Where there is no express statutory power to share information it may be possible to imply such a power from other duties and powers which public bodies have, i.e. Section 1 of the Localism Act 2011 provides a new power available to local authorities allowing them to do "anything that individuals generally may do".

2.3 Regardless as to whether an organisation has express or implied statutory powers, all personal data will be exchanged only as allowed by current law and only where justified, necessary and proportionate to meet the agreed objectives of this Protocol. In particular, organisations and employees will comply with:

- Data Protection Act 1998
- The Human Rights Act 1998
- The Common Law Duty of Confidentiality

2.4 The legislation above has been detailed further in [Appendix B](#) along with additional legislation which may need to be considered and referred to when sharing specific information. Further guidance on the legislation is also available at the following link: [Legislation Guidance](#).

## **3. Partners**

3.1 The signing of this Protocol by each Signatory reflects their organisations commitment to adopting and complying with the Protocol requirements.

3.2 This Protocol is signed by all statutory authorities and will govern the sharing of information between them. Other agencies and bodies that have a role in delivering

the priorities identified by the One Staffordshire Information Sharing Protocol are also invited to sign and comply with this Protocol where required. The onus is on the agency to inform their staff of their agency's responsibilities, to monitor and take responsibility for compliance with the protocol.

3.3 Any organisation that requests to share information but are not yet Signatories to this Protocol will be required to become Signatories.

3.4 All Partners to this Protocol are independent Data Controllers (as defined by the Data Protection Act 1998). It is a legal requirement that any Signatory organisation to this Protocol must be notified with the Information Commissioner.

3.5 It will be the responsibility of the Signatory to ensure that:

- Realistic expectations prevail from the outset
- Ethical and professional standards are maintained
- A mechanism exists by which the flow of information can be controlled, and confidentiality maintained in addition to ensuring that significant decisions made are recorded and documented
- Staff have appropriate skills and training
- Adequate arrangements exist within their organisation to test adherence to the Protocol
- Operational coordination in support of shared objectives is supported
- The legitimate and justifiable exchange of information is encouraged to an extent which is compatible with rights under the Human Rights Act 1998 and its supporting principles such as proportionality and subsidiary

3.6 Each Signatory will nominate a Designated Liaison Officer to facilitate the sharing of information between Partners. The Designated Liaison Officer will:

- act as a single point of contact for information requests
- understand the relevant legislation and be able to champion information sharing within their own organisations
- work with other Designated Officers to establish the best ways to share information
- act as the first point of contact for any technical problems with sharing the information that may arise and, where necessary, report findings to Partners
- initiate internal investigations where the Protocol has not been adhered to
- approve and maintain a record of any individual Information Sharing Agreements entered into under this Protocol

3.7 Any Signatory may terminate their involvement in this arrangement, with one or more Signatories, by the service of one month's written notice on the Signatories. The Signatory should inform the managing agent that this has been done.

3.8 Any organisation wishing to become a Signatory to this Protocol may obtain a copy online at [www.infosharestaffs.org.uk/](http://www.infosharestaffs.org.uk/). Compliance with the protocol must be signified by completing and returning an acceptance form to Staffordshire County Council at: [infogov@staffordshire.gov.uk](mailto:infogov@staffordshire.gov.uk) who will make the necessary amendments and inform other organisations of the updates. Becoming a Partner to this Protocol does not infer any right to exchange information with another Partner.

3.9 A full list of Signatories and Designated Officers is attached at [Appendix A](#).

#### **4. Process for Sharing**

4.1 Personal data will only be shared where it is necessary, proportionate and justified to do so and Partners will always consider alternatives to sharing personal data in the first instance, e.g. statistical, anonymised or pseudonymised information.

4.2 This Protocol allows for the sharing of personalised and depersonalised information in the following circumstances:

a. Written exchange of information between Partners

- delivered and/or received in person
- at formal meetings/case conferences, where minutes or notes are produced or actions are recorded
- by recorded/special post
- secure fax
- electronic means

b. Verbal exchange of information between Partners

- in person
- at formal meetings/case conferences, where minutes or notes are produced or actions are recorded
- over the telephone

4.3 This Protocol does not give license for unrestricted access to information another Partner may hold. It provides the parameters for the safe and secure sharing of information for a justifiable need to know.

4.4 Each Partner must take responsibility for its own decisions to share or not to share as well as what information is appropriate to share. Partners may choose to carry out risk assessments and/or privacy impact assessments to aid their decision. In addition to this, Partners will take into account the framework of the legislative background ([see Appendix B](#)), regional agreements, guidance in relation to their specific service area and their own professional judgement.

Where a Partner to this Protocol chooses not to share information, they must provide a full and clear written explanation of the reasons the sharing request has been refused, to the requesting Partner.

4.5 Information shared under this Protocol will only be used for the specific purposes for which it was disclosed. Partners will always retain ownership of the personal information disclosed to another Partner, therefore any Partner wishing to use the information for another purpose or who may wish to disclose that information to any other person (other than the data subject or where there are legal grounds to do so) must:

- Inform the provider of the information of their intention to use the information provided for a different purpose
- Specify the legal basis permitting such processing
- Obtain explicit consent from the individual(s) concerned and provide a fair processing notice before processing such information

If the originator of the personal information considers that the purpose for which the information is proposed to be used is likely to be detrimental to their agency, or the individual(s) whose personal information it is proposed to use object, then that information should not be used for the proposed purpose.

4.6 Agencies wishing to use personal information that has been provided under this Protocol for research or statistical purposes should ensure that policies and procedures are in place to guarantee that such personal information is anonymised.

4.7 In requesting disclosure of personal information from another Partner to this Protocol, those concerned will respect this responsibility and not seek to override the procedures which each agency has in place to ensure that information is not disclosed illegally or inappropriately.

It is acceptable for a providing agency to obtain further details from the requesting organisation in order to satisfy them that the agency has the ability to appropriately handle the information.

4.8 The extent of disclosure must be restricted to only that personal information which is necessary to enable the Partner, or an individual or group acting on their behalf, to achieve its objectives outlined in [section 1](#) of the Protocol (purpose). The degree of disclosure that takes place must be necessary, proportionate and justified.

4.9 Except where legally bound, information will be shared using an Information Sharing Agreement approved by the organisations Designated Liaison Officer. The provisions which will be relevant to all agreements can be found at [Appendix D](#) and an 'Information Sharing Agreement template' can be found at the following link: [Information Sharing Agreement template](#).

4.10 Where information is disclosed, received or requested all Partners will put in place procedures to record the following information:

- The date the information was requested
- Details of the person(s) making the request
- Details of the information requested
- The personal details of the person(s) who is the subject of the information (refer to the individual Information Sharing Agreement where there is a bulk transfer)
- Any restrictions placed on the information that has been given e.g. 'not to be disclosed to the service user'.
- Details of the person authorising the disclosure (where applicable)
- The grounds for disclosing (where applicable)
- Whether consent has been sought and received
- Details of the information disclosed/received (where applicable)
- The date the information was disclosed/received (where applicable)

A 'Request for Disclosure form' and 'Decision to Disclose form' can be found at the following links: [Request for Disclosure form](#) – [Decision to Disclose form](#).

4.11 Where information is shared at meetings made up of organisations that may not be Signatories to the Protocol it is good practice to sign a Confidentiality Agreement. This may be considered good practice even for those members of the group that are Signatories to the Protocol. This will prohibit any unauthorised secondary disclosure of personal information. Decisions on disclosures reached at meetings should be recorded and documented in line with [paragraph 4.10](#).

Care should be taken not to include confidential personal information in minutes of meetings where copies of those minutes cannot be subject of the strict controls set out in this Protocol.



A 'Confidentiality Agreement template' can be found at the following link: [Confidentiality Agreement template](#).

4.12 Appropriate sharing of information shall be dealt with within agreed timescales. In the event of failure to agree on timescale, sharing shall take place as soon as practicable.

4.13 All Partners will ensure that the requirements for fair processing are met. Further details about fair processing are included at [Appendix E](#) and a 'Fair Processing Notice template' can be found at the following link: [Fair Processing Notice template](#).

4.14 Providers of information will take reasonable steps to ensure that information shared will be accurate and up to date.

4.15 It is the responsibility of the person using information to ensure that it is fair, relevant and accurate. Reliance on the currency of that data will be a matter for the receiving party and if there has been any delay between receipt and use of information, the current accuracy of the information must be verified. Each supplying Partner accepts and understands that it may be requested to confirm changes to previously released information. The use of out of date information can have serious consequences.

4.16 Where information is discovered to be inaccurate or inadequate for the purpose, the receiving party agrees to notify the data owner. The data owner will be responsible for correcting the data and notifying all other recipients who must ensure that the correction is made or the inaccurate records are destroyed. After the correction is made or the records destroyed the data owner will be informed in writing.

4.17 As far as reasonably practicable all Partners will ensure that information shared will be recorded in a compatible format. Partners shall endeavour to adhere to the supplying Partner's security markings wherever possible.

4.18 The supplying Partner will ensure that the information is of good enough quality for the intended purpose before the information is shared. Partners agree to cooperate to ensure that all Partners meet agreed quality standards where appropriate.

4.19 Partners will ensure that they have in place a policy for the review and cleaning of data in accordance with the Data Protection Principles. In addition Partners will take into account any internal codes of practice, information security policy or sector guidance.

4.20 All Partners will put in place policies and procedures governing the retention and destruction of records containing personal information retained within their manual and/or electronic systems.

4.21 Partners supplying information will specify the retention period relevant to the information supplied and whether the information will be deleted or returned to the supplier in the individual Information Sharing Agreement.

4.22 Retention of personal data must be for the minimum period required to achieve the purpose identified when requesting the information. After such period it is the responsibility of the information holder to either return the information to the supplier

or to destroy the information securely. Partners will ensure that any out-of-date information that still needs to be retained, but is not permanently deleted, is safely archived or put “off-line”.

4.23 Records of disclosure must be retained for as long as they remain relevant and in any case, for a minimum of seven years.

4.24 All Partners will ensure that their staff and officers have adequate knowledge, training and skills to enable them to share information legally, comply with any professional codes of practice and local policies and/or procedures, including this Protocol.

4.25 All Partners will ensure that their staff and officers who are involved in the information sharing process are aware of, and comply with, their responsibilities and obligations with regard to:

- The confidentiality of personal information
- The commitment of the relevant Partner organisation to only share information legally and within the terms of an agreed individual Information Sharing Agreement
- Information will only be shared where necessary, justified and proportionate, on a need to know basis only
- Disclosure of personal information which cannot be justified, whether inadvertently or intentionally, may be subject to disciplinary action.

4.26 Partners will ensure staff and officers who are authorised to make disclosures of personal information, will clearly state whether the information that is being supplied is fact, opinion or a combination of the two.

4.27 All Partners will require their staff, officers and any other agency or contractor who have access to, or are likely to come into contact with, personal information will be required to sign a Confidentiality Agreement or include the necessary confidentiality clause, as part of the terms and conditions of employment and/or contract.

4.28 All Partners will ensure that they have appropriate policies and procedures in place to deal with subject access requests for personal data under section 7 of the Data Protection Act 1998, including the provision of advice and assistance to individuals wishing to make a request. Information that has been provided by another agency may be disclosed to the data subject without the need for obtaining consent with the following exceptions:

- Where the Partner agency has expressly stated they do not wish the information to be disclosed without being consulted first
- The information contains medical details
- The information is of a legal nature

4.29 Requests under the Freedom of Information Act 2000 which may involve policy documents and decision making processes in relation to this Protocol should be dealt with as per [paragraph 4.25](#). There are no limits placed on the public availability of this Protocol and associated appendices and organisations are encouraged to include this Protocol on their Publication Scheme.

4.30 Partners will ensure that they have effective procedures for dealing with complaints from individuals in relation to the use and disclosure of personal information. All Partners who are party to the information sharing will provide cooperation and assistance in order to resolve the complaint.

4.31 All Partners will put in place procedures governing the secure storage of all personal information retained within their manual or electronic systems to comply with principle 7 of the Data Protection Act 1998. Security requirements will include:

- Appropriate security management (e.g. policies, procedures, staff training)
- Appropriate access controls to electronic and manual systems
- Appropriate physical and environmental security to buildings and other hardware
- Appropriate back up and disaster recovery systems

4.32 All Partners will ensure the secure exchange of information. Partners will put in place policies and procedures that govern the secure transfer of personal information both internally and externally. Such policies and procedures must cover:

- Secure internal and external postal arrangements
- Verbally, face to face and telephone
- Secure facsimiles
- Electronic mail (secure network or encryption to minimum standards)
- Secure electronic network transfer

The method of transfer and subsequent security measures must be included on any individual Information Sharing Agreement ([see Appendix D](#)). When sharing Police Information this will also include the completion of the ACPO Baseline Security Questionnaire.

4.33 All Partners will have in place appropriate measures to investigate and deal with inappropriate or unauthorised access to, or use of, personal data whether accidental or intentional. If it is established that personal information has been shared inappropriately under this Protocol, the Partner making the discovery shall inform the information provider of the details.

Following this, the information provider shall:

- Take steps to investigate the cause of the disclosure
- Where appropriate, take disciplinary action against the person(s) responsible
- Take appropriate steps to avoid a repetition

The original provider will also assess any potential implications for the individual whose information has been compromised and if necessary:

- Notify the individual concerned
- Advise the individual of their rights
- Provide the individual with the appropriate support

Where a serious breach has occurred, the provider should also notify the Information Commissioner's Office.

## **5. Review**

5.1 Responsibility for maintenance of this Agreement lies with the Head of Information Governance at Staffordshire County Council.

5.2 Review of this Protocol will be on a 12 monthly basis via the Staffordshire Information Governance Group and Information Governance Local Health Economy as well as in consultation with relevant Signatories.

5.3 A relevant Partner can request an extraordinary review at any time where a joint discussion or decision is necessary to address local service developments.

5.4 Any Partner may make suggestions for amendments to the Protocol at any time. Unless urgent, amendments will be made on an annual basis. Requests for amendments should be made to the Head of Information Governance at Staffordshire County Council.

5.5 Suggested amendments may be discussed at any appropriate forums, including but not limited to the groups referred to in [paragraph 5.2](#). This will enable Partners to exchange views prior to changes being made.

5.6 The Head of Information Governance at Staffordshire County Council will retain master copies of the Protocol, together with a list of current Signatories. The Head of Information Governance at Staffordshire County Council will retain responsibility for co-ordination of the annual review.

5.7 Any review undertaken will take into account the following issues:

- That the contact list is current and up to date (as far as reasonably practicable)
- That the Protocol is still useful and fit for purpose
- That any emerging issues have been identified and if the information sharing is having the desired effect

5.8 If any party to this Agreement believes that any other Signatory is acting in breach of the Agreement the Designated Officers of the Partners directly responsible will discuss the issue and attempt to resolve it. If no solution can be found any agency may withdraw from this Agreement and cease to provide data until an acceptable framework for sharing can be established ([see paragraph 3.7](#)).

5.9 This Protocol will remain current until further notice. This Protocol can be terminated by mutual agreement at any time ([see paragraph 3.7](#)).

**Appendix A****Signatories and Designated Officers**

<b>Organisation</b>	<b>Name of Signatory</b>	<b>Designated Officer(s)</b>
Abbot Beyne High School Linnell Building Osborne Street Burton-on-Trent Staffordshire DE15 0JL	Annabel Stoddart Headteacher	Lorraine Lynch Pastoral Tutor 01283 239800 <a href="mailto:lorraine Lynch@abbotbeyne.staffs.sch.uk">lorrainelynch@abbotbeyne.staffs.sch.uk</a>
Action for Children Staffordshire Shared Care Church Street Chesterton Newcastle-under-Lyme ST5 7HJ	Barbara Greaves Children's Services Manager	Sylvia Redgrift Registered Manager 01782 565522 <a href="mailto:Sylvia.redgrift@actionforchildren.org.uk">Sylvia.redgrift@actionforchildren.org.uk</a>
Addaction Staffordshire Unit 5 Rumer Hill Business Estate Rumer Hill Road Cannock WS11 0ET	Emma Lamond Service Manager	Emma Lamond Service Manager 07876397261 <a href="mailto:e.lamond@addaction.org.uk">e.lamond@addaction.org.uk</a>
Addiction Dependency Solutions (ADS) 18 Martin Street Stafford Staffordshire ST16 2LG	Debbie Roberts Service Manager	Debbie Roberts Service Manager 07711087721 <a href="mailto:debbie.roberts@adsolutions.org.uk">debbie.roberts@adsolutions.org.uk</a>
Adullam Homes Housing Association Walter Moore House 34 Dudley Street West Bromwich B70 9LS	David Balderston Director of Finance	Tony Lewis Area Manager Cheshire and Staffordshire 01260 294410 <a href="mailto:tlewis@adullam.org.uk">tlewis@adullam.org.uk</a>
Advance Housing & Support 60 Ironstone Road Chase Terrace Burntwood Staffordshire WS7 1LY	Don Isaacs Services Manager	Don Isaacs Services Manager 01543 271212 <a href="mailto:don.isaacs@advanceuk.org">don.isaacs@advanceuk.org</a>
Affinity Sutton Level 6 6 More London Place Tooley Street SE1 2DA	Rachel Brown Neighbourhood Housing Manager	Susan Brown Neighbourhood Housing Officer 07715809256 <a href="mailto:sue.brown@affinitysutton.com">sue.brown@affinitysutton.com</a>

All Saints CE Primary School Tatenhill Lane Rangemore Burton-on-Trent DE13 9RW	Charlene Gethin Headteacher	Charlene Gethin Headteacher 01283 712385 <a href="mailto:headteacher@allsaints-rangemore.staffs.sch.uk">headteacher@allsaints-rangemore.staffs.sch.uk</a>
Amington Heath Primary School Quince Amington Tamworth B77 4EN	Oliver Fordham Headteacher	Annette Burns Deputy Headteacher 01827 475161 <a href="mailto:deputyhead@amingtonheath.staffs.sch.uk">deputyhead@amingtonheath.staffs.sch.uk</a>
Anchor Trust 25 Bedford Street London WC2E 9EG	David Edwards Company Secretary and Director of Compliance	Gale Sykes Data Protection and Information Governance Officer 07775625223 <a href="mailto:dataprotection@anchor.org.uk">dataprotection@anchor.org.uk</a>
Anker Moor Primary School Rene Road Bolehall Tamworth Staffordshire B77 3NW	Richard Burns Headteacher	Ella Price Deputy Headteacher 01827 475730 <a href="mailto:ella.price80@yahoo.com">ella.price80@yahoo.com</a>
A R Assessments 17 Eastlands Close Stafford ST17 9BD	Leroy Aitcheson Partner – Independent Social Worker	Penny Rowlands Partner – Independent Social Worker 07748635336 <a href="mailto:arassessments@hotmail.com">arassessments@hotmail.com</a>
Arch North Staffs Canalside Pelham Street Hanley Stoke-on-Trent ST1 3LL	Barry Pitts Director	Wendy Wainwright Head of Domestic Violence Services 01782 204479 <a href="mailto:wendy.wainwright@archnorthstaffs.org.uk">wendy.wainwright@archnorthstaffs.org.uk</a>
Ashcroft Infant and Nursery School Mildenhall Tamworth B79 8RU	Lee Kilkenny Headteacher	Barbara Hall Business Manager 01827 475925 <a href="mailto:office@ashcroft.staffs.sch.uk">office@ashcroft.staffs.sch.uk</a>
Aspire Housing Kingsley The Brampton Newcastle-under-Lyme ST5 0QW	Sinead Butters Group Chief Executive	Janet Jackson Solicitor 01782 854958 <a href="mailto:jjackson@aspiregroup.org.uk">jjackson@aspiregroup.org.uk</a>

<p>The BAC O'Connor Centre Burton Addiction Centre 126 Station Street Burton-on-Trent Staffordshire DE14 1BX</p>	<p>Noreen Oliver MBE Chief Executive</p>	<p>Kendra Gray Strategic Director 01283 537280 <a href="mailto:kendra.gray@bacandoconnor.co.uk">kendra.gray@bacandoconnor.co.uk</a></p>
<p>Belvedere Junior School Outwoods Street Burton-on-Trent Staffordshire DE14 2PJ</p>	<p>Jean Woolner Headteacher</p>	<p>Linda Turner Family Liaison Worker 01283 239175 <a href="mailto:support@belvedere.staffs.sch.uk">support@belvedere.staffs.sch.uk</a></p>
<p>Biddulph High School Conway Road Knypersley Biddulph ST8 7AR</p>	<p>Tom Abbott Principal</p>	<p>Lynne Youngs Business Manager 01782 521823 <a href="mailto:youngs@biddulph.staffs.sch.uk">youngs@biddulph.staffs.sch.uk</a></p>
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<p>Blessed Robert Sutton Catholic Sports College Bluestone Lane Burton-on-Trent Staffordshire DE15 9SD</p>	<p>M Cain Deputy Headteacher</p>	<p>M Cain Deputy Headteacher 01283 749450 <a href="mailto:deputyhead@robertsutton.staffs.sch.uk">deputyhead@robertsutton.staffs.sch.uk</a></p>
<p>Brighter Futures 5 Whittle Court Town Road Stoke-on-Trent ST1 2QE</p>	<p>Gill Brown Chief Executive</p>	<p>Emma Davis Senior Manager: Health 01782 406000 <a href="mailto:emma.davis@brighter-futures.org.uk">emma.davis@brighter-futures.org.uk</a></p> <p>Jane Turner Senior Manager: Homelessness 01782 406000 <a href="mailto:jane.turner@brighter-futures.org.uk">jane.turner@brighter-futures.org.uk</a></p> <p>Susan Preston Senior Manager: Housing 01782 406000 <a href="mailto:susan.preston@brighter-futures.org.uk">susan.preston@brighter-futures.org.uk</a></p>

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Cannock Chase Clinical Commissioning Group (CCG) Greyfriars Therapy Centre Unit 12 Greyfriars Business Park Frank Foley Way Stafford ST16 2ST	Andrew Donald Chief Officer	Val Jones Director of Quality & Safety 01785 221057 <a href="mailto:val.jones@northstaffs.nhs.uk">val.jones@northstaffs.nhs.uk</a>
Cannock Chase District Council Civic Centre Beecroft Road Cannock WS11 1BG	Stephen Brown Chief Executive	Darren Edwards Information Manager 01543 464447 <a href="mailto:darrenewards@cannockchase&lt;br/&gt;dc.gov.uk">darrenewards@cannockchase dc.gov.uk</a>
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Stretton Pre School Springs Children's Centre Bitham Lane Stretton Burton-on-Trent DE13 0HB	Sarah Evans Chariperson/Office Manager	Sarah Newton Care Manager 01283 239708 <a href="mailto:strettonpreschool@yahoo.com">strettonpreschool@yahoo.com</a>
Tamworth Enterprise College Birds Bush Road Belgrave Tamworth Staffordshire B77 2NE	Simon Turney Headteacher	Rebecca Hart Behaviour Intervention Co- ordinator 01827 285596 <a href="mailto:rhart@tamworthenterprisecollege.org">rhart@tamworthenterprisecollege.org</a>
Thomas Russell Infants School Station Road Barton-under-Needwood Staffordshire DE13 8DS	Lisa Farmer Co-Headteacher	Lisa Farmer Co-Headteacher 01283 239350 <a href="mailto:admin@thomasrussellinfants.co.uk">admin@thomasrussellinfants.co.uk</a>
Three Peaks Primary School Fossdale Road Wilnecote Tamworth Staffordshire	Richard Penn- Bourton Headteacher	Richard Penn-Bourton Headteacher 01827 896424 <a href="mailto:headteacher@threepeaks.staffs.sch.uk">headteacher@threepeaks.staffs.sch.uk</a>
Trent and Dove Housing Trinity Square Horninglow Street Burton-on-Trent Staffordshire DE14 1BL	David Jones Director of Housing Services	Emma Bligh Tenancy Enforcement Officer 01283 528654 <a href="mailto:emma.bligh@trentanddove.org">emma.bligh@trentanddove.org</a>  Janes Stokes Indepednent Living Manager 01283 528605 <a href="mailto:jane.stokes@trentanddove.org">jane.stokes@trentanddove.org</a>
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Two Rivers Primary School Quince Amington Tamworth B77 4EN	Margaret Simms Deputy Headteacher	Margaret Simms Deputy Headteacher 01827 475740 <a href="mailto:margaretsimms@tworivers-primary.staffs.sch.uk">margaretsimms@tworivers-primary.staffs.sch.uk</a>

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<p>Your Housing Group Eaton House Buxton Road Leek ST13 6EQ</p>	<p>Martin Stevenson Regional Director South</p>	<p>Nick Grubb Head of Moorlands Housing 01538 380611 <a href="mailto:nick.grubb@yourhousinggroup.co.uk">nick.grubb@yourhousinggroup.co.uk</a></p>



## **Appendix B**

### ***Legislation Summary***

#### **Data Protection Act 1998**

Schedule 1 – The Data Protection Principles

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/1>

#### **Human Rights Act 1998**

Article 8 – Right to respect for private and family life

<http://www.legislation.gov.uk/ukpga/1998/42/schedule/1>

#### **Common Law Duty of Confidentiality**

Paragraph 3.12 – Confidential information

<https://www.education.gov.uk/publications/eOrderingDownload/00807-2008BKT-EN-March09.pdf>

#### **Crime and Disorder Act 1998**

Section 115 – Disclosure of information

<http://www.legislation.gov.uk/ukpga/1998/37/section/115>

Section 17 – Duty to consider Crime and Disorder implications

<http://www.legislation.gov.uk/ukpga/1998/37/section/17>

Section 37 – Aim of the youth justice system

<http://www.legislation.gov.uk/ukpga/1998/37/section/37>

Section 39(5) – Youth offending teams

<http://www.legislation.gov.uk/ukpga/1998/37/section/39>

#### **The Police and Justice Act 2006**

Schedule 9 paragraph 5 – Sharing of information

<http://www.legislation.gov.uk/ukpga/2006/48/schedule/9>

#### **Statutory Instruments 2007 No. 1831 the Crime and Disorder (Prescribed Information) Regulations 2007**

Section 2, 3, 4 – Sharing of Information by Responsible Authorities

[http://webarchive.nationalarchives.gov.uk/20100413151426/opsi.gov.uk/si/si2007/uksi\\_20071831\\_en\\_1](http://webarchive.nationalarchives.gov.uk/20100413151426/opsi.gov.uk/si/si2007/uksi_20071831_en_1)

#### **Statutory Instrument 2007 No. 1830 the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007**

Part 4(1) and 4(2) – Information Sharing

<http://www.legislation.gov.uk/uksi/2007/1830/regulation/4/made>

#### **Regulation of Investigatory Powers Act 2000**

Section 21 – Lawful acquisition and disclosure of communications data  
<http://www.legislation.gov.uk/ukpga/2000/23/part/1/chapter/II>

### **Access to Health Records Act 1990**

Section 3(1)(f) – Right of Access to health records  
<http://www.legislation.gov.uk/ukpga/1990/23/section/3>

### **The Freedom of Information Act 2000**

Section 1 – General right of access to information held by public authorities  
<http://www.legislation.gov.uk/ukpga/2000/36/section/1>

Section 19 – Publication schemes  
<http://www.legislation.gov.uk/ukpga/2000/36/section/19>

### **The Local Government Act 1972**

Section 111 – Subsidiary powers of local authorities  
<http://www.legislation.gov.uk/ukpga/1972/70/section/111>

### **Localism Act 2011**

Section 1 – Local authority's general power of competence  
<http://www.legislation.gov.uk/ukpga/2011/20/section/1/enacted>

### **Immigration and Asylum Act 1999**

Section 20 – Supply of information to the Secretary of State  
<http://www.legislation.gov.uk/ukpga/1999/33/section/20>

### **Criminal Justice Act 2003**

Section 325 – Arrangements for assessing risks posed by certain offenders  
<http://www.legislation.gov.uk/ukpga/2003/44/section/325>

### **The Children Act 1989**

Sections 17 – Provision of services for children in need, their families and others  
<http://www.legislation.gov.uk/ukpga/1989/41/section/17>

Section 27 – Co-operation between authorities  
<http://www.legislation.gov.uk/ukpga/1989/41/section/27>

Section 47 – Local authority's duty to investigate  
<http://www.legislation.gov.uk/ukpga/1989/41/section/47>

Schedule 2 – Local authority support for children and families  
<http://www.legislation.gov.uk/ukpga/1989/41/schedule/2>

### **The Children Act 2004**

Section 10 – Co-operation to improve well-being  
<http://www.legislation.gov.uk/ukpga/2004/31/section/10>

Section 11 – Arrangements to safeguard and promote welfare

<http://www.legislation.gov.uk/ukpga/2004/31/section/11>

### **Children (Leaving Care) Act 2000**

Section 2 – Additional functions of local authorities in respect of certain children

<http://www.legislation.gov.uk/ukpga/2000/35/section/2>

### **Protection of Children Act 1999**

Section 1 – Duty of Secretary of State to keep list

[http://www.legislation.gov.uk/ukpga/1999/14/pdfs/ukpga\\_19990014\\_en.pdf](http://www.legislation.gov.uk/ukpga/1999/14/pdfs/ukpga_19990014_en.pdf)

### **Education Act 1996**

Section 13 – General responsibility for education

<http://www.legislation.gov.uk/ukpga/1996/56/section/13>

Section 408 – Provision of information

<http://www.legislation.gov.uk/ukpga/1996/56/section/408>

Section 434(4) – Registration of pupils

<http://www.legislation.gov.uk/ukpga/1996/56/section/434>

### **Education Act 2002**

Section 175 – Duties of LEAs and governing bodies in relation to welfare of children

<http://www.legislation.gov.uk/ukpga/2002/32/section/175>

Section 21 – General responsibility for conduct of school

<http://www.legislation.gov.uk/ukpga/2002/32/section/21>

### **Education (SEN) Regulations 2001**

Regulation 6 – Notices relating to assessment

<http://www.legislation.gov.uk/uksi/2001/3455/regulation/6/made>

Regulation 18 – Reviews of statements

<http://www.legislation.gov.uk/uksi/2001/3455/regulation/18/made>

### **Education (Pupil Information) Regulations 2005**

Section 5(5) – Disclosure of curricular and educational records

<http://www.legislation.gov.uk/uksi/2005/1437/regulation/5/made>

### **Learning and Skills Act 2000**

Section 114 – Provision of services

<http://www.legislation.gov.uk/ukpga/2000/21/section/114>

Section 115 – Consultation and coordination

<http://www.legislation.gov.uk/ukpga/2000/21/section/115>

Section 117 – Educational institutions: information and access

<http://www.legislation.gov.uk/ukpga/2000/21/section/117>

Section 119 – Information: supply by Secretary of State

<http://www.legislation.gov.uk/ukpga/2000/21/section/119>

### **National Health Service Act 1977**

Section 2 – Secretary of State’s general power as to services

<http://www.legislation.gov.uk/ukpga/1977/49/section/2>

Section 22 – Co-operation between health authorities and local authorities

<http://www.legislation.gov.uk/ukpga/1977/49/section/22>

### **Health Act 1999**

Section 27 – Co-operation between NHS bodies and local authorities

<http://www.legislation.gov.uk/ukpga/1999/8/section/27>

### **National Health Service and Community Care Act 1990**

Provision of accommodation and welfare services

<http://www.legislation.gov.uk/ukpga/1990/19/part/III>

### **National Health Service Act 2006**

Section 82 – Co-operation between NHS bodies and local authorities

<http://www.legislation.gov.uk/ukpga/2006/41/section/82>

### **National Audit Act 1983**

Section 8 – Right to obtain documents and information

<http://www.legislation.gov.uk/ukpga/1983/44/section/8>

### **Civil Contingencies Act 2004**

Part 1 – Local arrangements for civil protection

<http://www.legislation.gov.uk/ukpga/2004/36/part/1>

Part 2 – Emergency powers

<http://www.legislation.gov.uk/ukpga/2004/36/part/2>

### **Caldicott**

Report on the review of patient-identifiable information

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationspolicyandGuidance/DH\\_4068403](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationspolicyandGuidance/DH_4068403)

### **Mental Capacity Act 2005 Code of Practice**

Chapter 4 – How does the Act define a person’s capacity to make a decision and how should capacity be assessed?

<http://www.justice.gov.uk/downloads/protecting-the-vulnerable/mca/mca-code-practice-0509.pdf>

### **Every child matters**

Every Child Matters: Change for Children

<https://www.education.gov.uk/publications/eOrderingDownload/DfES10812004.pdf>

### **Safeguarding**

Safeguarding Children in Education (DfES 2004)

<https://www.education.gov.uk/publications/eOrderingDownload/DfES-0027-2004.pdf>

Further detail regarding the above legislation and additional guidance can be found at the following link:

<http://www.staffordshire.gov.uk/community/InfoShare/Guidance/LegislationGuidance.pdf>

## Appendix C

### **Conditions of Consent**

#### **1. When to obtain consent**

1.1 Principle 1 of the Data Protection Act 1998 says that organisations have to satisfy one or more of the conditions outlined in schedule 2 of the Act in order to legitimise their processing of personal data, unless an exemption applies. In addition to this, organisations processing sensitive personal data, i.e. information relating to a person's physical or mental health, will also need to satisfy a schedule 3 condition.

Consent is one of the schedule 2 conditions (this must be explicit consent for schedule 3) that the Act provides to legitimise processing.

1.2 Although consent will provide a basis on which organisations can share personal data, it is not always achievable or even desirable and therefore organisations should consider which condition is most appropriate to the sharing that will be taking place. It is bad practice to offer individuals a choice if the sharing is going to take place regardless of their wishes, i.e. where it is required by statute.

1.3 The Information Commissioner's Office has provided that consent and explicit consent is most likely to be required when:

- Confidential or particularly sensitive information is going to be shared without a clear legal basis for doing so;
- The individual would be likely to object if the data was shared without their consent;
- The sharing is likely to have a significant impact on an individual or group of individuals.

1.4 It will be the decision of the sharing Partners to identify which schedule 2 and, where necessary, schedule 3 conditions will be relied upon for a particular sharing practice. Where that condition is consent Partners must be sure that individuals know exactly what information sharing they are consenting to and understand the implications for them. They must have genuine control over whether or not the data sharing takes place.

1.5 In the past consent has often either been assumed or implied which has made it very difficult to prove if it was actually given when things have gone wrong. For this reason, where consent is required it is almost always recommended that it should be explicit.

#### **2. Valid consent**

2.1 Consent is defined in the European Data Protection Directive as: 'any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed'.

2.2 For consent to be valid and informed, the person concerned must:

- Not be acting under duress ([see paragraph 2.3](#));
- Have received sufficient information to make a decision ([see paragraph 2.4](#));
- Actively signify agreement; and
- Have the capacity to make the decision ([see paragraph 3](#)).

2.3 Consent must be given voluntarily and freely without any pressure or undue influence being exerted on the person by either those seeking consent or family and friends of the person whose consent is being sought.

2.4 Partners must ensure that the person concerned understands:

- In broad terms why their information needs to be shared;
- What type of information may be involved in the sharing; and
- Who that information may be shared with.

2.5 The person should also be advised of their rights with regard to their information, namely:

- The right to withhold their consent
- The right to place restrictions on the use of their information
- The right to withdraw their consent at any time
- The right to have access to their records

2.6 As well as discussing consent with the person, it is good practice to provide the person with information in written form, in an appropriate format i.e. language, Braille.

2.7 The key criterion that must be satisfied when obtaining consent is that the person concerned should be 'mentally and emotionally capable of giving informed consent of their own free will'.

### **3. Capacity**

3.1 For a person to have capacity to provide consent they must be able to comprehend and retain the information material to the decision and must be able to consider this information in the decision making process.

3.2 There is a general assumption that individuals aged 16 and under are considered not to have sufficient understanding to provide consent for themselves and where consent is required in these circumstances, it will usually be sought from someone with parental responsibility. However this is not always the case and there will be circumstances where some individuals under 16 will be able to provide valid and informed consent.

3.3 Following the case of *Gillick v West Norfolk and Wisbech AHA* [1986] AC 122, the courts held that young people (below the age of 16) who have sufficient understanding and intelligence to enable them to understand fully what is involved, will also have capacity to consent.

3.4 It should be seen as good practice to involve the parent(s) of the young person in the consent process, unless this is against the wishes of the young person.

3.5 The Children Act 1989 sets out persons who may have parental responsibility, these include:

- The child's parents if married to each other at the time of conception or birth;
- The child's mother, but not the father if they were not married, unless the father has acquired parental responsibility via a court order or a parental responsibility agreement, or the couple subsequently marry;
- The child's father, where the parents are unmarried but the father has registered the child with the mother, where the birth has been registered after 1<sup>st</sup> December 2003 (Children Act 1989 S4 (a)1A));
- The child's legally appointed guardian;

- A person in whose favour the court has made a residence order in respect of the child;
- A local authority designated in a care order in respect of the child;
- A local authority or other authorised person who holds an emergency protection order in respect of the child.

It should be noted that foster carers or guardians do not automatically have parental responsibility.

3.6 Individuals aged 16 and over are considered to have sufficient understanding in order to provide consent however this will not necessarily always be the case. In circumstances where the individual is considered not capable of providing consent, it will usually be sought from someone acting on behalf of the individual in their best interests.

3.7 The Mental Capacity Act 2005 provides the legal framework for acting and decision-making on behalf of individuals aged 16 and over who lack the mental capacity to make decisions on their own behalf.

3.8 Section 1 of the Act sets out the five 'statutory principles' which are the values that underpin the Acts requirements. The principles are as follows:

1. A person must be assumed to have capacity unless it is established that they lack capacity.
2. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
3. A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

3.9 The Act is intended to be enabling and supportive of people who lack capacity, not restrictive or controlling of their lives. The underlying philosophy of the Act is to ensure that any decision made, or action taken, is made in the best interests of the individual.

3.10 The BMA has published guidance on the assessment of capacity.

#### **4. Obtained and recorded consent**

4.1 In order for consent to be obtained lawfully it is essential that all persons who may be expected to obtain consent for the sharing of personal information receive appropriate training, and that under normal circumstances only those employees who have received training and been approved by management, should seek consent.

4.2 Consent may be given verbally, non-verbally or in writing. In order to avoid any confusion or misunderstanding at later date, non-verbal and verbal consent should be witnessed and the details of the witness recorded.



4.3 All agencies should have in place a means by which an individual, or their guardian/representative, can record their explicit consent to personal information being disclosed and any limitations, if any, they wish to place on that disclosure.

4.4 The consent form should indicate the following:

- Details of the agency and person obtaining consent
- Details of the person whose personal details may/will be shared
- The purpose for the sharing of the personal information
- The type of personal information that will be shared
- Details of any sensitive information that will be shared
- The organisation(s) with whom the personal information may/will be shared
- Any time limit on the use of the consent
- The right to withhold their consent
- Any limits on disclosure of personal information, as specified by the individual
- The right to withdraw their consent at any time
- The right to have access to their records
- Details of the supporting information given to the individual
- Details of the person (guardian/representative) giving consent where appropriate

A 'Consent form template' and 'Consent checklist' can be found at the following link: [Consent form template](#).

4.5 The agency obtaining consent will:

- a) securely retain the consent form on the individual's file/record and record any relevant information on any electronic systems used; and
- b) provide the individual or their guardian/representative, having signed the consent, a copy for their retention.

## **5. Expiry of consent**

5.1 In general once a person has given consent, that consent may remain valid for an indefinite duration, unless the person subsequently withdraws that consent.

5.2 For the purpose of this Protocol the consent duration should be time limited to the specific 'piece of work' that is being proposed.

5.3 It should be considered good practice to seek 'fresh' consent once the original piece of work is completed or there are significant changes in the circumstances of the person or the work being undertaken.

## **6. Refusal and withdrawal of consent**

6.1 If a person makes a voluntary and informed decision to refuse consent for their personal information to be shared, this decision must be respected unless there are sound legal grounds for not doing so.

6.2 A person, having given their consent, is entitled at any time to subsequently withdraw that consent. Like refusals, their wishes must be respected unless there are sound legal grounds for not doing so.

6.3 Partner agencies should remember that it is bad practice to offer individuals a choice if the sharing is going to take place regardless of their wishes, i.e. where it is required by statute.

6.4 If a person refuses or withdraws consent the consequences of doing so should be explained to them but care must be exercised not to place the person under any undue pressure.

## 7. Disclosing with consent

7.1 Only staff that have been authorised to do so should disclose personal information about an individual service user.

7.2 Prior to disclosing personal information about an individual, the authorised member of staff should check the individual's file/record in order to ascertain:

- That consent to disclose has been given;
- The consent is applicable for the current situation; and
- Any restrictions that have been identified by the individual.

7.3 Upon the first instance of disclosure with regards to a particular sharing situation, the Partner making the disclosure should forward a copy of the individual's consent form to the receiving Partner.

7.4 Sharing of personal information will be carried out in line with the process outlined in [section 4](#) of the Protocol (process for sharing) and in accordance with any agreed individual Information Sharing Agreement.

7.5 Where personal information has been disclosed to another agency, a record of that disclosure should be made on the individual's file/record, this should include:

- a) The date the information was disclosed
- b) Details of who made the disclosure
- c) Details of what information was disclosed
- d) Details of who the disclosure was made to
- e) Details of how the disclosure was made

7.6 Where a disclosure is made with consent the providing, and recipient, agency should have procedures in place to record information provided/received in line with [paragraph 4.10](#) of the Protocol:

- The date the information was requested
- Details of the person(s) that made the request
- Details of the information requested
- The personal details of the person(s) who is the subject of the information
- Any restrictions placed on the information that has been provided i.e. 'not to be disclosed to the service user'
- Details of the person that authorised the disclosure
- The grounds for disclosing
- Whether consent has been sought and received
- Details of the information provided/received
- The date the information was provided/received

A 'Request for Disclosure form' and Decision to Disclose form' can be found at the following links: [Request for Disclosure form](#) – [Decision to Disclose form](#).

## 8. Disclosing without consent

8.1 Disclosure of personal information without consent must be justifiable where other statutory conditions, or the criterion for claiming an exemption under the Data Protection Act, can be met. Without such justification both the agency and the

member of staff expose themselves to the risk of prosecution, liability to a compensation order under the Data Protection Act or damages for a breach of the Human Rights Act.

8.2 All agencies who are party to this Protocol should set in place policies and procedures that deal specifically with the sharing of information in emergency situations e.g. major disaster.

8.3 Agencies should designate a person who has the knowledge and authority to take responsibility for making decisions on disclosure without consent. This person should hold sufficient seniority within the agency with influence on policies and procedures. Within the health and social care agencies it is expected that this person will be the Caldicott Guardian.

8.4 Where personal information has been disclosed to another agency without consent, a record of that disclosure should be made on the individual's file/record, this should include:

- a) The date the information was disclosed
- b) Details of who made the disclosure
- c) Details of what information was disclosed
- d) Details of who the disclosure was made to
- e) Details of how the disclosure was made

8.5 Where a disclosure is made without consent the providing, and recipient, agency should have procedures in place to record information provided/received in line with [paragraph 4.10](#) of the Protocol:

- The date the information was requested
- Details of the person(s) that made the request
- Details of the information requested
- The personal details of the person(s) who is the subject of the information
- Any restrictions placed on the information that has been provided i.e. 'not to be disclosed to the service user'
- Details of the person that authorised the disclosure
- The grounds for disclosing
- Whether consent has been sought and received
- Details of the information provided/received
- The date the information was provided/received

A 'Request for Disclosure form' and 'Decision to Disclose form' can be found at the following links: [Request for Disclosure form](#) – [Decision to Disclose form](#).

8.6 It is essential that all agencies who are party to the Protocol have policies and procedures in place governing who may disclose personal information and that those policies/procedures are communicated to all of their employees.

## Appendix D

### ***Information Sharing Agreement***

In order to maintain a consistent approach, all agencies who are party to the One Staffordshire Information Sharing Protocol will ensure that any Individual Information Sharing Agreements contain the following information:-

- Basis for sharing – legal powers, processing conditions and fairness;
- Purpose(s) of the sharing;
- Data to be shared;
- Recipients or types of recipients;
- Data quality – accuracy, relevance, compatibility, usability, etc;
- Retention and destruction;
- Rights of the data subject – Subject Access Requests, Freedom of Information requests, queries and complaints;
- Security arrangements;
- Sanctions for failure to comply and/or staff breaches
- Review of effectiveness; and
- Termination of Agreement.

All Individual Information Sharing Agreements will be approved by the respective Designated Liaison Officer nominated within each agency (see [paragraph 3.6](#)).

Where Information Sharing Agreements exist between agencies prior to signing up to the One Staffordshire Information Sharing Protocol, such Agreements will remain valid. However, those Agreements should be reviewed and if necessary brought into line with the One Staffordshire Information Sharing Protocol at the earliest opportunity in order to maintain a consistent approach.

Purposes for sharing data under an individual Information Sharing Agreement may be short term in the nature of a joint operation by Partner agencies or medium term to support the ongoing activities of a specific Partner or other group of Partners.

The individual Information Sharing Agreement in relation to a specific operation will be valid for the period of that operation only.

All Information Sharing Agreements will be governed by the principles set out in the One Staffordshire Information Sharing Protocol but each will declare its specifics on the template provided at the following link: [Information Sharing Agreement template](#). Signature, by participants, of the Agreement will imply acceptance of the provisions of all parts of the Protocol.

## Appendix E

### *Fair Processing*

The first principle of the Data Protection Act 1998 requires that personal data is processed fairly. This means that people should generally be aware of which organisations are sharing their personal data as well as what it is being used for.

Fairness also requires that where personal data is shared, that it is reasonable, and that individuals would be likely to expect the sharing and would not reasonably object to it if they were given the opportunity.

The most common method of satisfying the requirement of fairness is to provide the data subject with a Fair Processing Notice or Privacy Notice. In a sharing context, a privacy notice should at least tell a data subject:

- Who you are
- Why you are going to share personal data
- Who you are going to share personal data with

Where consent will be obtained in order to satisfy a schedule 2 and, where necessary, schedule 3 condition a Fair Processing Notice should be provided to the data subject at the same time.

Where any of the other conditions are being relied on, a Fair Processing Notice should be provided to the data subject either:

- At the time the personal data is collected; or
- As soon as possible after deciding to share, where the information is already held by the organisation.

Responsibility for providing a Fair Processing Notice generally falls to the organisation that collected the data originally; however it is good practice for all Partners that are involved in sharing to ensure that individuals remain aware of who has their personal data and what it is being used for.

There are exceptions to the requirement to satisfy fairness, i.e. where the processing is in connection with the prevention and detection of a crime or the apprehension and prosecution of offenders, in which case sharing can be carried out without informing the data subject. Processing in these circumstances must still meet the conditions outlined in schedule 2, and where necessary, schedule 3 of the Act.

A 'Fair Processing Notice template' can be found at the following link: [Fair Processing Notice template](#).

## **Appendix F**

### ***Individual Information Sharing Agreements***

Additional information – Youth Offending Teams

[Additional Information - Youth Offending Teams](#)

Safer Estates Agreement

[Safer Estates Agreement](#)

Anti-Social Behaviour Orders

[Anti-Social Behaviour Orders](#)

Newcastle Safer Communities Partnership Anti-Social Behaviour information  
exchange – Secure Web Portal

[Newcastle Secure Web Portal](#)

Patchwork

[Patchwork Agreement](#)

Safer Schools Partnership

[Safer Schools Partnership](#)



## Appendix G

### *Information Sharing Protocol templates*

Consent form template <a href="#">Consent form template</a>	(Addition to Appendix C)
Request for Disclosure form <a href="#">Request for Disclosure form</a>	(Addition to Appendix D)
Decision to Disclose form <a href="#">Decision to Disclose form</a>	(Addition to Appendix D)
Confidentiality Agreement template <a href="#">Confidentiality Agreement template</a>	(Addition to Appendix D)
Information Sharing Agreement template <a href="#">Information Sharing Agreement template</a>	(Addition to Appendix D)
Fair Processing Notice template <a href="#">Fair Processing Notice template</a>	(Addition to Appendix E)