

Data Sharing: can we do it, how do we do it?

Please write down a data sharing initiative you would like to do with a partner organisation

Process

Conditions for processing:

- Which one fits?
- Is it 'necessary'?

Legislation for sharing

- Localism Act 2011 (local authorities)
- Children Act 2004 (for children's services)

Fairness

- If it's not fair, it's not legal
- Transparency is the best step to fairness

Negotiations

- Convincing other organisations to give us their data

Data Sharing Agreement

- Compiling security evidence
- Agreeing parameters of sharing

Go live

- You've agreed it, now share it

Conditions for processing- personal data

- ▶ The individual whom the personal data is about has consented to the processing.
- ▶ The processing is necessary:
 - ▶ in relation to a contract which the individual has entered into; or
 - ▶ because the individual has asked for something to be done so they can enter into a contract.
- ▶ The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).
- ▶ The processing is necessary to protect the individual's "vital interests".
- ▶ The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions
- ▶ The processing is in accordance with the "legitimate interests" condition.

- Localism Act 2011 (local authorities)
- Children Act 2004
- Food Standards Act 1999
- Section 29 of the Data Protection Act (crime and taxation)
- Health and Social Care (Safety and Quality) Act 2015
- The Children Act 1989
- Education Act 2002
- Education Act 1996
- Learning and Skills Act 2000
- Education (SEN) Regulations 2001
- Children Leaving Care Act 2000
- Mental Capacity Act 2005
- Mental Capacity Act 2005 Code of Practice
- Immigration and Asylum Act 1999
- Local Government Act 2000
- Criminal Justice Act 2003
- Crime and Disorder Act 1998
- The Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009
- Criminal Justice and Court Service Act 2000
- National Health Service Act 1977
- National Health Service Act 2006
- The Adoption and Children Act 2002
- Welfare Reform Act 2012

Conditions for processing- sensitive personal

- ▶ The individual whom the sensitive personal data is about has given explicit consent to the processing.
- ▶ The processing is necessary to protect the vital interests of:
 - ▶ the individual (in a case where the individual's consent cannot be given or reasonably obtained), or
 - ▶ another person (in a case where the individual's consent has been unreasonably withheld).
- ▶ The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.
- ▶ The processing is necessary in relation to legal proceedings; for obtaining legal advice; or otherwise for establishing, exercising or defending legal rights.
- ▶ The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- ▶ The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.

Fairness

- ▶ Is the sharing ethical?
- ▶ Is it unfairly infringing on people's privacy?
- ▶ Is it proportional?
- ▶ Are you being transparent?

Data Sharing: mechanisms for sharing

- ▶ API from system to system?
- ▶ Shared view without actual transference of data?
- ▶ External sharepoint site?
- ▶ Secure file sharing?
- ▶ PSN to PSN email?
- ▶ (for non sensitive data) email?

Data Sharing: agreement

- ▶ Buy in first of all
- ▶ Agreement and negotiation on mechanism for sharing
- ▶ Laying out the parameters of what they can and cannot do with data
- ▶ Evidencing legal basis
- ▶ Evidence that the partner organisation has the correct governance, infrastructure, and training in place
- ▶ Agreement of risk, parameters, and accepting of evidence by senior management in all participating organisations

To summarise...

- ▶ Create a yes culture!
- ▶ Four simple step process to information sharing:
 - ▶ Legal basis
 - ▶ Mechanisms
 - ▶ Agreement
 - ▶ Actually do it