Information Sharing Protocol

Introduction

This protocol sets out the arrangements for the sharing of sensitive information by the London Borough of Bromley (LBB) and its partners.

Who is this protocol for?

This protocol is for third party organisations that comprise the Borough Officers Group.

The objectives of the protocol

This protocol supersedes existing information sharing protocols (ISP) and ad-hoc arrangements. The objectives behind this document are:

- to provide a framework for the sharing of information that is consistent, secure and appropriate
- to ensure signatories have an approved framework to share sensitive information and help deliver service improvements to the public
- to have consistency in the handling of sensitive information
- to establish high-level principles for how, why, when and where 'sensitive' information is shared
- to assist each organisation to manage their third-parties within their own existing procedures and processes.

What are the key principles?

In agreeing to comply with the protocol member organisations will:

- nominate a senior representative to attend the board
- work together to follow best practice and improve information sharing
- align their procedures/processes to achieve consistency.

What is the role of the board?

The board's purpose is to improve the way signatory organisations share 'sensitive' information. Those attending will act as the lead contact for their organisation and agree commonality in procedures and processes.

What is 'sensitive' information?

'Sensitive' information is as defined within the Data Protection Act.

Scope

This protocol covers all forms of 'sensitive' information held by a partner (and any third-party supplier). Organisations will agree the means and process for the transfer of sensitive information in their own procedures.

Principles

The protocol is intended to ensure compliance with all current legislation including the Data Protection Act, the Human Rights Act, Freedom of Information Act (where applicable) and Caldicott principles. The principles partners will follow are to:

- not keep information longer than necessary
- use data only for its intended purpose
- agree fair and lawful processing
- share information on a need to know basis
- ensure as far as possible that information held is current and accurate
- handle it securely.

If an organisation is not a signatory to this protocol, it may still follow and comply with its principles. Some cases will override data protection and confidentiality and each organisation should judge a case on its merits.

Approach

Consult	Agree	Deliver
- partners - business areas - appropriate boards - legal - London Councils - PCT/NHS - police - voluntary sector - business areas - informal interviews	- council executive - partners - all partners outline protocol to their third-party suppliers	- partner leads - all staff - all managers

Benefits

- to reduce the risk by staff/managers of inappropriate sharing
- to provide a better understanding of citizens, their needs and the services they require
- to provide a more complete picture of an individual's circumstances, foster joint working and avoid duplication
- to give the public confidence that information entrusted to organisations and that is held about them is kept securely and used appropriately.

Retention

Partners will have existing policies and procedures for the sensitive documents they hold. To share effectively and appropriately it is important that wherever possible there is a consistent, joint approach.

Data quality

Information is held in different formats, whether hard copy or media. It is important to agree standards in the way we share the format of some 'sensitive' information. The partners' joint governance board should agree a consistent approach for this purpose.

Partner responsibility

Each partner will ensure:

- staff are aware of how they should deliver the secure transfer of sensitive information
- a representative on information sharing is known within their organisation
- information requests are treated in accordance with agreed policy
- That staff are adequately trained and familiar with the law, policies and procedures governing the release of information their organisation holds.

Workflow

All staff need to know how to handle confidential and sensitive information. A workflow linked to this protocol is attached as Appendix G.

DPA/FoI requests

These requests will be handled according to each partner's current procedures and processes. However, if the request requires information from a third-party supplier, the appropriate partner will be responsible for feeding back to the requestor

Security of transfer

Each organisation will ensure there is commonality in the safe handling and protective marking of 'sensitive' information based on sensitivity, urgency and risk, and will aim to align appropriate procedures and practices. GCSX and Egress Switch are the respected standards for sharing information securely across organisations

Complaints

A complaint from an individual (or board representative) regarding a partner's handling of 'sensitive' information will initially be investigated within the receiving organisation using existing procedures. Complaints that may need the protocol to be reviewed will require board approval.

Membership

The board will agree and review the organisations that are signatories to it.

Annex A - Legal rights of an individual

- Common Law Duty of Confidentiality
- Caldicott principles
- Data Protection Act 1998
- Equality Act 2010
- Human Rights Act 1998
- Access to Health Records Act 1990
- Freedom of Information Act 2000
- Crime and Disorder Act 1998
- Criminal procedures and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Health and Social Care Act 2001
- Children Act 2004 and the information sharing index

Annex B - Agreement - Information Sharing Protocol

Agreement for ……

This protocol provides the principles for sharing sensitive information related to individuals.

Signatories undertake to:

- agree a representative attends a joint governance board
- agree to align commonality in procedures and processes
- agree to raise staff awareness by issuing guidance to managers/staff.

Signatories

This protocol is signed on behalf of the above partner.

Name (Chief Executive/Director):

Signature:

Date:

Return to:

Rick Thornton, Bromley Council, Stockwell Close, Bromley, BR1 3UH

Annex C - Information Sharing Protocol Board members

Partner	Lead Officer/s	Representative/s
Bromley Council	• Jon Channon (Legal) • Sara Bowrey (Housing) • Helen Stewart (ACS) • Jane Longhurst (ACS) • Rick Thornton (Secretary) • Ailsa Reid-Crawford (CYP)	• Sue Essler (ISD) • Arron Leslie (Audit)
Public health	Mimi Morris-Cotterill	
NHS	Louis Lau	
Bromley Borough Police	Dave Prebble (Chair)	
London Fire	Andrew Holcombe	
Bromley Federation of Housing Associations	Gill Rose	
Community Links Bromley	Diane Diamond	

Annex D - Timelines

March 2012

Board meeting

- Signing of protocol

Annex E - Reference documents

National guidance

- HM Government – Every Child Matters: Information sharing guidance: practitioners and managers
- Information Commissioner's Office - Data sharing between different local authority departments
- NHS Records Management
- ISO/IEC 27002
- Ministry of Justice - Public Sector Data Sharing: Guidance on the Law
- Department of Work and Pensions - Guidance on the use of social security data (Housing Benefit Team)
- Reviewed by the former Department for Children, Schools and Families (now Department for Education)

Regional guidance

- General
  - Kent County Council - Overarching policy for sharing personal Information between organisations
  - London Councils – Pan-London information sharing protocol (website)
- Health
  - East London Health and Social Care Inter Organisational General Protocol for Sharing Information
  - North East - London Information Sharing protocol
  - Oxleas Information sharing policy
  - NHS South East London information sharing protocol
- Housing
  - South East London Housing Partnership - Information Sharing
- Police
  - Bromley's Channel Project Information Sharing Protocol - Targeted interventions under PREVENT as part of the CONTEST strategy

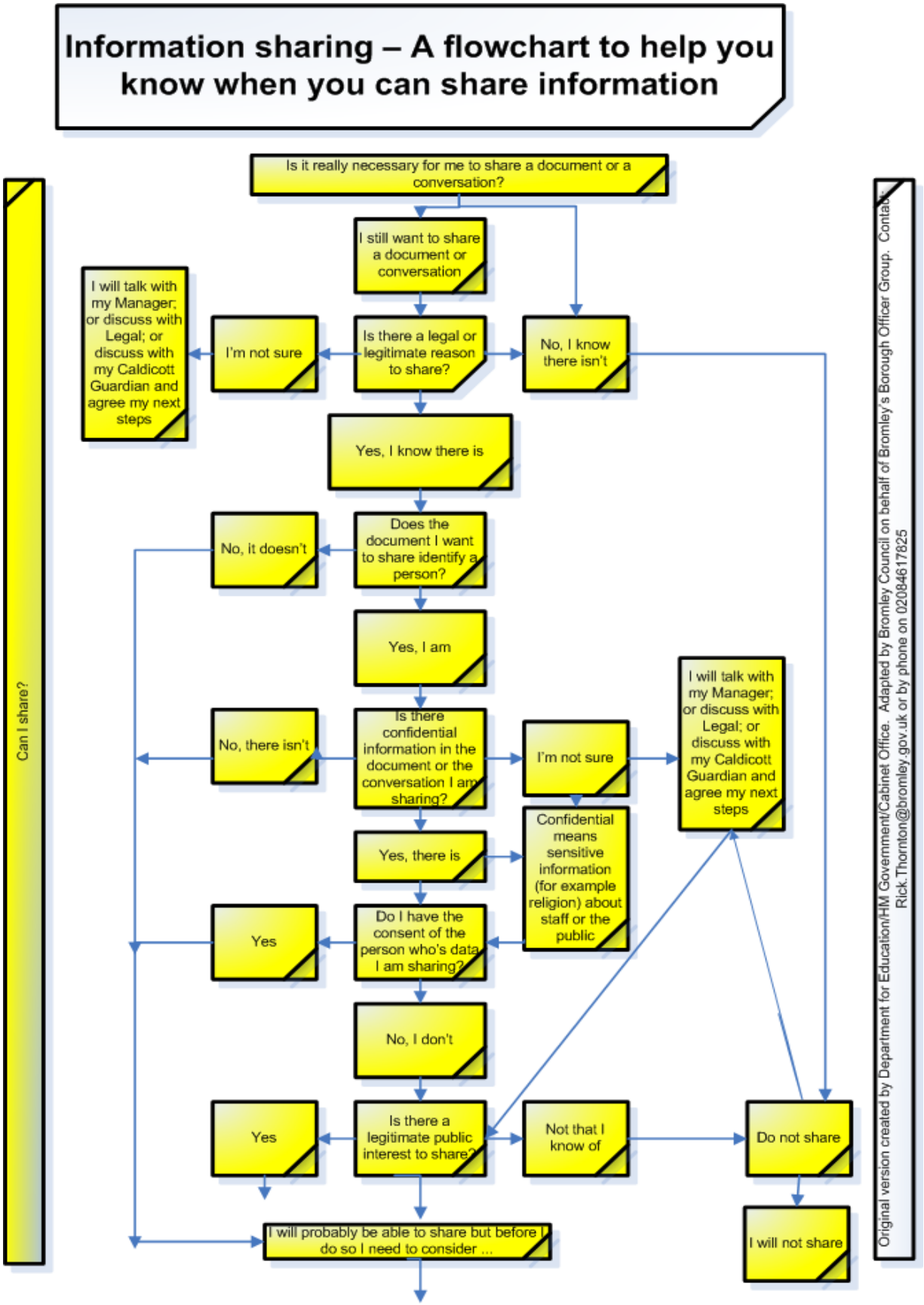
Bromley Council guidance

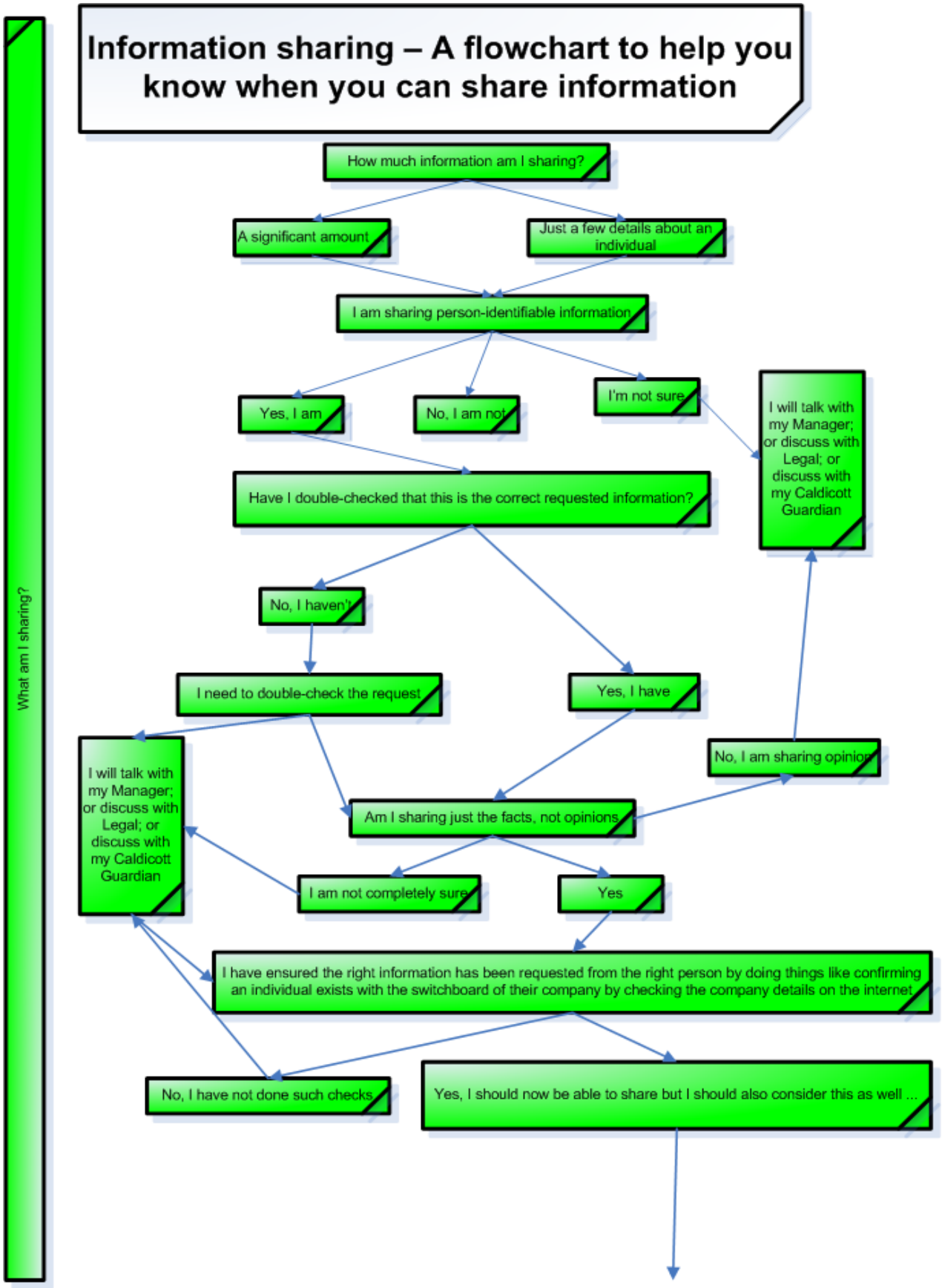
- Bromley Council - Children and Young People - Information sharing
- Bromley Council - Education Welfare Service
- Bromley Council - Families into Employment Information Sharing Protocol
- Bromley Council - Affinity-Sutton Information Sharing Protocol
- Bromley Council - Safer Bromley Partnership
- South London Healthcare, NHS Trust – Information sharing protocol

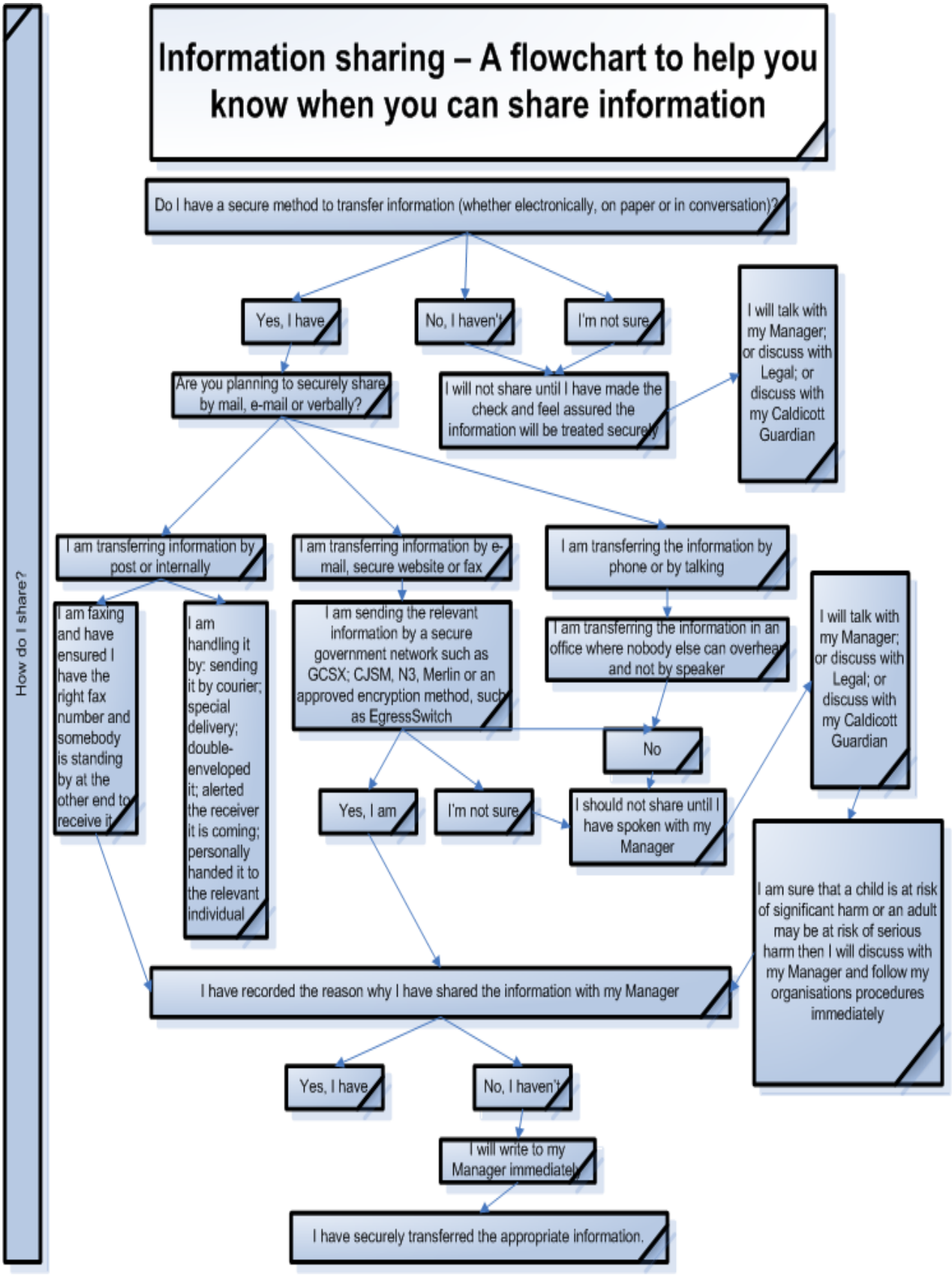
Annex F - Glossary

Borough Officers Group	A grouping of individual partners who are the senior representatives for their organisations
Caldicott Guardian	This is a senior individual responsible for protecting the confidentiality of patient/service user information and an individual who enables appropriate information sharing. The Guardian plays a key role to ensure that the NHS, councils with social services responsibilities and partners satisfy the highest standards for handling patient identifiable information
Data Protection Act	It is the 1998 act for processing data on identifiable living people and governs the protection of personal data
Freedom of Information	This act (2005) gives the public the legal right to be provided with information held by a public authority (subject to exemptions)
Local strategic partnership	This was a grouping of public, private, business, community and voluntary sectors to collectively support each other and work together for the public good. The group has evolved into the "Borough Officer Group" with the Information Sharing Protocol Board feeding into the Group (see above)
Retention and disposal	Various schemes exist, for example councils usually use the Local Government Classification and Retention Scheme while the NHS use procedures outlined by the Department of Health
Information governance	This is a framework for handling 'sensitive' information to ethical and quality standards set by the heath sector
Information management	This is the means by which organisations aim to maximise efficiency through planning, collecting, organising, using, controlling, storing and disposing of their information
Information assurance	This is the practice of managing risks related to the use, processing, storage, transmission and systems of information
Information sharing	This is about providing the key principles of trust between diverse organisations with the aim to improve delivery
ISO/IEC 27002	A code of practice to improve information security. It was created by the International Organisation for Standardisation and International Electrotechnical Commission
Security classification	This ensures only those who need to know have access to particular documents.

Annex G - Workflow




Information sharing – A flowchart to help you know when you can share information
What am I sharing?
How much information am I sharing?
A significant amount
Just a few details about an individual
I am sharing person-identifiable information
Yes, I am
No, I am not
I'm not sure
I will talk with my Manager; or discuss with Legal; or discuss with my Caldicott Guardian
Have I double-checked that this is the correct requested information?
No, I haven't
I need to double-check the request
Yes, I have
No, I am sharing opinion
I will talk with my Manager; or discuss with Legal; or discuss with my Caldicott Guardian
Am I sharing just the facts, not opinions
I am not completely sure
Yes
I have ensured the right information has been requested from the right person by doing things like confirming an individual exists with the switchboard of their company by checking the company details on the internet
No, I have not done such checks
Yes, I should now be able to share but I should also consider this as well ...


How do I share?
Information sharing – A flowchart to help you know when you can share information
Do I have a secure method to transfer information (whether electronically, on paper or in conversation)?
Yes, I have
No, I haven't
I'm not sure
I will talk with my Manager; or discuss with Legal; or discuss with my Caldicott Guardian
Are you planning to securely share by mail, e-mail or verbally?
I will not share until I have made the check and feel assured the information will be treated securely
I am transferring information by post or internally
I am transferring information by e-mail, secure website or fax
I am transferring the information by phone or by talking
I am faxing and have ensured I have the right fax number and somebody is standing by at the other end to receive it
I am handling it by: sending it by courier; special delivery; double-enveloped it; alerted the receiver it is coming; personally handed it to the relevant individual
I am sending the relevant information by a secure government network such as GCSX; CJSM, N3, Merlin or an approved encryption method, such as EgressSwitch
I am transferring the information in an office where nobody else can overhear and not by speaker
I will talk with my Manager; or discuss with Legal; or discuss with my Caldicott Guardian
No
Yes, I am
I'm not sure
I should not share until I have spoken with my Manager
I am sure that a child is at risk of significant harm or an adult may be at risk of serious harm then I will discuss with my Manager and follow my organisations procedures immediately
I have recorded the reason why I have shared the information with my Manager
Yes, I have
No, I haven't
I will write to my Manager immediately
I have securely transferred the appropriate information.