**Information sharing policy, procedures and principles for ad hoc sharing requests**

In an emergency, where there is a **risk to life** or of **harm** you may not have time to follow the complete process to decide if you should share the requested information.

In these situations, you should apply the following test: Is the risk of sharing the information in this situation **less** than not sharing it?

If the answer is **yes,** then you should share the information without delay and record your decision to do so in the way described later in this document.

Member of staff responsible for assessing and deciding on information sharing requests (EIISA):

**Emma Prince** [**e.prince@evolve-intervention.com**](mailto:e.prince@evolve-intervention.com) **01245 526069**

**Information sharing policy, procedures and principles**

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**Introduction**

The laws and regulations relating to data protection do not prohibit sharing information if the situation is justified. Whilst this document is here to walk you through the steps to take when working out whether or not to share information with a third party particular information needs to be paid to the below:

In an emergency, where there is a risk to life or of harm you may not have time to follow the complete process to decide if you should share the requested information. In these situations, you should apply the following test: Is the risk of sharing the situation **less** than not sharing it? If the answer is **yes,** then you should share the information without delay and record your decision to do so in the way described later in this document.

Evolve Intervention is committed to the protection of the data that it controls and processes and to the rights of the data subject to which it pertains. There are situations where information benefits the data subject but these situations should be governed by Data Sharing Agreements (DSAs) where there is a contract in place (e.g. a commissioned service or our case management system). Where the requests will be of a more ad hoc nature these should be assessed on an individual basis using the procedure further on in this document.

To facilitate the process of clear and purposeful information sharing the Information Request Form should be completed by the referrer in all cases where the delay created by completing this would not have a detrimental effect to the data subject or others. This form can be found as Appendix 1.

**What is not covered**

This document does not apply to:

* The sharing of anonymised statistical data, if there is no way to identify data subjects to which this relates then the sharing can take place
* The regular agreed sharing of information as part of a contract or other agreement – in these circumstances there should be a written agreement in place between us and the receiving organisation(s) which details what, why, how, frequency, retention etc

**Principles governing sharing of data**

These principles apply to the sharing of personal data between Evolve Intervention and those that request personal data on an ad hoc basis:

* Personal data sharing will be undertaken with regards to and in accordance with the rights of the data subject as defined in the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA)
* Information sharing will only take place where there is a legal basis for doing so
* The sharing of personal information should be explained to the data subject in an open and honest way, before the sharing takes place – the exception to this is where there is a clear risk to life or of harm occurring if the information is not immediately shared or if the sharing of the information is in prevention of a crime and informing the data subject would jeopardise the prevention
* Evolve Intervention will only share information on service users with valid, freely given and clear consent unless an exemption applies such as:
  + Evolve Intervention has a legal duty to share the information
  + Sharing the information is needed to prevent loss of life or harm
  + Sharing of information is needed for the prevention of crime
* Information being shared should be:
  + Accurate
  + Up to date
  + Relevant
  + Necessary for the purposes of sharing (don’t share everything if only a portion is required)

**Our legal basis for sharing personal information**

When we receive a request to provide information on a data subject there should be an assessment as to whether we have a legal basis for sharing that information. This should be done on an individual basis and as such we can not document any one reason as being the basis in any given circumstance. However, we can say that when assessing such requests, we will likely rely on the following legal bases:

**Vital interests:** This will be where there is an immediate risk to life or of harm occurring such as if police or social services need access to information to protect the service user or others.

**Legal obligations:** Where there is a legal duty to share the data such as where tax law specifies we need to share data with the HMRC.

**Consent:** The individual has consented (in an informed and unambiguous way) to the sharing – the consent will need to comply with the GDPR definition and should be given using the appropriate proforma. This is our **main** legal basis for sharing service user information with other organisations unless one of the stated exemptions apply in which case the legal basis will be different and consent not sought.

**Legitimate interests:** Sharing the information is necessary for our legitimate interests or that of the third party requesting the data as long as this is not overridden by the need to protect the data subject’s rights.

**Assessing information sharing requests and deciding whether to share**

The Evolve Intervention Information Sharing Assessor (EIISA) is responsible for assessing all requests and making a decision about whether to go ahead and share the data with the requester.

The exemption to this is where there is a clear risk to life or of serious harm – in these cases the most senior staff member immediately available (which may be the worker receiving the request) should establish the risk to life or of harm and share the requested information. They should then refer to the recording section of this document for details of what to record about the request and their actions taken.

When assessing requests, the EIISA needs to see if the sharing request is covered by any of the following:

* A legal obligation to share the information
* The requested information is needed to prevent or detect crime
* The requested information is needed for safeguarding purposes – where there is a risk to life or of harm occurring

If any of the above apply then the sharing should go ahead, without consent being sought if this relates to a service user.

If the above do not apply then the following should be assessed and then a decision made:

* The sharing needs to be **justified** meaning it has:
  + Clear objective(s) (what is the sharing going to achieve?)
  + Do the benefits to the data subject and / or society of sharing outweigh any foreseeable negative consequences to the data subject and / or society
  + Do you (as the EIISA) think you should share the information?

If you decide to share the information you must make sure that:

* You obtain the consent of service users if the request relates to them (Appendix 2)
* You only share what is necessary for the request to be fulfilled
* That fact and opinion are clearly separated
* The security section of this document is adhered to

**No matter what your decision you need to record the details of the request, your assessment and decision along with the Information Request Form and the consent form (if applicable).**

**Security**

Security of data in transit to those we are sharing with is of paramount importance, to stop unauthorised access to the data and to thus protect the individual’s data rights.

When sharing information, the following rules need to be adhered to:

* The data sharing must take place via electronic means – this is to minimise the risk of loss or interception by unauthorised people
* When transmitting data the file(s) should be encrypted with a password conforming to the minimum standard of having at least one capital letter one number and one special character (!,£% etc)
* The password should be implemented on a copy of the documents, not the original documents – this is to avoid loss of data through password loss
* The files should be sent through to the requester by email
* The password should be communicated to the requester verbally – this is to remove the risk of:
  + Interception
  + Creating a data breach through sending the files to the wrong person as they wont be able to open the documents
* The password protected copy of the documents should be deleted once receipt of the files has been confirmed by the requester

**Recording**

A record of all requests needs to be kept along with the assessment and decision made. There is an Excel spreadsheet to capture this information. The Information Request form or the written request for information needs to be stored in an appropriate place and referenced in the Excel sheet. For example if this relates to a staff member then it should be stored on their HR file, if it relates to a service user it should be stored on their electronic casefile.

Care should be taken to enter all relevant details. Where consent was overridden by the sharing of information to protect life or prevent harm then the basis for this should be clear and defensible.

Appendices

**Appendix 1 - Information Request**

Please complete this form to officially request information from Evolve Intervention. Completing this as fully as you can ensures that we can deal with your request as efficiently as possible and helps us to make an informed assessment about whether to share the requested information.

|  |  |
| --- | --- |
| **Request** **Details** | |
| **Name of data subject(s)** |  |
| **Date of Birth(s)** |  |
| **Address(es)** |  |
| **Other relevant identifying information** |  |
| **What information do you want?** |  |
| **Why do you want this information and what will you do with it?**  **What objectives are you trying to achieve?**  ***This section is very important as it will form the basis for our decision making and will ensure we provide you with the right information.*** |  |
| **How long will the information be kept for?** |  |
| **Your information** | |
| **Your Name** |  |
| **Organisation Name, Address and Contact Details** |  |
| **Date information needed** |  |
| **Signature**  **Date** | |

**Appendix 2 – Consent to Share Information**

We have had a request to share some information that we hold about you, we will only share this information with the people that asked for it if you are happy for us to do so. Please read the below and sign and date this form letting us know if you are happy for the information to be shared or if you would rather we didn’t. If you have any questions, please let us know before signing this form.

Your decision to share this information is completely up to you and does not affect your work with our service.

|  |  |
| --- | --- |
| **Name of person requesting information and their organisation** |  |
| **What information have they have asked for?** |  |
| **Why do they want the information?** |  |
| **What they will do with the information?** |  |
| **How long they will keep the information for?** |  |
| **Your choice** | |
| Please tick the appropriate box next to the statement of your choice and sign and date – remember this is up to you and your work with us will not be affected by the choice you make.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **I understand that a request for information about me has been made to Evolve Intervention. I understand the type of information being requested and the reasons it is wanted. I understand who is asking for my information, what they will do with it and how long they will keep it for. I have been able to have had answered any questions I asked about this request.**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Taking the above statements into account I am happy for the requested information to be shared (**I consent**)  Taking the above statements into account I am not happy for the requested information to be shared (**I do not consent**)  Signed:  Name:  Date: | |