

REPORT TO PERFORMANCE MANAGEMENT GROUP PAPER A

SUBJECT: An Information Sharing Framework for Suffolk: Protocols and Agreements

Date of SSP Performance Management Group meeting for discussion: 3rd June 2009

Approximate time to allow for discussion: 10 minutes

KEY ISSUES:

Information sharing is critical to supporting the work of the partnership at a strategic and operational level and there is an expectation from The Government that this should happen. Although a partnership protocol for information sharing is not a legal requirement, absence of such a document, signed off by the chief executives of partner organisations, is a potential barrier to effective working.

A number of protocols for information sharing in Suffolk have been circulated amongst partners over the past few years. The current status of these is unclear as there is no central library of signed protocols or agreements available to partners and no consistent governance arrangements in place. This paper proposes the creation of an Information Sharing Framework to rectify this situation with the aim of improving the quality and effectiveness of joint working.

A protocol defines the purpose of information sharing; it makes clear the legal basis for information sharing, and sets out the governance framework for managing the exchange of data and information which signatories agree to follow. Signing a protocol does not require an organisation to exchange any data or information.

Protocols are supported by subject specific Data Exchange Agreements which identify the detail of the data to be exchanged including security and access arrangements. Signing an Agreement commits the partners to the agreement to abide by the overarching principles of the Protocol.

WHAT ARE THE PMG BEING REQUESTED TO DO? e.g. make a decision, recommend, consider options etc.

The Performance Management Group is asked to;

- Review and sign the Protocols attached to this paper before the next meeting of the PMG on behalf of their organisations; (copies to be returned to Lyn Baran by 2nd July 2009)
- Agree that operational management of Data Exchange Agreements be devolved to the Suffolk Intelligence Network;
- Agree to receive reports on the operation of the Protocols and Data Exchange Agreements and provide authorisation for any amendments or updates required on an annual basis.

ARE THERE RESOURCE IMPLICATIONS TO THE PMG?

- This process supports improved information and data sharing in support of shared priorities and activities in support of Suffolk's Community Strategy and other shared interests: This process will require partner organisations to ensure they have suitable internal arrangements in place for effective management of the data exchange agreements, through membership of the Suffolk Intelligence Network.

CONTACT DETAILS OF AUTHOR:

Lyn Baran; 01473 264547 Lyn.Baran@suffolk.gov.uk

Suffolk Strategic Partnership: Suffolk Information Sharing Framework

Information sharing is critical to improving services in the public sector. Sharing information appropriately is a legal requirement and essential to maintain public confidence.

This paper recommends that the Suffolk Strategic Partnership (SSP) adopts and supports a formal framework for this essential activity, which:

- Provides overarching information sharing protocols, to ensure that data exchange will happen lawfully and with appropriate governance procedures in place;
- Ensures that Data Exchange Agreements use a common format which provides a checklist of compliance with the protocols;
- Ensures that all Data Exchange Agreements are logged centrally;
- Provides operational management of the process through the auspices of the Suffolk Intelligence Network, to include acting as custodian of the central library of agreements. Also to be a programme of annual review of all agreements, and first line reference for matters of compliance or complaints arising from the process;
- Provides high level governance of the process through the SSP, to receive an annual report on the operation of the Framework. To review and refresh where necessary overarching protocols; and to arbitrate in matters of complaint or non-compliance which cannot be resolved through the Intelligence Network.

Note: Information sharing at individual case level by practitioners is covered by other specific guidance and is not included within the scope of this paper:

<http://www.suffolk.gov.uk/CareAndHealth/ChildrenAndFamilies/SuffolkSafeguardingChildrenBoard.htm>

<http://www.onesuffolk.co.uk/safeguardingadults>

Report Outline:

1. Reasons for sharing data/information;
2. Uses of data sharing in the public sector;
3. Legal basis for sharing information;
4. An Information Sharing Framework for Suffolk;
 - I. Information and Data Sharing Protocols;
 - II. Information Sharing Agreements/Data Exchange Agreements;
 - III. Governance.

1. Reasons for sharing data/ information

Sharing information is critical to the work of the partnership in securing the best outcomes for the residents of Suffolk. Sharing data and information between organisations is needed:

- To drive improvement in services;
- To safeguard the vulnerable;
- To protect from crime;
- To enable early intervention and prevention.

Information sharing is key to the Government's goal of delivering better, more efficient public services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all.

DCSF/DCLG Information Sharing: Guidance for Practitioners and Managers 2008.

An additional driver for making available shared data is to support community engagement and empowerment as proposed in the Local Democracy, Economic Development and Construction Bill December 2008

2. Types of information/data sharing in the public sector

At organisation level, the type of data shared falls into two principle categories;

- Non-personal data e.g. performance data; data about service activity and use; aggregated and anonymous statistical data; survey and consultation outcomes;
- Personal data as defined by the Data Protection Act 1998 (data relating to a living person which can identify them).

Data sharing activity is governed by legal frameworks and the way that data exchange is managed is also subject to legal safeguards. The benefits outlined in section 1 are not always fully achieved because of confusion, uncertainty and fear on the part of organisations and practitioners about what, when and how information can and should be shared.

Appendix 1 provides a high level typology of the type of data exchange activity required between public sector organisations with reference to the statutory basis for the activity.

3. The national and legal framework for managing data

For non-personal statistical and aggregated data, the emergence of new technologies are providing opportunities to combine and map information from different sources to produce sophisticated analyses of factors affecting communities. The Re-Use of Public Sector Information Regulations 2005 promotes re-use of existing datasets through such techniques as data

mashing. The Office of Public Sector Information (OPSI)¹ promotes application of these regulations in the UK and is a source of guidance on good practice.

Personal data is principally governed by the Data Protection Act 1998. The DPA is not a barrier to sharing information, but provides a framework to ensure that personal information about living persons is shared appropriately.

In addition, the protection and use of personal information is governed by

- Human Rights Act 1998, section 8;
- Freedom of Information Act 2000;
- Common law duty of confidentiality.

Caldicott principles govern the exchange of patient-identifiable information.

The Information Commissioner published a code of practice for personal data sharing in October 2008. This advocates that consent to share data is obtained at time of collection. This should give opportunity to data subjects to know what information about them may be processed and provide an option to withhold or withdraw consent at any time.

The Data Protection Act 1998 (DPA) states that personal data must be processed fairly and lawfully and with the consent of the data subject, **except** when processing is necessary under at least 1 of the conditions of Schedule 2 of the Act, and for sensitive personal data (racial origin, political opinions, trade union activity, health, sexuality, offending, religion), at least 1 of the conditions in Schedule 3 are also met.

Most of the reasons that public sector organisations share data/information fall within schedule 2 of the DPA, specifically;

- To comply with a legal obligation;
- To exercise a statutory function;
- For the legitimate interests of the data controller.

And under Schedule 3;

- For the prevention or detection of an unlawful act;
- For the legitimate interests of a non profit making organisation.

The Data Protection Act requires that only relevant data should be processed, that it should be kept accurate and up to date, should not be used for any purpose incompatible with the reasons for which it was obtained, not kept for longer than necessary and managed in a secure technical and organisational environment.

This means that there should be no unnecessary data collection, and that data must be held securely at all times.

¹ www.opsi.gov.uk

In addition, Section 115 of the Crime and Disorder Reduction Act 1998 provides the power for organisations to share information in support of the prevention or detection of crime or disorder.

4. Information and Data Sharing Protocols/ Frameworks

There is no legal requirement for partners to have a formal information or data sharing protocol in place to oversee this activity. But such frameworks are increasingly common as a useful basis for local partners to articulate their commitment to information and data sharing principles which comply with the law and with the secure management of data. They are also public statements of good practice which can assure the public that appropriate standards are applied.

Within Suffolk there have been a number of such protocols issued in recent years, but the evidence suggests that the supporting governance arrangements have been ineffective in monitoring compliance or in overseeing a programme of reviews of both the protocols and specific data exchange agreements between partners. As a consequence, there is uncertainty about the status of the documents still in circulation and no central library of agreements which is held under review. There is no overview of who is sharing what and how the data exchange is being managed.

It is therefore timely to revisit this issue and seek the agreement and renewed commitment of the SSP to a framework which includes;

- I. An overarching information sharing protocol;
 - II. An agreed format for data exchange agreements;
 - III. An agreed governance structure which will monitor compliance and oversee regular review of approved data exchange agreements.
- (See Appendix 2)

i) An overarching information sharing protocol

In recent months, significant work has taken place amongst partners to update and refresh overarching protocols for data exchange. Two documents have been widely circulated amongst partners and are recommended for adoption across the SSP.

a) Suffolk Information Sharing General Protocol v,4 February 2009 – Paper B

This document has been developed as a Memorandum of Agreement to provide a framework for sharing of personal information.

b) Suffolk Charter: Information Sharing to improve services for children, young people and their families.v3. February 2009 – Paper C

This document has been endorsed by the Children's Trust Partnership which encompasses organisations named in the duty to cooperate under Section 10 of the Children Act 2004. Whilst sharing the same underpinning legal framework as the General Protocol, this Charter provides more specific guidance for secure and lawful information sharing activity in relation to children, young people and families.

It is recommended that the SSP provides formal endorsement of these documents, through the Chief Executives signing a copy for return to a central deposit. The Protocols will be amended to reflect the governance arrangements proposed in this paper if approved. Signing the protocols does not commit the organisation to any exchange of data.

ii) Information Sharing Agreements/Data Exchange Agreements

Both protocols identify the requirement to draw up subject specific Information Sharing Agreements/Data Exchange Agreements. These are the most important documents in the framework as they detail the specific arrangements for data content exchange and secure data handling procedures.

Signed agreements should be recorded centrally to enable systematic review of compliance with the standards in the overarching protocols and periodic review of continued need.

It is recommended that the SSP should;

- Adopt a standard proforma for data exchange agreements;
- Requires all data exchange agreements to be logged centrally so that there is a managed programme of review and refresh.

A proforma Agreement will be made available which;

- Supports all types of data exchange including personal or anonymised/aggregated data;
- Ensures the relevant legal basis for exchange is identified;
- Supports compliance with good practice in data handling and security arrangements.

iii) Governance Structures

A governance structure is required to ensure that the standards set in the protocols and the agreements signed by partners operate consistently and that arbitration is available in case of issues arising of non-compliance or complaint.

It is recommended that the SSP;

- Agrees that signatories to Data Exchange Agreements take prime responsibility for ensuring compliance with the Information Sharing Protocols, and provide a copy of the Agreement to the SSP;
- Authorise a sub-group of the Suffolk Intelligence Network to provide operational management of the Data Exchange Agreements. This group will act as custodians of Agreements made by partners, ensuring they are logged onto a central library, are subject to annual reviews of compliance and continued need, and provide a first line of support for issues raised between participating partners. It is anticipated that this group will include organisation Information Management Officers or equivalent. (A list of current members of the Suffolk intelligence Network is attached to this report);

- Agrees to receive an annual report on the operation of the framework, including an annual refresh of the Framework Agreement and to be the senior executive authority providing arbitration in cases not able to be resolved within the operational management group.

References

Information Commissioner's Office
 Framework code of practice for sharing personal information
www.ico.gov.uk

DCSF/DCLG Guide to Information Sharing
www.everychildmatters.gov.uk/informationsharing

Suffolk Intelligence Network Members from January 2009.

Organisation	Name
Suffolk County Council	Lyn Baran
Ipswich Borough Council	Vicky Moseley
Mid Suffolk District Council	Gill Cook
Suffolk Coastal District Council	Alison Matthews
Waveney District Council	Richard Best
Forest Heath District Council	
St Edmundsbury Borough Council	Davina Howes
Babergh District Council	Morag Embleton/Jonathan Seed
Suffolk Constabulary	Matthew Bland
Learning and Skills Council	Austin Dolby
West Suffolk Hospital	Carl Kwiatowski
University Campus Suffolk	Will Thomas
Suffolk PCT	Rosemary Currell
Ipswich Hospital	Sheila Frost
Great Yarmouth and Waveney PCT	Emma Raworth

Appendix 1 : Types of data exchange required

Higher Purpose	Personal data	Non-personal data	Activity it supports	Legal/ statutory reference points
Drive service improvement			Analysis of need: evidence for partner organisations to develop a shared understanding of need as a basis for planning and resource allocation E.g. in support of the statutory Children and Young People's Plan Joint Strategic Needs Assessment for health and well-being Crime and Disorder Reduction Partnership Strategic Analysis	<ul style="list-style-type: none"> ▪ Children Act 2004 ▪ The Local Government and Public Involvement in Health Act 2007. ▪ Re-use of public sector information regulations 2005 ▪ Crime and Disorder Reduction Act 1998
Drive service improvement			Identification of target groups for new or revised services	<ul style="list-style-type: none"> ▪ Children Act 2004 ▪ The Local Government and Public Involvement in Health Act 2007
Safeguard the vulnerable			Protection of children vulnerable to harm, abuse or neglect Protection of adults vulnerable to abuse	<ul style="list-style-type: none"> ▪ Working Together to Safeguard Children (2006) ▪ Care Standards Act 2000 Part 7 Protection of Vulnerable Adults
Protect from crime			Prevention of crime or disorder	<ul style="list-style-type: none"> ▪ S115 Crime and Disorder Reduction Act 1998
Drive service improvement Safeguard Protect from crime			Research into subject specific issues of concern commissioned by one or more partners	As above
Community engagement and empowerment			Support community empowerment through provision of timely local data e.g. locality profiles, data mapping	<ul style="list-style-type: none"> ▪ Local Democracy, Economic Development and Construction Bill December 2008

Table 2 The Information Sharing Framework

