

**NORTH WEST AND PARTNERS  
INFORMATION SHARING CODE OF  
PRACTICE**

**Template for Information Sharing Code of  
Practice  
Operational Guidance for Staff**

**(Tier 2)**

2011

## 1. Tiered Framework of the Information Sharing Code of Practice

This Overarching Standard for Information Sharing is designed to be used in conjunction with a set of documents within a Tiered Structure. The structure is designed to provide a framework for the secure and confidential sharing of information between the partner organisations that contribute to the wellbeing of residents and ensuring disclosure is in line with statutory requirements.

Information may be stored in many different formats such as, physical, electronic, audio or video.

There are 3 main tiers to the structure.-

- **Tier Zero-** This is a document signed by a Chief Executive of an organisation agreeing in principle to share information responsibly. The names of all agencies in agreement are listed and can be added to as more agencies become involved. Organisations should, if possible, place copies of tier 0 and tier 1, and a list of partner organisations, on their internet sites to reassure the public of their commitment to sharing responsibly. If not this Tier 0 document, a document similar to a Tier 0 document must be signed by the Chief Executive of all organisations wishing to take part. Only one Tier 0 document need be signed by the Chief Executive for any number of Tier 2 documents agreed beneath it.
- **Tier One-** This is an overarching standard outlining the agreed procedures for sharing information. It is this document which sets the standards for obtaining, recording, holding, using and sharing of information.
  - Outlines the supporting legislation, guidelines and documents which govern information sharing between partner organisations
- **Tier Two-** This gives guidance to operational practitioners on the production of a protocol for the safe sharing of information. These protocols should show what information should be shared and how and under what circumstances and by whom, and should be tailored to individual partnerships. This document will require authorisation of the participating partnership organisations.

A copy of this document should be lodged with the Information Governance section.

Guidance would suggest that the following are included -

- Fair processing notices,
- Consent leaflets,
- Social Care Record Guarantee,
- Confidentiality statement,
- Subject access
- Privacy Impact Assessment

This Code of Practice is designed to simplify and strengthen the sharing of information between partner organisations in the North West, along with other partners which border the geographical area and with whom we may share information.

## **Tier 2 Information Sharing Code of Practice Guidance**

### **2. Introduction**

The Government 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 better services. It is therefore important that practitioners can share information appropriately as part of their day-to-day practice and do so confidently.

The Data Protection Act 1998 is not a barrier to sharing information but provides a framework to ensure that personal information is shared appropriately.

SOLACE (Society of Local Authority Chief Executives) advise:

- Keep information safe and accurate - prevent leakages, respect the citizen's preferences for how it is used and retain sound and appropriate records.
- Share and exploit information - exploit for better services, adopt new practices, share information with partners, gain value for money and continuous improvements against targets.

This template contains general guidance and descriptions of what an Information Sharing Protocol needs to contain. There are 10 areas which need to be covered. You can either cover each topic individually or you may find that with your particular document you are able to cover more than one topic in each section.

You may also find that there are issues which you want to include but are not specified in this document, in which case you should go ahead and include anything which you feel is relevant and lawful.

Some examples of suitable text are given although it is not possible to do this for the major part of the document as each new protocol is individual and specific to the project.

It is advised that you look at the other tiers in the framework before embarking on the creation of your Information Sharing Protocol as a substantial amount of information is included in the other documents and time can be saved by not repeating any the text but by referring to the other tiers.

Prior to implementing any joint working arrangement it may be appropriate to perform a short Privacy Impact Assessment (PIA). If you need further information regarding this you can find information from your Information Governance Group.

Your Information Sharing Tier 2 Document should relate to the following:-

### **3. Introduction**

You should begin your Tier 2 document with a general explanation of why you need to share information for your specific purpose / project. This explanation should include:

- a. Who are the organisations who are party to the agreement?
- b. Why do you want to share? Purpose of Information Sharing
- c. What will the benefits of sharing?
- d. What information do you need to share?
- e. Statutory duties to share, restrictions on sharing - is this partnership as a direct result of legislation or government initiative?
- f. Whether confidential or sensitive information is to be shared – list specifically what data is intended to be shared
- g. Alternatives to sharing personal information
- h. What are the consequences of not sharing information
- i. You should include who will be affected by the agreement. Will it be children, older people, people living in a particular area, people with specific needs etc?
- j. Processes and procedures relating to the practicalities of the particular project can be included in this section of the document or can be added as an appendix. Alternatively the document can refer to a training document or specific available guidance.
- k. Are outside contactors to be used? Contracts need to include confidentiality clause re Information Governance Security requirements.

### **4. Fairness and transparency**

The protocol should say what steps will be taken to tell the public:

- a. what type of information about them may be shared,
- b. who it may be shared with and
- c. the likely consequences of sharing.

This can be done by:

- d. Drafting fair processing notices
- e. Distribute fair processing information – you will need to decide how you are going to do this and ensure that you provide informative, up to date notices (samples available in Appendices to Framework)
- f. Providing further information/dealing with enquiries
- g. How will consent be obtained to share the information?
- h. Providing details regarding circumstances when it may be necessary to share without peoples knowledge or consent

### **Example of suitable text to use**

#### **[4. Commitments to the public given through the Code of Practice](#)**

*The Code of Practice is a sign of commitment and a demonstration to the public about how information is used.*

*When at all possible the public will be informed at first contact of the purpose of collecting information and how it will be stored, used and shared. Consent to share should also be gained at the first suitable opportunity.*

*The partnership organisations will:*

- *Ask for permission to collect and share the public's information.*
- *Explain why they are using the public's information, and will only use it for those purposes.*
- *Explain who will see it and limit access to the citizen's information only to persons who need it.*
- *Collect minimum personal and sensitive information to meet the identified needs of the citizen and not ask for information which is not relevant.*
- *Record and share citizen's needs with partner organisations as appropriate.*
- *Keep information about the citizens as accurate and up-to-date as possible – with the citizen's help.*
- *Respect citizen's rights under the Data Protection Act 1998 – including the citizen's right to see the information which has been recorded about them.*
- *Protect citizen's information with the highest standards of security and confidentiality.*
- *Tell citizens how they can get more information, including:  
How they safeguard their personal information;  
How citizens can check and correct any information they hold;  
How to raise a query or a complaint.*
- *Only keep the information for as long as needed or as required by statute.*
- *There may be occasions when information is shared without consent. In these cases the Data Protection Act 1998 will apply.*

The protocol should document how you intend to inform the service users – at first contact - leaflets – how often the information should be given to them etc.

You may also want to include procedures to be followed should it be decided to share information without consent – risk assessments, documentation of decision etc.

## **5. Information Standards**

It is important that a partnership makes a commitment to maintaining quality information.

The following should be considered when producing your protocol:-

- a. Information Quality – Quality assurance checks
- b. Recording Information – where, under what circumstances, by whom
- c. Relevance
- d. Reviewing information quality
- e. Who will be the data controller

## **6. Retention of shared information**

The Data Protection Act 1998 states that information should only be kept for as long as necessary so the following will need to be considered and documented:-

- a. Retention periods

- b. Reviewing a retention policy
- c. Legal requirements to retain or delete
- d. Deletion and archiving
- e. Retaining information supplied by another organisation
- f. Compliance with each individual organisation's policies

Specify how long data will be retained. Explain that if joint records are being created using the shared information, the retention period must be the longer of the retention periods as required by legislation governing each agency.

If individual organisations already have retention and destruction policies mention them

## **7. Security of shared Information**

It should be made clear that all party organisations should have sufficient levels of security in place and the following should be considered:-

- a. All levels of security –, monitoring access to records
- b. Technical security arrangements – passwords, system restrictions
- c. Organisational security arrangements – making sure public do not have access to fax machines, cannot see notice boards, confidentiality standards, CRB checks
- d. You should consider who is the data controller and associated responsibilities

Security standards are covered in the Tier 1 document which can be referred to in this section.

## **8. Access to personal Information**

People should be informed how they can gain access to their information, your protocol should state how you are going to do this.

Consideration should be given to:-

- a. Helping people get access to their information
- b. Other ways of giving access
- c. Providing all the information – who will be responsible for editing and providing this?

### ***Example of suitable text***

*8. Data Subjects are entitled to know what information we hold about them. If any of their details are wrong, they should tell us and we will correct them.*

*If data subjects would like access to their information they should apply in writing. Applications should be sent to:*

*The Data Protection Officer (Please insert your own lead)  
PO Box 100  
County Hall  
Preston PR1 0LD*

*The relevant organisation is obliged to reply to the request within 40 days.*

## 9. Review

Outline arrangements for who will review the document and how regularly the document should be reviewed should be included in the protocol.

### Example of suitable text

#### *"9. Review and Monitoring of the Tier 2 document*

*The Parties will formally review the Information Sharing Protocol Tier 2 document 3 months, 6 months and 12 months after the commencement of this protocol, and thereafter at least once a year or earlier if requested in writing by either party.*

A template for listing lead officers can be found in the Appendices to the Tiered framework

## 10. Complaints

There should be guidance on how each organisation is to handle complaints which may be against members of a partner agency. There should be a standard approach to handling such complaints.

Named contacts for complaints advice in each agency should be included in this section.

### Example of suitable text

*"Each Partner Organisation will deal with the complaints in accordance with their own procedures which will ensure that:*

- service users are aware that they can complain and of how to go about it;*
- Complaints are resolved at first contact if possible;*
- complaints are acknowledged promptly in writing;*
- the complaint is investigated fairly and thoroughly;*
- service-users are given an appropriate written response;*
- if appropriate the appeals procedures are explained to the service-user.*

## 11. Non Compliance and Partner Disagreement

In the rare event that a dispute arises it should be clear what action should be taken.

### Example of suitable text

*"In the event of a suspected failure within their organisation to comply with this Agreement, Partner Organisations will ensure that an adequate*

- investigation is carried out and recorded. If the Partner Organisation finds*
- there has been a failure it will ensure that:*
- necessary remedial action is taken promptly;*
- service-users affected by the failure are notified of it, the likely*
- consequences, and any remedial action;*
- Partner Organisations affected by the failure are notified of it, the likely*
- consequences, and any remedial action.*

*If one Partner Organisation believes another has failed to comply with this Agreement it should notify the other Partner Organisation in writing giving full details. The other Partner Organisation should then investigate the alleged failure. If it finds there was a failure, it should take the steps set out above. If it finds there was no failure it should notify the first Partner Organisation in writing giving its reasons.*

*Partner Organisations will make every effort to resolve disagreements between them about personal information use and sharing. When doing so they should refer to the Tiered Agreements and Associated Documents. However, they recognise that ultimately each organisation must exercise its own discretion in interpreting and applying this Agreement in line with guidance from the Information Commissioner. .*

*Nominated representatives should ensure they are notified at an early stage of any suspected or alleged failures in compliance or partner disagreements relating to their Partner Organisation."*

## 12. Appendices

A list of lead officers involved in agreeing this protocol should be included.

## 13. Signatures

Explain that by signing this partners are signing to the whole of the Information Sharing Protocol, including the other tiers, and must agree to the principles.

### Example of suitable text

**Signed for and on behalf of** *Organisation a* (this should be the Information Governance Lead)

.....

**Name**  
**Position**

**Date** .....

**Signed for and on behalf of** *Organisation b*

.....

**Name**  
**Position**

**Date** .....

Appendix A – List of Lead Officers