

INFORMATION SHARING PROTOCOL

The No Limits Partnership



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1. INTRODUCTION & SCOPE

This protocol has been developed between the No Limits partnership, (full list of all members in Appendix A) to clarify information-sharing arrangements and provide a framework for organisations to facilitate and govern the sharing of information on which to base their procedures.

Purpose

To provide a framework for the effective and safe sharing of information between the No Limits partnership to reassure customers and professionals that it is desirable and possible to share information that -

- Improves services
- Gives benefits to the business community
- Safeguards individuals rights
- Safeguards organisations within the Protocol

2. OBJECTIVES

This document will:

- Set out the principles which underpin the exchange of information;
- Define the specific purposes for which organisations have agreed to share information;
- Describe the framework and structures which will support the exchange of information;
- Outline procedures which will ensure that information is disclosed in line with statutory responsibilities;
- Describe the security measures necessary to ensure confidentiality of information;
- Set out the responsibility of organisations to meet the requirements;
- Describe how the protocol will be implemented, monitored and reviewed.

3. GENERAL PRINCIPLES

3.1 Legislation

3.1.1 All parties should have due regard to the following acts which relate specifically or have significant sections as to the use and disclosure of personal information

- The Data Protection Act 1998
- The Common Law Duty of Confidentiality
- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- Freedom of Information Act 2000
- Local Government Act 1998

3.1.2 All parties should have due regard to relevant legislation, duties, including sections that can affect a specific sharing arrangement between agencies. Each organisation has a responsibility to ensure that relevant legislation introduced since this protocol was last published are taken into account.

3.2 Use of Information

3.2.1 Each organisation must take responsibility for ensuring that information, which is shared under the terms of this protocol will only be used for the agreed specific purpose(s). If any of the participating agencies wishes to use

the information, which has been disclosed to them as part of the information sharing arrangement for any other purpose or wish to share it with a non-participating agency, **they must first of all seek the permission of the disclosing agent and the client, unless additional legislation applies.**

- 3.2.2 Each organisation must have a retention policy which complies with current legislation and must make other partners aware of what those retention policies are on request.

3.3 Obligations of Staff

All staff have an obligation to safeguard the confidentiality of personal information. This is governed by law, and often by Contracts of Employment and Professional Codes of Conduct. All staff should be made aware that breach of confidentiality is a matter for disciplinary action, which could result in dismissal, and provide grounds for a complaint against them.

3.4 Quality of Information

Where an agency becomes aware that personal information shared in the protocol arrangement is inaccurate they should notify the other participating relevant agencies of the inaccuracy within a reasonable period of time.

3.5 Disclosure of Information

- 3.5.1 All personal information that is used in the protocol must meet the conditions for processing as laid down in the Data Protection Act 1998. Where that personal information also has a duty of confidence and it is to be shared for a different purpose to that for which it was given, it should only be disclosed if one of the following requirements have been met:

- The individual has given their consent
- The disclosure is a requirement of a statute of law
- There is an overriding public interest in making the disclosure.

- 3.5.2 At the start of any information gathering arrangement, procedures should ensure that an individual should be fully aware that their personal information is to be shared for the purpose specified in that arrangement, unless there is a legal exemption, which excludes the need to do so.

- 3.5.3 Where information would be disclosed without or against the consent of the individual for example because the information is required under a court order/statute or there is an over-riding public interest for doing so, the decision to release information should be referred to the nominated senior individual. This nominated person shall be specified in the procedures of each Partner Agency and will make a judgement on a case-by-case basis. It may be appropriate for this person to seek additional legal or specialist advice if information is to be disclosed without the individual's consent.

- 3.5.4 A formal record must be kept by the relevant agency as to the reason why a disclosure of personal information was made. Where public interest is the reason, the grounds for doing so should be documented.

- 3.5.5 Information, which has been aggregated or anonymised, can generally be shared for justified purposes. Care should be taken to ensure that individuals cannot be identified from this type of information, as it is frequently possible to identify individuals from limited data. If individuals can be identified by the data, normal legislative requirements would then apply. In all cases only the minimum identifiable information necessary to satisfy the purpose should be made available.
- 3.5.6 An individual has a right to request that information about them be withheld from someone or some agency, which might otherwise have received it. The individual's wishes should be respected unless there are exceptional circumstances (see 3.51). Every effort should be made to explain to the individual the consequences of withholding their information.

4. PARAMETERS

- 4.1 This protocol must be signed by an appropriately senior person with responsibility for confidentiality of information within each organisation.
- 4.2 The signatory to this protocol will be responsible for ensuring that appropriate procedures and communication channels are in place to ensure that disclosures of information are handled in the correct manner. All staff must be made aware of the person they should contact in the event of a request to share information being received.
- 4.3 If there is a particular concern as to whether or not information should be disclosed, there should be appropriately senior person who can advise the individual.
- 4.4 Each organisation must have in place a robust complaints handling policy to which issues arising from the disclosure of information can be referred. In addition, each organisation must investigate suspected or alleged breaches of confidentiality and document the investigation undertaken and any action taken.

5. DEFINED PURPOSES

- 5.1 This protocol should be for the effective and safe sharing of information between the partner organisations. This particularly applies to service delivery and partnership working and also applies to any personal information sharing required by statute.
- 5.2 The Partners signing this protocol do so in order to provide the best possible advice and guidance to their clients. Minimum personal data will be shared in order to provide clients with advice and assistance on all aspects of the No Limits programme including finance and any available grants. We need to share such minimum personal data in order to provide the expertise and specialist knowledge offered by partners within the group.

6. ACCESS AND SECURITY

- 6.1 All personal files (including manual and electronic records) and confidential information must be kept in secure, controlled locations. Staff should only have access to personal information on a need-to-know basis, in order to perform their duties.
- 6.2 Each Partner Agency must ensure that they have adequate mechanisms; training and procedures are in place to ensure that any information shared under this protocol is stored and can be shared safely.

- 6.3 Each agency will take all reasonable care and safeguards to protect both the physical security of information technology and the data contained within it.
- 6.4 All information systems will be effectively password protected and users will not divulge their password nor leave systems active whilst absent.
- 6.5 Each agency will have systems to ensure that personal information received is weeded, destroyed or returned to the originator as appropriate.
- 6.6 All shared personal information should be of such sufficient quality to meet the standards set in the Data Protection Act 1998.

7. RESPONSIBILITIES OF ORGANISATIONS

- 7.1 Organisations party to this protocol should ensure they address the following responsibilities:
- Maintain an accurate and up to date registration at the Office of the Information Commissioner;
 - Have in place an appropriate Information Technology Security, and Confidentiality Policy which has been disseminated to all staff;
 - Fully instruct employees of their legal obligations to protect confidentiality of all personal information.
 - Demonstrate that their procedures are in place and regularly reviewed, and that the quality assurance of the procedures is part of their business operation to safeguard providers and recipients.
- 7.2 Each partner organisation must undertake to regularly monitor this protocol and the information sharing procedures regulated by it. If any of the Partner Agencies consider that amendments should be made, these may be raised at the annual review meeting. Each Partner Agency agrees to work together to improve their individual information sharing policies and procedures, and participating in the annual review.

APPENDIX A. NO LIMITS ORGANISATIONS

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| 1. | Accrington Stanley FC
Fraser Eagle Stadium
Livingstone Road
Accrington, BB5 5BX | Tel: 01254 356950 |
| 2. | Blackburn Rovers Community Trust
Ewood Park
Blackburn, BB2 4JF | Tel: 01254 29625 |
| 3. | Blackburn with Darwen Borough Council
Town Hall
King William Street
Blackburn, BB1 7DY | Tel: 01254 585585 |
| 4. | Burnley Borough Council
Town Hall,
Manchester Road,
Burnley, BB11 1JA | Tel: 01282 425011 |
| 5. | Burnley FC
Turf Moor
Harry Potts Way
Burnley, BB10 4BX | Tel: 0871 221 1882 |
| 6. | Community and Business Partners
Suite 1, Blackburn Enterprise Centre,
Furthergate,
Blackburn, BB1 3BD | Tel: 01254 505050 |
| 7. | Consortium of Enterprise Agencies
The Globe Centre
St James Square
Accrington, BB5 0RE | Tel: 01254 600625 |
| 8. | East Lancashire Chamber of Commerce
Red Rose Court
Clayton Business Park
Accrington, BB5 5JR | Tel: 01254 356400 |
| 9. | ELEVATE East Lancashire
Suite 22
The Globe Centre
St. James Square
Accrington, BB5 0RE | Tel: 01254 304550 |
| 10. | Hyndburn Borough Council
Scaitcliffe House,
Ormerod Street,
Accrington, BB5 0PF | Tel: 01254 388111 |
| 11. | Pendle Borough Council
Nelson Town Hall
Market Square
Nelson, BB9 7LG | Tel: 01282 661661 |
| 12. | PEER Support
St James Centre
St James Square
Bacup, OL13 9AA | Tel: 01706 213115 |
| 13. | Lancashire County Council
P.O.Box 78, County Hall,
Fishergate,
Preston, PR1 8XJ | Tel: 0845 053 0000 |
| 14. | SELNET
C/O Bootstrap Enterprises
35 Railway Road
Blackburn BB1 1EZ | Tel: 01254 680367 |
| 15. | The B Group
6 Charlotte Square
Newcastle upon Tyne NE1 4XE | Tel: 0191 2611333 |
| 16. | Slater PR
East Park Rd
Blackburn, BB1 8DW | Tel: 01254 295580 |

APPENDIX B. ENDORSEMENT

I, as the representative of

do hereby agree to comply with all of the terms of this Information Sharing Protocol and will instruct the staff within my organisation to comply with the terms of this document when dealing with client information within the No Limits programme.

NAME:.....

SIGNED:.....

DATE: