

Bilsington Parish Council.

Information Sharing Policy

1. Aim

- 1.1. The aim of this policy is to support and facilitate effective and lawful sharing of information between Bilsington Parish Council and third parties within the public, private and third sector.
- 1.2. It promotes the accurate, timely, and secure sharing of information in a manner consistent with Bilsington Parish Council's legislative responsibilities defined by the Data Protection Act 1998 as well as sector led legislation and guidance.

2. Introduction

- 2.1. Effective sharing of information across organisational and professional boundaries plays a crucial role in providing efficient services to the public across a range of sectors.
- 2.2. As Bilsington Parish Council shares large amounts of personal data with defined third parties in order to maximise public service delivery, and to meet its statutory responsibilities, it is important to maintain trust in the way this is achieved by demonstrating that it is done so in a lawful, responsible and secure manner.

3. Types of information sharing

- 3.1. Information sharing in the context of this policy means the sharing of personal data from one or more organisations to another. The two main types of information sharing are:
 - 3.1.1. Systematic, routine, data sharing where the same data sets are shared between the same organisations for an established and agreed purpose; and
 - 3.1.2. Exceptional, one off decisions, to share data for any of a range of appropriate and agreed purposes.

4. Personal Data and Sensitive Personal Data

- 4.1. In most circumstances it will be reasonably straightforward to determine whether the information is personal data and therefore regulated by the Data Protection Act.
- 4.2. If a living individual can be identified from the data, or, from the data and other information in Bilsington Parish Council's possession, or likely to come into Bilsington Parish Council's possession and it relates to an identifiable living individual, whether in personal or family life, business or profession, it is personal data.
- 4.3. Sensitive personal data means personal data consisting of:
 - 4.3.1. The racial or ethnic origin of the data subject.
 - 4.3.2. His/her political opinions;
 - 4.3.3. His/her religious beliefs or other beliefs of a similar nature;
 - 4.3.4. Whether he/she is a member of a trade union;
 - 4.3.5. His/her physical or mental health or condition;
 - 4.3.6. His/her sexual life;
 - 4.3.7. The commission or alleged commission by him/her of any offence; or
 - 4.3.8. Any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings.

5. Data Protection Act 1998

- 5.1. The Data Protection Act 1998 applies to personal data and gives individuals a number of important rights to ensure that personal information covered by the Act is processed lawfully.
- 5.2. It regulates the manner in which such information can be collected, used and stored, and so is of prime importance in the context of information sharing.

- 5.3. Key principles in the Data Protection Act 1998 state that personal information must:
- 5.3.1. Be processed fairly and lawfully;
 - 5.3.2. Be obtained for a specified and lawful purpose and not processed in a manner incompatible with that purpose;
 - 5.3.3. Be adequate, relevant and not excessive for the purpose;
 - 5.3.4. Be accurate and, where necessary kept up to date;
 - 5.3.5. Not kept longer as is necessary;
 - 5.3.6. Be processed in accordance with the rights of the data subject;
 - 5.3.7. Be subject to appropriate technical and organisational measures designed to prevent unauthorised/unlawful processing and accidental loss, destruction or damage;
 - 5.3.8. Not be transferred outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6. Before You Decide to Share Personal Data

- 6.1. Before sharing personal data you must identify the objective of sharing and carefully consider the following factors:
- 6.1.1. What is the sharing meant to achieve?
 - 6.1.2. Could the objective be achieved without sharing the data or by anonymising it?
 - 6.1.3. What is the legal basis for sharing the information?
 - 6.1.4. What information needs to be shared and who requires access?
 - 6.1.5. How and when should it be shared?
 - 6.1.6. How can we check the sharing is achieving its objectives?
 - 6.1.7. What risk does the data sharing pose?
 - 6.1.8. How will any shared data be kept up to date?

7. Lawful Sharing

- 7.1. You must ensure personal data is only shared where it is fair and lawful. The first principle of the Data Protection Act 1998 requires that you must satisfy one or more conditions in order to legitimise the processing i.e. sharing of personal data.
- 7.2. Sharing involving sensitive personal data can be undertaken only when a further more exacting condition has been satisfied in accordance with the first data protection principle.
- 7.3. Conditions for sharing are set out at Annex A to this policy.

8. Fairness and Transparency

- 8.1. You must ensure that personal data is shared fairly and in a way that is reasonable. People should generally be aware who you are sharing their personal data with and what it is being used for.
- 8.2. Bilsington Parish Council will maintain a privacy notice in line with the Information Commissioners Office Code of Practice.
- 8.3. To support a transparent approach you should consider proactively communicating a privacy notice, for example when sharing sensitive personal data or where the sharing of data will have a significant effect on the individual.
- 8.4. You must work together with partner organisations to ensure that the individuals concerned know who has, or will have, their data and what it is being used for.

9. Individual Rights

- 9.1. The Data Protection Act gives individuals certain rights over their personal data. These include:
- 9.1.1. The right to access personal data held about them;
 - 9.1.2. The right to know how their data is being used; and
 - 9.1.3. The right to object to the way their data is being used.

- 9.2. An information sharing initiative must take into consideration individual rights and have in place mechanisms to support individuals.
- 9.3. If a significant number of objections, negative comments or other expressions of concern are received regarding a particular information sharing process, a review of the data sharing in question will be carried out.

10. Security of information

- 10.1. Information sharing partners will have varying degrees of technical, physical and procedural security controls in place.
- 10.2. It is important therefore to ensure consistency in approach by agreeing common minimum standards which can be achieved by all partners and which provided appropriate assurance when sharing personal data.

11. Privacy Impact Assessment

- 11.1. Privacy Impact Assessments are intended as a means for Bilsington Parish Council to identify and minimise the privacy risks concerned with sharing information and support our requirement to comply with data protection law.

12. Information Sharing Agreements

- 12.1. You must document instances of systematic information sharing within information sharing agreements. These must include:
 - 12.1.1. The purpose, or purposes, of the sharing;
 - 12.1.2. The potential recipients or types of recipient and the circumstances in which they will have access.
 - 12.1.3. The data to be shared;
 - 12.1.4. The process for sharing;
 - 12.1.5. Data quality – accuracy, relevance, usability, etc.
 - 12.1.6. Data security;
 - 12.1.7. Retention of shared data;
 - 12.1.8. Individuals' rights – procedures for dealing with access requests, queries and complaints.

13. Ad hoc or 'one off' sharing

- 13.1. It may not always be possible to document the sharing of information in an emergency or time dependent situation and sharing may depend primarily on the exercise of professional judgement.
- 13.2. Where this is the case you must make a record as soon as possible, detailing the circumstances, what information was shared and explaining why the disclosure took place.
- 13.3. In the event that ad hoc instances of information sharing become a regular occurrence, it must be considered whether it is necessary to amend an existing information sharing agreement to reflect this change or whether a separate information sharing agreement is required.

14. Information Requests and Disclosures

- 14.1. Alongside business as usual requests, which can usually be dealt with quickly and easily in the normal course of business, there are a number of different types of information request that staff are likely to encounter while conducting Council business.

Annex A – Conditions for Processing

Unless a relevant exemption applies, at least one of the following conditions must be met whenever you process personal data:

- The individual whom the personal data is about has consented to the processing.

- The processing is necessary; in relation to a contract which the individual has entered into; or because the individual has asked for something to be done so they can enter into a contract.
- The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract)
- The processing is necessary to protect the individual's "vital interests". This condition only applies in cases of life or death
- The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions
- The processing is in accordance with the "legitimate interests" condition.

If the information is sensitive personal data, at least one of several other conditions must also be met before the processing can comply with the first data protection principle.

These other conditions are as follows:

- The individual whom the sensitive personal data is about has given explicit consent to the processing.
- The processing is necessary so that you can comply with employment law.
- The processing is necessary to protect the vital interests of the individual (in a case where the individual's consent cannot be given or reasonably obtained), or another person (in a case where the individual's consent has been unreasonably withheld)
- The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.
- The individual has deliberately made the information public.
- The processing is necessary in relation to legal proceedings, for obtaining legal advice, or otherwise for establishing, exercising or defending legal rights.
- The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.
- The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.