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Cambridgeshire and Peterborough Information Sharing Framework

Ratification Process

Lead Author	Information Sharing Framework Group
Developed by	Multi Agency IG Leads
Approved by	Organisation's IG Committees
Ratified by	Organisation's Boards
Version	2.5
Latest Revision date	July 2019
Review date	July 2021 (or earlier if significant change to local or national requirements)
Valid on	25 May 2018

Document Control Sheet

Development and Consultation	Framework originally developed in 2012 by Cambridgeshire local authorities, Police, Fire and Rescue and Cambridgeshire and Peterborough Clinical Commissioning Group. Membership expanded to include Peterborough health and social care organisations and those located outside of the area.
Dissemination	This Framework will be promoted within the partner organisations and uploaded to the agreed host organisations public website.
Implementation	The Caldicott Guardian/IG Lead is responsible for monitoring the application of the Framework by ensuring that: - • The Framework is brought to the attention of all employees; • Appropriate training and guidance is provided to staff.
Training	Training will be undertaken in line with the existing processes of each organisation
Audit	Implementation of the Framework will be monitored on a regular basis.
Review	This Framework will be reviewed annually or earlier if there are changes in procedures or legislation.
Equality and Diversity	The Framework IG Group has carried out a Rapid Equality & Diversity Impact Assessment and no negative impacts were identified.

Revisions

Version	Page/Para No	Description of Change	Date Approved
2.1	Entire document	Complete document review and revision in accordance with GDPR/Data Protection legislation implementation 25 May 2018.	May 2018
2.2 2.3	various	Carry out final agreed changes	October 2018
2.4	Entire document	Complete document review and revision prior to circulation for agreement and sign up	

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THE FRAMEWORK

Public sector organisations in Cambridgeshire worked together to develop this Information Sharing Framework to create a positive culture of sharing information and facilitate more effective data sharing practice across the county with the aim of improving service delivery and promote integrated working.

The Framework applies to all information being shared by partner organisations and it will establish the types of data we will share, how we handle data and the legislation which allows us to do so.

The core member organisations are:

- Cambridge City Council
- Cambridge University Hospitals NHS Foundation Trust
- Cambridgeshire and Peterborough Clinical Commissioning Group
- Cambridgeshire and Peterborough NHS Foundation Trust
- Cambridgeshire Community Services NHS Trust
- Cambridgeshire Constabulary
- Cambridgeshire County Council
- Cambridgeshire Fire and Rescue Service
- East Cambridgeshire District Council
- Fenland District Council
- Huntingdonshire District Council
- NHS England – East of England and Midlands
- North West Anglia Foundation Trust
- Peterborough City Council
- South Cambridgeshire District Council
- Royal Papworth Hospital NHS Foundation Trust
- East of England Ambulance Service Trust

Some organisations outside of the core membership have also signed up to the principles of the Framework. They are listed in **Appendix C: Associate Partners to the Framework.**

Sharing with organisations who are not signatories to this Framework. If it is necessary to share data with an organisation who is not party to this overarching Framework, consideration should be given on a case by case basis as to whether or not a specific information sharing agreement should be put in place for that information flow (subject to statutory requirement, or obligation).

INTRODUCTION

This Information Sharing Framework was developed to ensure that information is shared appropriately and lawfully. The document aims to establish consistent principles and practices to govern any sharing of personal and non-personal information taking place within and between partner organisations across Cambridgeshire and Peterborough. The ethos of the Framework is for partners to share information in all appropriate situations to improve service delivery, planning and management except where it would be illegal to do so. **Remember, refusing to share any data can be a risk just as much as the opposite action of sharing too much data.**

This Information Sharing Framework is the overarching framework for the organisations that sign up to it. Any existing data sharing agreements should ensure that they comply with these principles as and when they are reviewed.

This Framework applies to information shared by partner organisations excluding any information which is already in the public domain. Sharing is not restricted solely to information classified as personal data by the Data Protection Legislation.

It is worth bearing in mind that the legislation in place to protect data is **not** there to create a **barrier** to sharing information. It exists to provide a framework to ensure that any personal and/or sensitive information is shared appropriately.

AIMS AND OBJECTIVES

Partner organisations and their officers need to feel confident and knowledgeable of their obligations when requested, or requesting, to share information. The Framework aims to ensure compliance and consistency across the county by achieving the following objectives:

a) Creating a Framework to govern working practices and create greater transparency and data security allowing organisations to improve services in the delivery of care for those that need them.
b) Offering guidance on how to share information lawfully
c) Increasing understanding of data sharing principles and legislation
d) Developing a template for Information Sharing Agreements to make it easier and quicker to formalise information sharing activities, ensuring risks are managed and providing assurance for staff and service users
e) Establish an efficient and reliable process to share information quickly
f) To protect partner organisations from allegations of wrongful use of data
g) To monitor and review information flows
h) Allow organisations to improve services for users and cooperate so they can deliver the care and services that those people with complex needs rely on
i) To provide the public with assurance that their data is managed in a secure manner and to assist the partner organisations in providing transparency in their handling of personal data.

By becoming a partner to this Framework, organisations are making a commitment to:

a) Apply the “Fair Processing” and “Best Practice” standards that are in the Information Commissioner’s Data Sharing Code of Practice and checklists. See: https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf
b) Achieving the appropriate compliance with the Data Protection Legislation;
c) Develop local Information Sharing Agreements that clearly and transparently demonstrate the reasons for sharing data and provide assurance on this activity.

GENERAL PRINCIPLES

This Framework recognises and promotes recommended good practice and legal requirements to be followed by all signatory organisations. This framework does not alter existing arrangements already in place for urgent sharing e.g. related to child protection.

Systematic Information Sharing

Systematic information sharing involves routine sharing of data between organisations for an agreed purpose. Partner organisations who intend to share information systematically as a result of this Framework should complete an Information Sharing Agreement unless sector standards, for example, mean that an agreement is not required, or a contract is in place which provides for information sharing governance. If they are drawing up an agreement, they may use the Framework's approved Information Sharing Agreement Template to detail the specific purposes of the data sharing activity and have this signed off by their Senior Information Risk Officer (SIRO) or Caldicott Guardian as appropriate.

Ad-hoc Information Sharing

One off or ad hoc information sharing involves any exceptional sharing activities for a range of purposes which are not covered by routine data sharing arrangements. For ad hoc activities, an Information Sharing Agreement is not needed. Instead, advice should be sought from each organisation's Information Sharing contact .

It is also good practice to record any ad hoc, one off data sharing activities detailing the circumstances, what information was shared and explaining why the disclosure took place. Remember, only share the minimum amount of data necessary and remove any fields or datasets which are not directly relevant before you share.

This Framework should be used in conjunction with local service level agreements and any other formal agreements between partner organisations, as well as existing Information Sharing Agreements.

All parties signed up to this Framework agree to be responsible for ensuring measures are in place to guarantee the security and integrity of data and that staff are sufficiently trained to understand their responsibilities and comply with the law. This document encourages sharing of data but does not alter the statutory duties of those organisations signed up to it.

DATA SHARING AND THE LAW

Legislation gives information sharing its basis in law. The legislation and guidance listed below may give partners a mandate to share information as well as responsibilities for protecting information and preventing improper use. The main items of legislation and guidance regarding the use and protection of personal information are listed below and described in further detail below. This list is not exhaustive.

- Data Protection Act
- General Data Protection Regulations
- Freedom of Information Act 2000 and Environmental Information Regulations 2004
- Human Rights Act 1998 Article 8

Including as well:

- Children Act 1989
- Children Act 2004
- Civil Contingencies Act 2004
- Common Law Duty of Confidence
- Police Act 1996
- Crime and Disorder Act 1998
- Local Government Act 2000

- Gender Recognition Act 2004
- Care Act 2014
- Mental Health Act 1983
- Mental Capacity Act 2005
- Health and Social Care Act 2012
- Children & Families Act 2014
- Children and Young Persons Act 2008
- No Secrets, Department of Health 2000
- Criminal Justice Act 2003
- Privacy and Electronic Communications Act
- Safeguarding Adults, Association of Directors of Social Services 2005
- Working Together to Safeguard Children 2015 Statutory Guidance

Partner organisations must also be aware of any other legislation or guidance relevant to them when sharing specific information as this is not an exhaustive list.

ORGANISATIONAL RESPONSIBILITIES

Each organisation is responsible for ensuring that their organisational and security measures protect the information shared under this Framework. Your organisation should comply with relevant Data Protection Legislation.

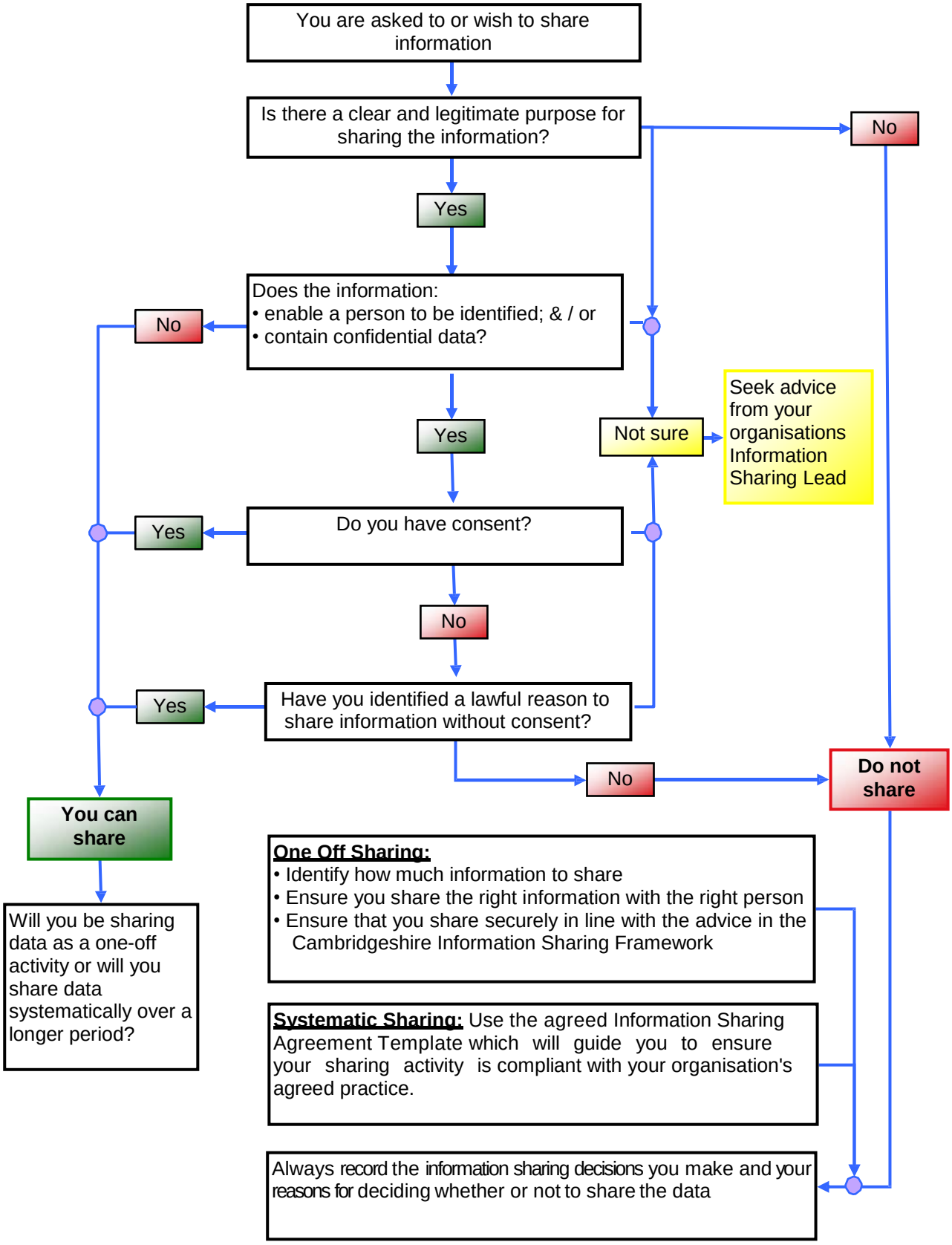
General responsibilities include:

- Privacy Notices
- Data Protection Impact Assessment
- Contracts.
- Records of Processing Activity (ROPA)

Personal data responsibilities:

Personal data should only be shared for a specific lawful basis.

Information Sharing flowchart



Further guidance is available from your Data Protection Officer and Information Governance Lead.

INDIVIDUAL RESPONSIBILITIES

Every individual working for the organisations listed in this Framework is personally responsible for the safekeeping of any information they obtain, handle, use and disclose and must be trained to carry out these duties.

Individuals are obliged to request proof of identity or take steps to validate the authorisation of another before disclosing any information requested under this Framework and associated Information Sharing Agreements, unless they are responding to a request made under the access to information regimes or required to by law.

Every individual should uphold the general principles of confidentiality and follow the guidelines set out in their organisations policy documentation. They should seek advice whenever required from their Information Sharing contact - shown at Appendix A**.**

Individuals should be made aware that any violation of privacy or breach of confidentiality is unlawful and a disciplinary matter that could lead to their dismissal, and potentially, criminal proceedings. Partners should ensure that their HR teams support this process through effective induction/refresher training where necessary.

It is good practice to inform people how their data will be used and shared between partner organisations. All partners will provide information for service users which sets this out and publish privacy notices as a minimum.

RESTRICTIONS ON USE OF INFORMATION SHARED

All shared information, personal or otherwise, must only be used for the purpose(s) specified at the time of disclosure(s) as defined in relevant Information Sharing Agreements unless obliged under statute or regulation, or under the instructions of a court or as agreed elsewhere. Any further uses made of this data will not be lawful or covered by the Information Sharing Agreement.

WHAT ARE THE LAWFUL BASES FOR PROCESSING?

The lawful bases for processing are set out in Article 6 and 9 of the GDPR. At least one of these must apply whenever you process personal data:

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's

personal data which overrides those legitimate interests. *(This cannot apply if you are a public authority processing data to perform your official tasks.)*

INDEMNITY

Each partner organisation shall fully indemnify the other partner organisations and keep each of the other partner organisations fully indemnified against all claims, proceedings, actions, damages, costs, expenses and any other liabilities which may arise out of, or in consequence of, any breach of this agreement and in particular, but without limitation, the unauthorised or unlawful access, loss, theft, use, destruction or disclosure by the offending partner or its subcontractors, employees, agents or any other person within the control of the breaching partner organisation of any personal or sensitive data obtained in connection with this agreement.

SECURITY

It is assumed that each partner organisation has attained or will aim to work towards information security standards such as ISO 27001; being compliant with NHS Digital's Data Security and Protection Toolkit (formerly known as Information Governance Toolkit) or will adhere to a similar level of compatible security such as Cyber Essentials and any other security certifications.

Information Sharing Agreements should be reviewed annually to ensure that security arrangements are appropriate and effective.

Breaches

If you have a data breach relating to an information sharing agreement, then you must make other signatories aware.

INFORMATION QUALITY

All organisations must put in place plans to carry out regular quality assurance across all teams that share data as part of an information sharing agreement.

TRAINING

Training must be provided for staff in all partner organisations who will have any duties handling or sharing information so that they can undertake their duties confidently, efficiently and lawfully. Appropriate Information Governance training is mandated to be completed every year.

REVIEW ARRANGEMENTS

A cross-county Information Governance Group has been established and will meet at least annually; with membership to be comprised of the specialists who act as each organisation's Information Sharing Point of Contact. The responsibilities of this group will be to:

- Review information governance procedures to establish whether they are still effective and working in practice.

- Monitor the effectiveness of the Information Sharing Framework and associated documents and update the contents when appropriate.
- Share best practice among partner organisations and update guidance to reflect this where necessary.
- Build a culture of information sharing between partner organisations by proactively communicating the aims of the framework.
- Promote and implement education/training practices designed to encourage behaviour change in relation to information sharing.
- Support the development of Information Sharing Agreements under this Framework.

APPENDIX A: SIGNATORIES

Organisation	Current Chief Executive / Accountable Officer	SPOC (DPO)
Cambridge City Council	Antoinette Jackson	Valerie Gray Data Protection Officer
Cambridgeshire & Peterborough Clinical Commissioning Group	Jan Thomas	Amanda Holloway Data Protection Officer
Cambridgeshire & Peterborough NHS Foundation Trust	Tracy Dowling	Kay Taylor Information Governance Manager
Cambridgeshire Community Services NHS Trust (Including Peterborough Community Services)	Matthew Winn	Frances Bogie Information Governance Manager
Cambridgeshire Constabulary	Nick Dean Chief Constable	Kevin Sharp dataprotection@cambs.pnn.police.uk
Cambridgeshire County Council	Gillian Beasley	Dan Horrex Data Protection Officer
Cambridgeshire Fire & Rescue Service	Chris Strickland Chief Fire Officer	Danielle Wilkinson
Cambridgeshire University Hospitals NHS Foundation Trust	Roland Sinker	Michelle Ellerbeck
East Cambridgeshire District Council	John Hill	Victoria Higham
East and North Herts CCG	Beverley Flowers	Website states DPO is Sarah Feal
Fenland District Council	Paul Medd	Anna Goodall
Herts Urgent Care	David Archer	Nick Cox
Huntingdonshire District Council	Executive Leader – Cllr Graham Bull	Valerie Gray Data Protection Officer
North West Anglia Foundation Trust (Formally Peterborough and Stamford Hospitals NHS Foundation Trust and Hinchingbrooke Health Care NHS Trust)	Caroline Walker	Sean Dykes Kerri Cocksey
Peterborough City Council	Gillian Beasley	Ben Stevenson Data Protection Officer
South Cambridgeshire District Council	Beverly Agass	Valerie Gray Data Protection Officer
Queen Elizabeth Hospital Kings Lynn NHS Foundation Trust	Jon Green	Phil Cottis Head of Health Records and IG
NHS England - East		Peter Manser
East of England Ambulance Service Trust (EEAST)	Robert Morton	Dean Ayres Acting IG Manager dpo@eastamb.nhs.uk
Royal Papworth Foundation Trust	Stephen Posey	Cath Willcox DPO

APPENDIX B: GLOSSARY OF TERMS

Anonymised information – information from which no individual can be identified.

Consent – The Information Commissioner's legal guidance to the Data Protection Act refers to the Directive, which defines consent 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."

Data Controller – a person who (alone, jointly or in common with other persons) determines the purposes for which and the way personal data is processed.

Data Processor – any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data Protection Act 1998 and 2018 (DPA) – the main UK legislation which governs the handling and protection of information relating to living people.

Data Protection Impact Assessment (DPIA) - formerly known as Privacy Impact Assessment (PIA) – is a comprehensive process for determining the privacy, confidentiality and security risks associated with the collection, use and disclosure of personal data.

Data Sharing – the disclosure of data from one or more organisations to a third party organisation(s), or the sharing of data within an organisation. Sharing can take the form of systematic, routine data sharing where the same data sets are shared between the same organisations for an established purpose; and exceptional, one off decision making to share data for a range of purposes.

Data Sharing Agreements/Frameworks – set out a common set of rules to be adopted by the various organisations involved in a data sharing operation.

Duty of Confidentiality – everyone has a duty under common law to safeguard personal information.

Personal data – data which relate to a living individual who can be identified —

a) from those data, or
b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Processing of data – in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including —

a) organisation, adaptation or alteration of the information,
b) retrieval, consultation or use of the information,
c) disclosure of information by transmission, dissemination or other methods
d) alignment, combination, blocking, erasure or destruction of the information.

Sensitive personal data – personal data consisting of information as to —

a) the racial or ethnic origin of the data subject,
b) his political opinions,
c) his religious beliefs or other beliefs of a similar nature,
d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
e) his physical or mental health or condition,
f) his sexual life,
g) the commission or alleged commission by him of any offence, or
h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

There will be additional domains where secure end to end encryption of data occurs which must be confirmed locally.

APPENDIX C: ASSOCIATE PARTNER SIGNATORIES

Other service providers signed up to the Framework principles include the NHS 111 Service and other Cambridgeshire and Peterborough Clinical Commissioning Group integrated working initiatives, they are associate members:

- Herts Urgent Care
- Queen Elizabeth Hospital Kings Lynn
- NHS East & North Hertfordshire CCG