

Sharing personal information: How governance supports good practice

This statement aims to summarise how information sharing governance can support good practice at the front-line and to clarify the role of information sharing protocols.

To provide effective and efficient services, agencies and practitioners need to share personal information, particularly when it would help prevent an individual's life or life chances being jeopardised. Practitioners recognise the importance of information sharing and there is much good practice. However, it appears that in some situations they feel constrained from sharing personal information by uncertainty about when they can do so lawfully. In addition, practitioners need to understand their organisation's position and commitment to information sharing and to have confidence in the continued support of their organisation where they have used their professional judgement and shared information professionally.

This statement will be relevant to information officers and implementation managers who are responsible for information sharing governance or protocols. It will also help to provide clarity to practitioners at the front line who have to make case-by-case decisions about sharing personal information and for the managers and advisors who provide support them in this decision making.

Information sharing governance frameworks

It is good practice to establish an information sharing governance framework to provide clarity to all staff of the organisation's position on information sharing. An information governance framework must always recognise the importance of professional judgement in information sharing at the front-line and should focus on how to improve practice in information sharing within and between agencies. These should be communicated to the frontline so that practitioners have confidence in their organisation's commitment and support for professional information sharing.

An information sharing governance framework would be expected to include:

- An **Information Sharing Code of Practice**, which outlines the principles and standards of expected conduct and practice of the organisation and staff within the organisation. The Code of Practice establishes the organisation's intentions, commitment and level of acceptability of practice of sharing information.
- **Information Sharing Procedures**, which describe the chronological steps and considerations required after a decision to share personal information has been made, e.g. the steps to be taken to ensure that information is shared securely. Information Sharing procedures set out, in detail, good practice in sharing personal information.
- **Privacy, Confidentially, Consent (Service Users)** The organisation should have in place a range of processes and documentation for service users including 'Privacy/Confidentiality Statement', 'Fair Processing Notice', 'Consent', 'Subject Access'. Relevant staff within the organisation must understand these processes and be able to access documentation when required.
- Where the organisation is involved in pre-specified, regular or bulk sharing of personal information with other organisations then the framework would also be expected to include one or more Information Sharing Protocols. An **Information Sharing Protocol (ISP)** is a signed agreement between two or more organisations or bodies, in relation to specified personal information

sharing activity and/or arrangements for the routine of bulk sharing of personal information. An ISP relates to a specific personal information sharing activity and explains the terms under which both (or all) organisations have agreed to share the information and the practical steps that need to be taken to ensure compliance with those terms.

Applicability of information sharing protocols (ISPs)

There has been some uncertainty about the applicability of ISPs to information sharing practices at the front line. This section aims to provide clarity on this issue.

An ISP is sometimes taken to mean a document that sets out principles and general procedures for sharing information. However there are also definitions and templates for ISPs that include detailed specification of what data fields will be shared, what the storage and archive principles are, etc. The latter type of ISP is designed to support bulk or regular sharing of information between IT systems or organisations.

Although neither type of ISP is required for information sharing at the front-line, the first is good practice and is covered in the definitions of Codes of Practice and Procedures above; the second is unsuitable for front-line practices. It is misunderstandings around what is involved in an ISP and a potential reliance on ISPs over professional judgement that we are seeking to address.

Where practitioners have to make decisions about sharing information on a case-by-case basis that are not clearly covered by statute, the decision to share or not share information must always be based on professional judgement. It should be taken in accordance with legal, ethical and professional obligations, supported by cross-Government information sharing guidance and informed by training.

Information sharing protocols are not required before frontline practitioners can share information about a person. By itself, the lack of an information sharing protocol must never be a reason for not sharing information that could help a practitioner deliver services to a person.

This approach is supported by the Information Commissioners Office – see below:

“All organisations can accomplish information sharing lawfully by adhering to governing legislation and the principles of the Data Protection Act whether an Information Sharing Protocol is in place or not. An Information Sharing Protocol is a useful tool in some circumstances. It is not a legal requirement.

There are two distinct types of information sharing. Organisations may share large amounts of data with one or more partner organisations on a regular basis, or practitioners may share information with each other on an ad hoc basis as individual situations require.

An Information Sharing Protocol is a useful tool with which to manage large scale, regular information sharing. It creates a routine for what will be shared, when and with whom and provides a framework in which this regular sharing can take place with little or no intervention by practitioners.

It is not a useful tool for managing the ad hoc information sharing which all practitioners find necessary. Most importantly it is not intended to be a substitute for the professional judgement which an experienced practitioner will use in those cases and should not be used to replace that judgement.” ICO