

## Data Sharing Policy

Draft Policy to Staff:	May 2018	Agreed by Governors:	May 2018
Draft Policy to Governors:	May 2018	Review Date:	May 2019

## Rationale

Information sharing is key to delivering a better more efficient service which is coordinated around the needs of the individual. The school understands that it is most important that people remain confident that their personal information is kept safe and secure and that practitioners maintain the privacy of the individual, whilst sharing information to deliver a better service. It is therefore important that practitioners can share information appropriately as part of their day-to day practice and do so confidently.

## Aim

The aim of this policy is to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved service. This policy should be especially useful to support early intervention and preventative work where decisions about information sharing may be less clear than in safeguarding or child protection situations. South Shields School adopts the South Tyneside LEA Freedom of Information policy.

## Who is this guidance for?

The guidance is for staff including voluntary staff and governors who have to make decisions about sharing personal information on a case-by-case basis. This includes front line staff working in our school. The guidance is also for managers and advisors who support in their decision-making and for others with responsibility for handling and managing information.

## Seven Golden Rules for information sharing

1. Remember that the Data Protection Act is not a barrier to sharing information, but provides a framework to ensure that personal information about living persons is shared appropriately
2. Be open and honest with the person (and their family where appropriate) from the outset and about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice if you are in doubt, without disclosing the identity of the person where possible.
4. Share with consent where appropriate and, where possible respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest.
5. Consider safety and well-being. Base your information sharing decisions on considerations of the safety and well-being of the persons on considerations of the safety and well-being of the person and others who may be affected by their actions.

6. Necessary, proportionate, relevant accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely
7. Keep a record of your decision and the reasons for it. Record what you have shared and with whom and for what purpose.

## **Decision Making**

To inform your decision making this section sets out further information in the form of seven key questions about information sharing:

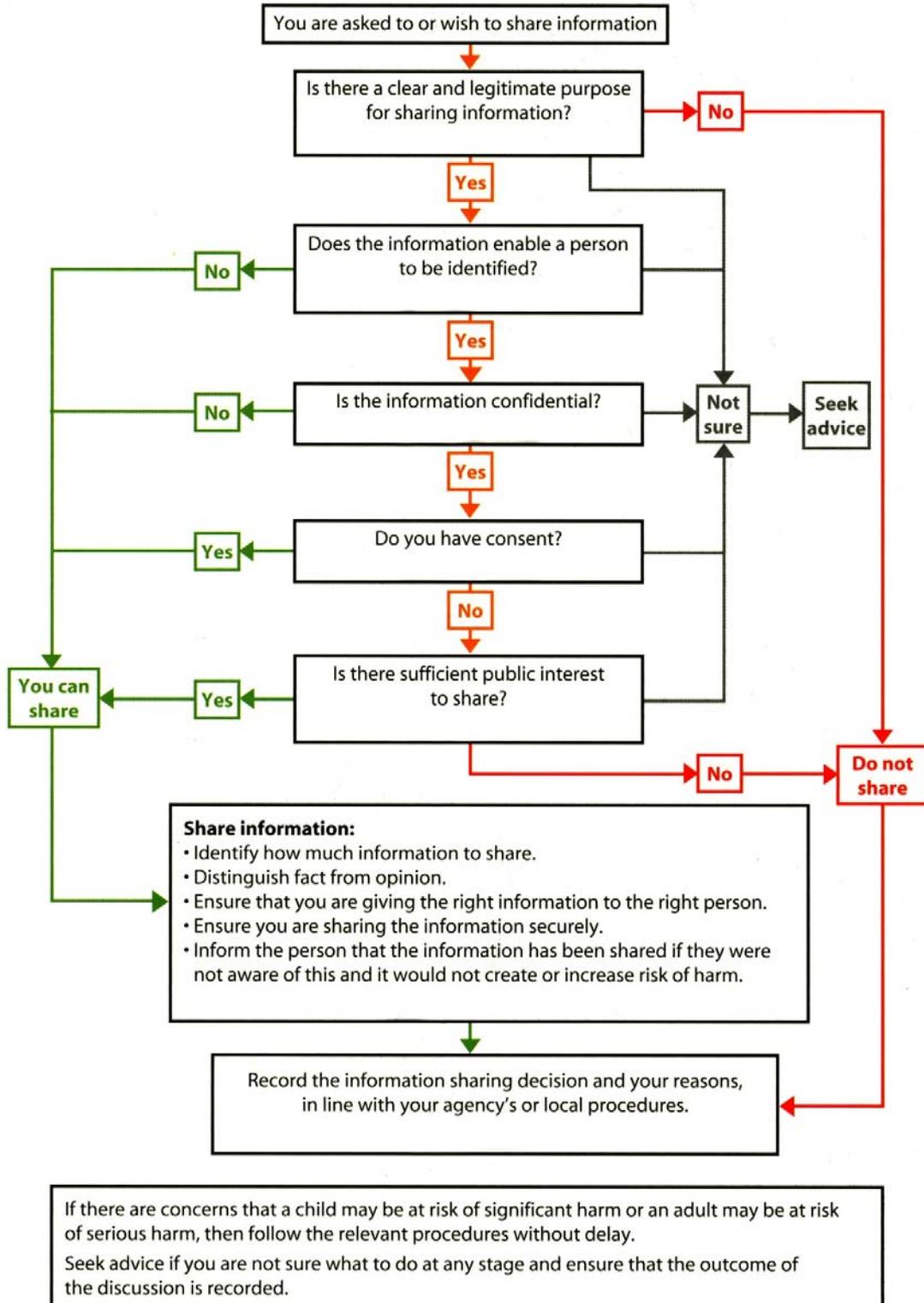
If you are asked, or wish to share information, you must use your professional judgement to decide whether to share or not and what information it is appropriate to share, unless there is a statutory duty or a court order.

- a) Is there a clear legitimate purpose for you to share the information?
- b) Does the information enable a living person to be identified?
- c) Is the information confidential?
- d) If the information is confidential, do you have consent to share?
- e) If consent is refused, or there are good reasons not to seek consent to share confidential information, is there a sufficient public interest to share the information?
- f) If the decision is to share, are you sharing information appropriately and securely?
- g) Have you properly recorded your information sharing decision?

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Guidance

Flowchart of key questions for information sharing



## Guidance for obtaining consent at South Shields School

South Shields School will send out annually to parents our information sharing document which clearly states who we share information with and why. An example of an information sharing partner would be Careers Service. Parents are invited to attend a meeting with the head of year if they decide to opt out of agreeing for their child's information to be shared with our agreed partners. A list of students who have been 'opted out' will be held centrally on the data base and be removed from any data sharing with our partners.

Where parental consent is required, the consent of one person is sufficient. In situations where family members are in conflict, consideration should be given as to whose consent should be sought, if in case of parental separation, the parent with whom the child resides is the person who would provide consent. If a care order is in force, the local authority will share parental responsibility. It is good practice to seek consent from adults where possible, however, all people over the age of 16 are presumed in law to have the capacity to give or withhold their consent to sharing confidential information.

## When consent should not be sought

There will be some circumstances where you should not seek consent from the individual or their family, or inform them that the information will be shared. For example, if doing so would:

- Place a person (the individual, family member or yourself or a third party) at increased risk or significant harm
- Prejudice the prevention, detection or prosecution of a serious crime
- Lead to an unjustified delay in making enquiries about allegations of significant harm to a child or serious harm to an adult
- You should not seek consent when you are required by law to share information through a statutory duty or court order.
- Sharing information appropriately and securely

Information should be shared in a proper and timely way, those staff who have reason to share data should do so in accordance with the Data protection Act 1998 and ensure that they:

- Share only the information necessary for the purpose for which it is being shared
- Understand the limits of any consent given
- Distinguish clearly between fact and opinion
- Share information only with the person or people who need to know
- Check that the information is accurate and up to date

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Share it in a secure way, for example, confirm the identity of the person you are talking to, ensure that a conversation or phone call cannot be overheard, use secure email, ensure that the intended person will be on hand to receive a confidential fax

Establish with the recipient whether they intend to pass it on to other people, and ensure they understand the limits of any consent that has been given.

Inform the person to whom the information related and , if different any other person who provided the information, if you have not done so already and it is safe to do so

Further details of who we are and what we do is available on the school website in the guidance document Information Sharing.

Complaints regarding information sharing received by the school will be reported to the governors behavior and environment committee termly.

### **Key sources of further guidance**

[www.ecm.gov.uk/information sharing](http://www.ecm.gov.uk/information%20sharing)

ICO guidance for organisations on Data Protection Act

[www.ico.gov.uk/home/for\\_organisations/data\\_protection\\_guide.aspx](http://www.ico.gov.uk/home/for_organisations/data_protection_guide.aspx)

Data protection act 1998 [www.dh.gov.uk/en/publicationsandstatistics/publications/publicationslegislation](http://www.dh.gov.uk/en/publicationsandstatistics/publications/publicationslegislation)

Sharing personal and sensitive information on children and young people [www.yjb.gov.uk/publications](http://www.yjb.gov.uk/publications)

### **Impact of the policy**

The governors Behaviour and Safety Committee will receive information termly regarding requests made to the school in relation sharing of information.