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1. INTRODUCTION

Public sector organisations in Cambridgeshire have worked together to develop the Cambridgeshire Information Sharing Framework to facilitate more effective data sharing practice across partner organisations throughout the county.

This Guidance document sits under the main Framework and intends to offer additional practical guidance, over and above what is in the Framework document, to assist staff within partner organisations in making decisions about whether to share information. The advice in this document is based on best practice and describes how to decide whether to share information and how the Framework can help with this.

Remember that this guidance, and the main Framework it sits under and supports, set out the approach that has been agreed by your organisation. By directly following the advice given in these documents you can be confident that you are sharing information correctly. For further information, contact a relevant Information Sharing Contact.

It is expected that the Framework will form the basis of any data sharing agreement entered into by the partners, providing them with a consistent approach and setting a benchmark for the standards met by all parties. However, the Framework is not restricted to data sharing agreements that are exclusively between the partners.

If you are drawing up an information sharing agreement involving organisations which have not formally signed up to the Framework, then they can participate by indicating that they endorse and are able to meet the standards set out in the Framework document. Where some aspects of the framework cannot be met by an organisation, this should be noted and assessed on a case by case basis to ensure that there is sufficient assurance for the planned data sharing – in which case, the group can agree to proceed. Advice is available on this from the Information Sharing Contacts.

2. WHAT IS MEANT BY INFORMATION SHARING?

Information sharing means the disclosure, for a specific purpose, of information which is not in the public domain from one or more organisations to a third party organisation or organisations, or the sharing of data between different parts of a single organisation.

There are two types of information sharing:

a) **One off or ad hoc information sharing** which involves any exceptional sharing of information for a purpose which is not covered by any existing data sharing arrangement.

b) **Systematic information sharing** which involves routine sharing of data sets between different parties for an agreed purpose, whether this be in the context of a time-limited project or to deliver an ongoing service.

These Guidelines provide advice to help you with both types of sharing.

The following are not ‘information sharing’ and are out of scope:

a) **Sharing published information.** If you are planning to communicate information which is already in the public domain to a third party or to publish non-sensitive information for anyone to access and reuse, then this is not ‘information sharing’.
You do not need to read this Guidance or apply the Cambridgeshire Information Sharing Framework.

b) **Sharing information held about an individual with that person.** If you have been asked by an individual to provide them with a copy of the information your organisation holds about them, this is handled as a Subject Access Request under the Data Protection Act 1998. Contact your organisation’s Data Protection lead or Information Sharing Contact for advice on this. Again, the Cambridgeshire Information Sharing Framework does not apply.

3. DECIDING HOW TO PROCEED

3.1 Flowchart of Key Questions

Whether your intended information sharing is ad hoc or systematic, before you start to share information, you should always ask yourself the key questions set out in the flowchart, Figure 1. This helps to highlight the things you need to think about, including whether you have a sufficient justification to share, the powers to do so, and, where required, the consent of the individuals that the information relates to.

3.2 Information Commissioner’s Office guidance on information sharing

Depending on whether the intended information sharing is ad hoc or systematic, you should also work through the relevant checklist of questions below. These checklists, adapted from the Information Commissioner’s Office information sharing checklists, provide a step by step guide to deciding whether to share personal data in line with the Cambridgeshire Information Sharing Framework.

3.3 Checklist for one-off information sharing requests

**Scenario:** You are asked to share business sensitive or personal data in ‘one off’ circumstances.

**Approach:** Ask yourself the following questions about justification and powers. If you are not sure how to answer them, involve your local Information Sharing Contact. Then, if appropriate, proceed as recommended.

**Is the sharing justified?**
- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

**Do you have the power to share?**
- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).
Figure 1: Flowchart supporting information sharing decision-making

You are asked to or wish to share information

Is there a clear and legitimate purpose for sharing the information?

Yes

Does the information:
- enable a person to be identified; & / or
- contain confidential data?

No

No

Seek advice from your organisations Information Sharing Lead

Yes

Do you have consent?

Yes

Do you have a legal power to share or will someone be harmed if you don't?

No

No

Do not share

You can share

One Off Sharing:
- Identify how much information to share
- Ensure you share the right information with the right person
- Ensure that you share securely in line with the advice in the Cambridgeshire Information Sharing Framework

Systematic Sharing:
Use the agreed Information Sharing Agreement Template which will guide you to ensure your sharing activity is compliant with your organisation's agreed practice.

Always record the information sharing decisions you make and your reasons for deciding whether or not to share the data
If you decide to share

- What information do you need to share?
  - Only share what is necessary.
  - Distinguish fact from opinion.
- How should the information be shared?
  - Information must be shared securely.
  - Ensure you are giving information to the right person.
- Consider whether it is appropriate / safe to inform the individual that you have shared their information.

Record your decision

Record your data sharing decision and your reasoning, whether or not you shared the information. If you are unsure how best to record sharing decisions, your Information Sharing Contact can advise.

If you share information, you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

### 3.4 Checklist for systematic information sharing

**Scenario:** You want to enter into an agreement to share personal data on an ongoing basis.

**Approach:** Work through the questions to work out whether the sharing is justified and you have the powers to share. If you decide to proceed, you must draw up an Information Sharing Agreement which sets out what information will be shared, when and how, confirms the responsibilities of each party and describes any necessary controls that help to manage related risks.

**Is the sharing justified?**

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

**Do you have the power to share?**

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

**If you decide to share**

If you decide to go ahead, the Cambridgeshire Framework requires that you establish an Information Sharing Agreement between participating parties.
Completing an Information Sharing Agreement

Your Information Sharing Agreement will establish a common set of rules which will be binding on all the partner organisations involved. It is essential that it is correct and clearly written, using plain English to ensure that everyone can understand it.

Good practice requires agreements to:

- Set out the purpose for sharing the information.
- Clearly identify all partner organisations involved and include contact details for each organisation's designated Information Sharing contact.
- List exactly what datasets will be shared with whom.
- Ensure that data shared is accurate, up to date and compatible.
- Establish common rules for the retention and deletion of shared data.
- Establish common rules for technical and organisational security when handling and/or transferring data.
- Establish common rules regarding any breach of the agreement.
- Set timescales for review (e.g. six months initially and annually after that) to determine the effectiveness of agreements.

Use the Information Sharing Agreement Template to work through the issues and decide how the sharing will be managed on a practical basis. The Template includes guidance on how to complete each section. If you are in any doubt about whether and how to share, or you want help with writing or reviewing your Information Sharing Agreement, approach your organisation's Information Sharing Contact and they will be able to advise you.

4. GOLDEN RULES FOR INFORMATION SHARING

Finally, you might find the following Do’s and Don’t’s useful:

Do…

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.

2. Be open and honest with the person (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 if you are in any doubt, without disclosing the identity of the person where possible.

4. Share with 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, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.

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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 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.

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. If you are unsure how best to record sharing decisions, your [Information Sharing Contact](http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/data_sharing.aspx) can advise.

When sharing personal data there are some practices that you should avoid. These practices could lead to regulatory action:

**Don’t…**

- **Mislead individuals about whether you intend to share their information.** For example, not telling individuals you intend to share their personal data because you think they may object.
- **Share excessive or irrelevant information about people.** For example, routinely sharing details about individuals that are not relevant to the purpose that the information is being shared for.
- **Share personal data when there is no need to do so.** For example where anonymised statistical information can be used to plan service provision.
- **Fail to take reasonable steps to ensure that information is accurate and up to date** before you share it. For example, failing to update address details before sharing information, leading to individuals being pursued at the wrong address or missing out on important information.
- **Use incompatible information systems** to share personal data, resulting in the loss, corruption or degradation of the data.
- **Have inappropriate or insufficient security measures** in place, leading to loss or unauthorised disclosure of personal details. For example, sending personal data between organisations on an unencrypted memory stick which is then lost or faxing sensitive personal data to a general office number.

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## 5. LINKS TO KEY DOCUMENTS

<table>
<thead>
<tr>
<th>Cambridgeshire Information Sharing...</th>
<th>Purpose</th>
<th>Hyperlink</th>
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<tbody>
<tr>
<td>• Framework</td>
<td>The umbrella agreement signed up to by the leaders of participating organisations. Sets out the standards that participating organisations will adhere to when sharing information.</td>
<td><a href="http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-framework.pdf">http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-framework.pdf</a></td>
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<tr>
<td>• Agreement Template</td>
<td>Template for information sharing agreements under the umbrella of the wider Cambridgeshire Information Sharing Framework. Setting the parameters for specific information sharing activities between particular groups of organisations.</td>
<td><a href="http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-agreement-template.doc">http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-agreement-template.doc</a></td>
</tr>
<tr>
<td>• Contacts</td>
<td>The lead information sharing officers in each participating organisation. Available to advise on the application of the framework and on information sharing more generally.</td>
<td><a href="http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-contacts.doc">http://data.cambridgeshire.gov.uk/data/information-management/info-sharing-framework/cambs-information-sharing-contacts.doc</a></td>
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