

ACTIVE LANCASHIRE



Information Sharing – A Guidance Document

Version 2 Approved 01/11/2023

HR & Remuneration Sub Committee

Reviewed Annually

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Information Sharing – A Guidance Document

1.1. Purpose

The purpose of this guidance is to support good practice in information sharing by offering clarity on when and how information can be shared lawfully and professionally. This guidance will be useful to support early interventions and preventative work where decisions about information sharing may be less clear in safeguarding or child protection situations.

1.2. Scope

This guidance is for staff who have to make decisions about sharing personal information on an ad hoc basis. Where data sharing is expected to occur on a regular basis for example in the context of a project or a processor is appointed, a data sharing agreement or data processing agreement may be required. Data sharing of this nature should be discussed with the Senior Management Team prior to Personal Data being shared or processed to ensure that appropriate safeguards and an agreement is put in place.

1.3. Introduction

Information sharing is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. It is very important that people remain confident that their personal information is kept safe and secure and that employees maintain the privacy of the individual. It is important that employees can confidently share information appropriately as part of their day to day work.

In some situations, employees feel constrained from sharing information by uncertainty about what they can do legally. This guidance document aims to help by giving clear practical advice.

Successful outcomes depend on effective working and appropriate information sharing between services.

To feel confident about making information sharing decisions, it is important that you:

- Understand and apply good practice in sharing information at an early stage as part of preventative or early intervention work;
- Understand what information is and is not confidential, and the need in some circumstances to make judgement about whether confidential information can be shared; and
- Understand what to do when you have reasonable cause to believe that a child or vulnerable adult may be suffering, or may be at risk of suffering, significant harm, and are clear of the circumstances when information can be shared where you judge that a child is at risk of significant harm.

1.4. Sharing information

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Sharing information where there are concerns about significant harm to a child, young person or vulnerable adult:

- Where you have reasonable cause to believe that a child, young person or vulnerable adult may be suffering or may be at risk of suffering significant harm, you should always consider referring your concerns to children's social care or the police, in line with the procedures set out by your Local Safeguarding Children Board; or
- In some situations, there may be a concern that a child or young person may be suffering, or at risk of suffering significant harm, or of causing significant harm to another child or serious harm to an adult. However, you may be unsure whether what has given rise to your concern constitutes "a reasonable cause to believe". In these situations, the concern must not be ignored. You should always talk to someone to help you decide what to do whether it is the safeguarding lead officer, the deputy safeguarding officer or your Line Manager.

Sharing information where there are concerns about significant harm or serious harm to third parties:

Where you have concerns that the actions of some may place children, young people or vulnerable adults at risk of significant harm it may be possible to justify sharing information with or without consent for the purposes of identifying people for whom preventative interventions are appropriate.

1.5. Seven golden rules for information sharing

1. Remember that the Data Protection Legislation and human rights law are not barriers to justified information sharing, but provides a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset 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 from the safeguarding lead officer and Senior Leadership Team if you are in any doubt about sharing the information concerned, without disclosing the identity of the person where possible.
4. Share with informed 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, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions 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

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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 (see principles of the Data Protection Legislation in the Data Protection Policy and Procedure).

7. Keep a record of your decision and the reasons for it, whether it is to share information or not. If you decide to share, then record what you have shared with whom and for what purpose.

1.6. The principles

The principles set out below are intended to help when deciding whether to share information with other organisations. You should use your judgment when making decisions on what information to share and when. You should follow the terms of this guidance document and you should consult the Senior Management Team when you are unsure. The most important consideration is whether sharing information is likely to safeguard and protect a child.

- Necessary and proportionate
 - When considering sharing information, you should consider how much information you should release. The Data Protection Legislation requires you to consider the impact of disclosing information on the data subject and any third parties. Any information you decide to share must be proportionate to the need and level of risk
- Relevant
 - Only information that is relevant to the purposes should be shared with those who need it to enable them to their job effectively and make appropriate decisions.
- Adequate
 - Information should be adequate for its purpose. This means it should be of the right quality to ensure that it can be understood and relied upon.
- Accurate
 - Information should be accurate and up to date and should clearly distinguish between fact and opinion. If information is historical then this should be explained.
- Timely

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- Information should be shared in a timely manner to reduce the risk of harm. Timeliness in emergency situation is key and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm a child or vulnerable individual. When deciding whether to share information you need to ensure that sufficient information is shared where appropriate and consider the urgency with which to share it.
- Secure
 - Wherever possible, information should be shared in an appropriate and secure way. Please consider the Data Protection Policy and Procedure.
- Record
 - Each request for information sharing must be recorded. When dealing with a request to share information, the requesting organisation should fill in the Data Sharing Request Form to enable you to evaluate the request. If due to the urgency of a situation, there is insufficient time to follow this process, the relevant information should be provided by means suitable to the situation (such as by email or over the phone including an explanation regarding the urgency of the situation) with written records generated as soon as possible.
 - Each decision that is taken whether to share or not must also be recorded using the Data Sharing Decision Form by filling it in with sufficient detail as to the reasons for sharing or not. If due to the urgency of a situation, there is insufficient time to complete the Data Decision Form, it must be completed as soon as possible with an explanation as to the urgency of the situation.
 - Data Sharing Request Forms and Data Sharing Decisions Forms must be kept in accordance with retention periods set out in the Data Protection Policy and Procedure.

1.7. Key questions to ask yourself

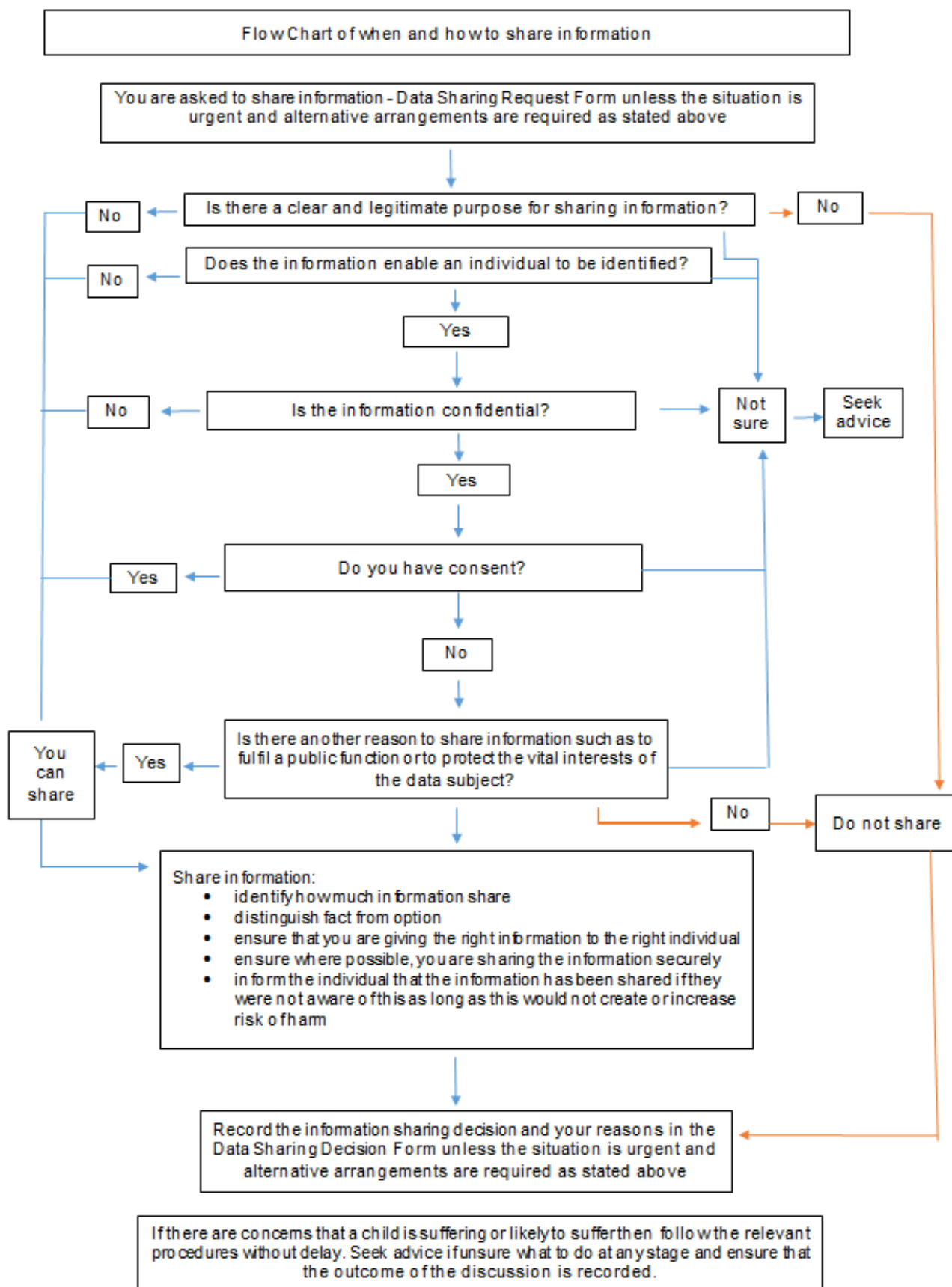
To help with your decision making the following questions need to be asked. Please also see the flowchart below to help you with your decision making:

1. Is there a clear legitimate purpose for sharing information?
 - Yes - see next question
 - No – do not share
2. Does the information enable a living individual to be identified?
 - Yes – see next question
 - No – you can share but should consider how

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3. Is the information confidential?
 - Yes – see next question
 - No – you can share but should consider how
4. Do you have consent to share?
 - Yes – you can share but should consider how
 - No – see next question
5. Is there another reason to share information such as to fulfil a public function or to protect the vital interest of the Data Subject?
 - Yes – you can share but should consider how
 - No – do not share
5. If the decision is to share:
 - Identify how much information to share
 - Distinguish fact from opinion
 - Ensure that you giving the right information to the right individual
 - Ensure you share information appropriately and securely
 - inform the individual the information has been shared if they are not aware of this, as long as this would create or increase risk of harm
7. Have you properly recorded your information sharing decision?

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1.7. Support for employees

This section describes the important organisational aspects that are required to ensure that good practice in information sharing is promoted and supported.

Employees need to understand Active Lancashire's position and commitment to information sharing. They need to have confidence in the continued support of Active Lancashire where they have used their professional judgement and shared information professionally.

To give employees confidence to apply the guidance in practice Active Lancashire believes in

- A culture that supports information sharing between and within Active Lancashire including proactive mechanisms for identifying and resolving potential issues and opportunities for reflective practice;
- A systematic approach within Active Lancashire to explain to their stakeholders, how and why information may be shared, and the standards that will be adopted, which will help to build confidence of all involved;
- Clear systems, standards and procedures for ensuring the security of information and for sharing information;
- Infrastructure and systems to support secure information sharing, for example, access to secure email or online information systems;
- Effective supervision and support in developing employee's professional judgement in making these decisions. For example, access to training where employees can discuss issues which concern them and explore case examples with other employees;
- Mechanisms for monitoring and auditing information sharing practice; and
- A designated source of impartial advice and support on information sharing issues, and for resolution of any conflicts about information sharing.

If you have any concerns or suggestions, please contact the Senior Leadership Team.

This guidance has been adapted from the HM Government, Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers March 2015.

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Data Sharing Request Form

Name of organisation:	
Name and position of person requesting data:	
Date of request:	
Reference to data sharing agreement (if any) or legal basis for requesting data:	
Data requested:	
Purpose:	
Data required by:	
Any specific arrangements re: retention/deletion of data:	
Signed:	
Dated:	

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Data Sharing Decision Form

Name of organisation:	
Name and position of person requesting data:	
Date request received:	
Data requested:	
Purpose:	
Data supplied:	
Reason(s) for disclosure or non-disclosure:	
Any specific arrangements re: retention/deletion of data:	
Decision taken by (name and position):	
Date of disclosure:	
Signed:	
Dated:	

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