

Information Sharing Protocol / Data Sharing Agreement



SUMMARY SHEET

Title of Agreement: Autism in Schools Panel

Organisation Name	Head Office Address	Phone	Email	Named Data Protection Officer	ICO Notification reference
Essex County Council	County Hall, Market Road Chelmsford, CM1 1QH	08457 430430	dpo@essex.gov.uk	Paul Turner	Z6034810
Southend City Council	Civic Centre Victoria Avenue Southend on Sea Essex SS2 6ER	01702 215000	SarahGreaves@southend.gov.uk	Sarah Greaves	Z6929331
Thurrock Council	PO Box 1 Civic Offices New Road Grays Thurrock Essex RM17 6SL		Information.matters@thurrock.gov.uk	Lee Henley	Z8228055

Version Control

Date Protocol comes into force	08/05/2024
Date of next Protocol review	07/05/2025
Protocol Lead Organisation	Essex County Council (ECC)
Protocol drawn up by (Author(s))	Tom MacGregor
Status– DRAFT/FOR APPROVAL/APPROVED	APPROVED
Version	V0.1

Wider Eastern Information Stakeholders Forum

This Information Sharing Protocol is designed to ensure that information is shared in a way that is fair, transparent and in line with the rights and expectations of the people whose information you are sharing. We recommend that these protocols are published alongside your online privacy notices for full transparency.

This protocol will help you to identify the issues you need to consider when deciding whether to share personal data. It should give you confidence to share personal data when it is appropriate to do so but should also give you a clearer idea of when it is not acceptable to share data.

Specific benefits include:

- minimised risk of breaking the law and consequent enforcement action by the Information Commissioner's Office (ICO) or other regulators;
- greater public trust and a better relationship by ensuring that legally required safeguards are in place and complied with;
- better protection for individuals when their data is shared;
- increased data sharing when this is necessary and beneficial;
- reduced reputational risk caused by the inappropriate or insecure sharing of personal data;
- a better understanding of when, or whether, it is acceptable to share information without people's knowledge or consent or in the face of objection; and reduced risk of questions, complaints and disputes about the way you share personal data.

Please ensure all sections of the template are fully completed with sufficient detail to provide assurance that the sharing is conducted lawfully, securely and ethically.

Item	Name/Link /Reference	Responsible Authority
Data Protection Impact Assessment (DPIA)	1450	ECC
Supporting Standard Operating Procedure		
Associated contract		
Associated Policy Documents		
Other associated supporting documentation		

1 – Purpose

The Autism in School's Panel has been established to process, triage and allocate referrals based on the category of need of CYP referred with an ambition of deploying the appropriate resource in a timely way in order to support the need of that individual and their school placement. These ambitions are directly linked to the expedited autism assessment via Autism Diagnostic Pathway Support and/or the commissioning of an Autism in School's Targeted Support Practitioner. Indirect links also include onward support (and/or signposting) to dependent services such as:

- Mental Health in School's Teams,
- SET CAMHS,
- Outreach Support for SEMH (Thurrock Only),
- SENDIASS (or equivalent),
- Autism Central
- Ordinarily Available Offer

The Panel will have responsibilities of executing the deliverables of the Project and reporting on progress, risks and issues to the Project Team. The Panel will ensure that the Project captures the desired population and affects positive change for the individual's referred and accepted onto the Project, with ambitions of sustaining their educational placement.

Schools (with parental consent), via a secure email thread, will make a request for support from an autism targeted support practitioner. The purpose of the panel is to assess the need of the school and young person for support. The school needs to provide details of the young person, their diagnosis, current provision and the reason they are at risk of placement breakdown, in order for a panel of experts to assess whether this need meets criteria for the project. The request form will be available for panel members via a private teams group to view and discuss at panel. A record of the decision will be made and recorded on SharePoint. Schools will then be notified of the decision. By storing the data it will ensure reasons for decisions will be recorded and ECC have a record of that decision. Information will be shared by link to SharePoint.

The Panel will be responsible for overseeing the appropriateness of requests for support into the pilot, with ECC Education Leads retaining responsibility for communicating out decisions reached to respective referrers.

Correspondence following referrals into the pilot will be any one (or combination of) the following documents:

1. Generic rejection letter for children referred in who don't meet criteria
2. Bespoke rejection letter for children referred in who do meet criteria but who aren't offered a place on the pilot by the responsible Local Authority
3. Acceptance letter for children referred who do meet criteria and who are offered a place on the pilot [this may differ depending on entry point, i.e. diagnostics or Targeted Support only].

Timelines for correspondence may follow the initial request for support sent to the centralised mailbox, after triage or after the Panel has met.

The Panel's membership will escalate operational issues via existing governance routes respectively. Any project-related issues requiring systemic or strategic escalation will be via the Autism Lead for SEND (ECC) and CYP Commissioner (LD/A HE Team) to the Project Team and onward to the CYP Transforming Care Steering Group as appropriate.

The Panel will convene every half-term to ensure that referrals to the project are processed in a timely way, and to inform the forthcoming half-term caseload for the diagnostic provider and Targeted Support Practitioners.

The Panel will meet virtually via MS Teams. Meetings will be:

- Co-ordinated by ECC Staff
- Chaired by ECC
- Minuted by ECC

Agenda's for the meeting will be organised by ECC Staff and shared with the Panel in advance.

Agenda's will close a week before the meeting and members will be required to populate the Panel's Views Sheet (based on the Triage Tool) in advance of the meeting to streamline discussions. The panel will discuss cases where the criteria has been met and where a discussion is needed for acceptance or signposting.

2 – Information to be shared

Organisation Name	Personal data fields	Special Category Personal Data fields	Criminal Offence Data fields
ECC	Pupil name	Gender	
	DOB	Gender ID	
	Address	Ethnicity	
	NHS Number	Religion	
	GP name		
	Autism Diagnosis		
	School placement details		
	Referrer name		
	Role		
	Contact details		
	Reason for request		

3. Legal basis

The identified conditions for processing under the Data Protection Act 2018:

Partner to Protocol	Personal Data (identifiable data)	Special Categories of Data (Sensitive identifiable data – if applicable)	Law Enforcement data (if applicable e.g. community safety)
Organisation Name(s)	Article 6:	Article 9: (if appropriate):	DPA Part 3 (if appropriate):
ECC	Consent	Explicit Consent	Choose an item.
Southend	Consent	Explicit Consent	Choose an item.
Thurrock	Consent	Explicit Consent	Choose an item.
NELFT	Consent	Explicit Consent	Choose an item.
Kids Inspire	Consent	Explicit Consent	Choose an item.

Where the data sharing involves Special Category Personal Data or Law Enforcement Data all Partners to the protocol confirm they have an Appropriate Policy Document in place ☒

Please list below relevant legislation or statute empowering this sharing activity: [Legislation guides](#) | [Local Government Association](#)

4. Responsibilities

For help go to [Controllers and processors | ICO](#)

DATA CONTROLLERS - Organisation Name(s)	Data Protection Status	Provide Data	Access Data
Essex County Council	Controller	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DATA PROCESSORS – Organisation Name(s)	Name(s) of Controller managing the Contract or other agreement	DPIA completed
Southend City Council		Choose an item.
Thurrock Council		Choose an item.

This Protocol will be reviewed one year after it comes into operation, or sooner should a breach occur or circumstances change, to ensure that it remains fit for purpose. The review will be initiated by the Lead Organisation (see page one).

5. Data Subject Rights

All data controllers are responsible for responding to requests to exercise data subject rights received by their organisation.

It is each Partner's responsibility to ensure that they can comply with all of the rights applicable to the sharing of the personal information. Partners will respond within one month of receipt of a notice to exercise a data subject right. Each Partner has a legal responsibility to ensure they have appropriate processes in place to support the exercising of these rights by Data Subjects.

It should be noted that where the legal condition for processing under this protocol differs for participating organisations, the applicable rights may also vary. It is for each controller to understand which rights apply in respect of the processing condition they rely on.

Data Subject Rights Select the applicable rights for this sharing according to the legal basis you are relying on	Check box to confirm processes are in place
UK GDPR Article 13 & 14 – Right to be Informed – Individuals must be informed about how their data is being used. This sharing must be reflected in your privacy notices to ensure transparency. Partners are encouraged to publish their sharing protocols alongside their privacy notices to support greater transparency.	<input checked="" type="checkbox"/>
UK GDPR Article 15 – Right of Access – Individuals have the right to request access to the information about them held by each Partner.	<input checked="" type="checkbox"/>
UK GDPR Article 16 – Right to Rectification – Individuals have the right to have factually inaccurate data corrected, and incomplete data completed.	<input checked="" type="checkbox"/>
UK GDPR Article 17 (1) (b) & (e) – Right to be forgotten – This right may apply where the sharing is based on Consent, Contract or Legitimate Interests, or where a Court Order has demanded that the information for an individual must no longer be processed. Should either circumstance occur, the receiving Partner must notify all Data Controllers party to this protocol, providing sufficient information for the individual to be identified, and explaining the basis for the application, to enable all Partners to take the appropriate action.	<input checked="" type="checkbox"/>
UK GDPR Article 18 – Right to Restriction – Individuals shall have the right to restrict the use of their data pending investigation into complaints.	<input checked="" type="checkbox"/>
UK GDPR Article 19 – Notification – Data Controllers must notify the data subjects and other recipients of the personal data under the terms of this protocol of any rectification or restriction, unless it involves disproportionate effort.	<input checked="" type="checkbox"/>

UK GDPR Article 21 – The Right to Object – Individuals have the right to object to any processing which relies on Consent, Legitimate Interests, or Public Task as its legal basis for processing. This right does not apply where processing is required by law. Individuals always have a right to object to Direct Marketing, regardless of the legal basis for processing.	<input checked="" type="checkbox"/>
UK GDPR Article 22 – Automated Decision-Making including Profiling – the Individual has the right to request that a human being makes a decision rather than a computer, unless it is required by law. The individual also has the right to object to profiling which places legal effects on them.	<input type="checkbox"/>
Freedom of Information (FOI) Act 2000 or Environmental Information Regulations (EIR) 2004 relates to data requested from a Public Authority by a member of the public. It is best practice to seek advice from the originating organisation prior to release. This allows the originating organisation to rely on any statutory exemption/exception and to identify any perceived harms. However, the decision to release data under the FOI Act or EIR is the responsibility of the public authority that received the request.	<input checked="" type="checkbox"/>

6. Security of Information

The Partners to this protocol agree that they will apply appropriate technical and organisational security measures which align to the volume and sensitivity of the personal data being processed in accordance with article 32 of the UK GDPR as applied by the Data Protection Act 2018.

The security of the personal data in transit will be assured by: All information sent and received will be done so via secure email. There will be a limited number of colleagues able to access the email inbox and also only panel members able to access the teams channel.

Partners receiving information will:

- Complete a Data Protection Impact Assessment (DPIA) where necessary
- Ensure that their employees are appropriately trained to understand their responsibilities to maintain confidentiality and privacy
- Protect the physical security of the shared information
- Restrict access to data to those that require it, and take reasonable steps to ensure the reliability of employees who have access to data, for instance, ensuring that all staff have appropriate background checks
- Maintain an up-to-date policy for handling personal data which is available to all staff

- Have a process in place to handle any data breaches involving personal data, including notifying relevant third parties of any breach
- Ensure any 3rd party processing is agreed as part of this protocol and governed by a robust contract and detailed written instructions for processing.

7. Format & Frequency

- The format the information will be shared in is secure email and private teams channel
- The frequency with which the information will be shared is **quarterly**

If a shared system is being used by partners:

- What system is being shared? **SharePoint**
- Who is the owner of the system? **Ondrea Bloom**
- A DPIA has been completed and approved for the use of this system YES

8. Data Retention

Information will be retained in accordance with each partners' published data retention policy available on their websites, and in any event no longer than is necessary for the purpose of this protocol. All data beyond its retention will be destroyed securely.

9. Data Accuracy

Please check this box to confirm that your organisation has processes in place to ensure that data is regularly checked for accuracy, and any anomalies are resolved ☒

10. Personal Data Breach Notifications

Where a data breach linked to the sharing of data under this protocol is likely to adversely affect an Individual, all involved Partners must be informed within 48 hours of the breach being detected. The email addresses on page 1 should be used to contact the Partners. The decision to notify the ICO can only be made after consultation with all other affected Partners to this protocol, and where notification to the ICO is required, it must be made within 72 hours of the breach being detected. Where agreement to notify cannot be reached within this timeframe, the final decision will rest with the Protocol Lead Organisation as depicted on page one.

All involved Partners should consult on the need to inform the Individual, so that all risks are fully considered, and agreement is reached as to when, how and by whom such contact should be made. Where agreement to notify cannot be reached, the final decision will rest with the Protocol Lead Organisation as depicted on page one.

All Partners to this protocol must ensure that robust policy and procedures are in place to manage data breaches, including the need to consult Partners where the breach directly relates to information shared under this protocol.

11. Complaint Handling

Partner agencies will use their standard organisational procedures to deal with complaints from the public arising from information sharing under this protocol.

12. Commencement of Protocol

This Protocol shall commence upon date of the signing of a copy of the Protocol by the signatory partners. The relevant information can be shared between signatory partners from the date the Protocol commences.

13. Withdrawal from the Protocol

Any partner may withdraw from this protocol upon giving 4 weeks written notice to the Protocol Lead Organisation stated on page one, who will inform other partners to the protocol. The leaving Partner must continue to comply with the terms of this Protocol in

respect of any information that the partner has obtained through being a signatory. Information, which is no longer relevant, should be returned or destroyed in an appropriate secure manner.

14. Agreement

This Protocol must be approved by the responsible person within each organisation (DPO/SIRO/Caldicott Guardian/Chief Information Officer). Signed copies should be retained by the Lead Organisation for the lifetime of the Protocol plus two years.

Protocol Lead Organisation	
Lead Organisation	Essex County Council
Role of Lead Signatory	Senior Information Risk Officer & Caldicott Guardian
Name of Lead Signatory	Nicole Wood & Helen Lincoln
Date	27/06/2024
Protocol Partner Organisation	
Partner Organisation	Thurrock Council
Role of Partner Signatory	Head of School Effectiveness and SEND
Name of Partner Signatory	Andrea Winstone
Date	24/06/2024

Protocol Partner Organisation	
Partner Organisation	Southend City Council
Role of Partner Signatory	Inclusion Review Lead
Name of Partner Signatory	Sarah Greaves
Date	11.06.2024

Signed Protocols, or emails of approval should be sent to the Lead Organisation at:
tom.macgregor@essex.gov.uk