

Policy No: 061	Authorised: A Parker/ J Wynn	Date: 15/01/2018
INFORMATION SHARING PROTOCOL		

Policy Statement

This organisation sets out, within this policy, its basis for the effective and efficient sharing of data between ourselves and our local multi-agency partners. This protocol is based on good practice, already in place throughout local authorities in England.

The Policy

This clarifies information sharing for staff at all levels of the organisation. Where staff are in any doubt as to whether it is appropriate to share information advice should be sought from the data controller postholder. **Janet Wynn**

Information Sharing Principles

- Must have lawful authority
- Must be necessary
- Must be proportionate
- Must need to know
- Must be accountable
- Must ensure the safety and security of the information shared

We are all aware of the intense media interest particularly when things go wrong, so a balanced approach to information sharing is vital in any decision to share. In safeguarding situations particularly it is important to ask why you wouldn't share. All health and social care staff and partner agencies have a common law duty of confidentiality within their work with Adults at risk. They also have a duty to comply with the Caldicote principles. These are a set of requirements that ensure that information regarding people who use services is treated with sensitivity to maintain its confidentiality. Information that has been provided in confidence is not normally shared or used without consent from the subject and source of such information. In all cases the main legislation which underpins the sharing of information in relation to adults at risk is:

- Common law duty of confidentiality
- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Crime and Disorder Act 1998
- Care Act 2014

It is requirement that all staff of this organisation adhere to the Golden Rules, set out below, for information sharing in all instances of information Exchange between all multi-agency partners external contacts and any request for such information will only be shared when all the Golden Rules are met.

The Golden Rules

- 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.
- Be open and honest with the person, family or representative 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.
- Seek advice, if you are in any doubt, and where this is outside of the organisation, remember confidentiality.
- 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 such judgements on the facts of the case.
- Consider safety and wellbeing: Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.

This information sharing protocol forms the basis of our confidential information sharing principles but we are aware, in particular relation to Adult Safeguarding, that the local authority service specification or multi-agency Safeguarding guidance will have an impact on when our guidance will be enhanced.

Related Policies

Adult Safeguarding

Co-operating with Other Providers

Confidentiality

Medication

Training Statement

All staff will be aware of this protocol during induction and during the update training on the new Safeguarding arrangements introduced in chapter 14 of the Care Act 2014, updated May 2016

