

# Information Sharing Protocol

## SUMMARY SHEET

### Title of Agreement: Adult Social Care and Chelmsford Prison – Care Act Assessments

Organisation Name	Head Office Address	Phone	Email	Named Data Protection Officer	ICO Notification reference
Essex County Council	County Hall, Duke Street, Chelmsford, CM1 1QH	08457 430430	<a href="mailto:dpo@essex.gov.uk">dpo@essex.gov.uk</a>	Paul Turner	Z6034810
HMP & YOI Chelmsford (HMPC)	200 Springfield Road Springfield Chelmsford Essex CM2 6JT	01245 552000	<a href="mailto:Gary.newnes@justice.gov.uk">Gary.newnes@justice.gov.uk</a>	Gary Newnes	Z5112159

#### Version Control

Date Protocol comes into force	19 May 2025
Date of next Protocol review	19 May 2028
<b>Protocol Lead Organisation</b>	Essex County Council
Protocol drawn up by (Author(s))	Gemma Gibbs, Senior Information Governance Officer / Michael Farrell, Integration and Partnership Locality Lead
Status– DRAFT/FOR APPROVAL/APPROVED	APPROVED
Version	1.0

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
<b>Data Protection Impact Assessment (DPIA)</b>		ECC HMPC
<b>Supporting Standard Operating Procedure</b>	Prison Joint Working Protocol	HMPC
<b>Associated contract</b>		
<b>Associated Policy Documents</b>	ECC Charging Policy	ECC
<b>Other associated supporting documentation</b>	Adult Social Care Referral Form	HMPC
	Essex Prison Release Housing Protocol	ECC

# 1. Purpose

Residents of HMP & YOI Chelmsford (HMPC) have the right to be assessed for any eligible needs they may have, as well as receive any support to meet those eligible needs which is not already being provided to them. This Information Sharing Protocol sets out the criteria for referring an individual who may require social care, as well defining the roles and responsibilities of both Essex County Council (ECC) and HMPC.

The joint outcomes ECC and HMPC wish to achieve are:

- Improved understanding of the roles and responsibilities of each partner
- Improved working practice to avoid duplication of work and delays
- Adopted culture of mutual support and public sector ethos

## **Roles and Responsibilities**

ECC's role will be:

- To conduct a Care Act assessment for any prisoner who requests one
- To conduct a Care Act assessment for any prisoner referred by HMPC, provided the prisoner consents to such an assessment being carried out
- If no eligible needs are identified, to produce information following an assessment of what support is currently available to the individual, and how both the individual prisoner and HMPC could avoid needs increasing or developing in the future
- If eligible needs are identified which are not currently being met by HMPC, ECC shall produce a care and support plan tailored to meeting those unmet needs. As part of this process, ECC will need to undertake a financial assessment of the prisoner, as well as consult with HMPC about types of support which could be made available to the adult.

For the avoidance of doubt, ECC cannot:

- Provide any care which is intended to meet a prisoner's health needs
- Conduct assessments without referrals from HMPC or the individual or other professionals including Mental Health services and GPs
- Supply equipment which will not feasibly work within the prison settings or is required to meet a health need
- Lead on safeguard enquiries within the prison setting

HMPC's roles will be:

- To refer any prisoner, either following reception screening or a health assessment, to ECC who they reasonably believe may have care and support needs
- To ensure that appropriate pathways are in place for residents to refer themselves to ECC for an assessment
- To work with ECC to find care and support solutions for adults with eligible needs

- To inform ECC regarding safeguarding if the matter relates to ECC practitioners, concerns related to organisations ECC has commissioned to enter the prison to support the adult in meeting eligible needs or has occurred whilst the prisoner is in hospital
- To appropriately risk assess any equipment supplied by ECC

**Governance Arrangements**

HMPC hold internal weekly meetings (named complex cases meeting). ECC are attendees of these meetings once per month due to frequency of ECC-related items for discussion. Minutes and actions following meetings are shared with ECC and wider attendees.

Monthly catch-up meetings between HMPC and ECC will be held to discuss any residents currently requiring support from ECC and any other related areas that needs to be discussed.

HMPC and ECC are able to hold meetings as and when required as part of any assessment process to identify care and support requirements.

Issues for formal escalation are able to be taken to the bi-monthly partnership meeting (names Essex Prison health and social care board meeting).

Other issues should be sent via email from HMPC to ECC. ECC will record any issues raised on the Social Care Case Management system (Mosaic) via a new contact. This may require other routes of escalation to be followed (e.g. complaints or safeguarding processes) or require a review of a prisoner's care and support needs to be raised.

Responses for escalations raised will be sent to HMPC through email who will ensure that the prisoner receives the outcome of any issues raised.

**Assessment Outcomes**

The outcome of any Care Act assessment will be securely emailed to HMPC for logging and feedback to the prisoner and / or any other relevant parties.

## 2. Information to be shared

Organisation Name	Personal data fields	Special Category Personal Data fields	Criminal Offence Data fields
<b>HMPC</b>	Forename	Physical health	NA
	Family name (surname)	Mental health	
	Date of birth	Learning difficulties/disabilities	
	Prison number (ID)	Daily living tasks	
		Risk of violence and aggression (if applicable)	
<b>ECC</b>	Forename	Physical health	NA
	Family name (surname)	Mental health	
	Date of birth	Learning difficulties/disabilities	
	Prison number (ID)	Daily living tasks	
	Financial		

## 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)
Organisation Name(s)	Article 6:	Article 9:
<b>ECC</b>	Public Task	Health & Social Care
<b>HMP &amp; YOI Chelmsford</b>	Public Task	Health & Social Care

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](#)

**Care Act 2014** – under S.6 & 7 both ECC and HMPC have a reciprocal duty to co-operate in the exercise of functions relating to adults with needs for care and support.

S.9 – ECC is under a duty to assess any individual who it appears to ECC may have needs for care and support.

A.13 – ECC is under a duty to meet any unmet needs (based on meeting the criteria)

S.18 – If an individual is eligible then ECC is under a duty to meet those needs.

S.19 – ECC has a power to meet the urgent needs of those who it is not required to meet under S.18.

**The Prison Rules 1999**

Rules 20-31 deal with the obligations a prison has towards those under its charge, as well as general prohibitions on items such as alcohol and tobacco.

**Prison Service Orders (PSOs)**

PSO 3200: Health Promotion

PSO 3100: Clinical Governance – Quality in Prison Healthcare

PSO 3050: Continuity of Healthcare for Prisoners (sets out mandatory actions which are required within 24 hours of a prisoner entering the facility).

## 4. Responsibilities

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

DATA CONTROLLERS - Organisation Name(s)	Data Protection Status	Provide Data	Access Data
ECC	Controller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HMP & YOI Chelmsford	Controller	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This Protocol will be reviewed three years 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.

<b>Data Subject Rights</b> Select the <b>applicable rights</b> for this sharing according to the legal basis you are relying on	<b>Check box to confirm processes are in place</b>
<b>UK GDPR Article 13 &amp; 14 – Right to be Informed</b> – Individuals <b>must</b> 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"/>
<b>UK GDPR Article 15 – Right of Access</b> – Individuals have the right to request access to the information about them held by each Partner.	<input checked="" type="checkbox"/>
<b>UK GDPR Article 16 – Right to Rectification</b> – Individuals have the right to have factually inaccurate data corrected, and incomplete data completed.	<input checked="" type="checkbox"/>
<b>UK GDPR Article 17 (1) (b) &amp; (e) – Right to be forgotten</b> – 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 type="checkbox"/>
<b>UK GDPR Article 18 – Right to Restriction</b> – Individuals shall have the right to restrict the use of their data pending investigation into complaints.	<input checked="" type="checkbox"/>
<b>UK GDPR Article 19 – Notification</b> – 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"/>

<b>UK GDPR Article 21 – The Right to Object</b> – 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"/>
<b>UK GDPR Article 22 – Automated Decision-Making including Profiling</b> – 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 checked="" type="checkbox"/>
<b>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.</b> 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 each organisation ensuring the use of secure email and following their organisation's guidelines regarding protective marking.

For unplanned / urgent requests for assessments out of office hours that cannot wait to be made on the next working day should be referred to the Emergency Duty Team using the agreed contact number.

Staff who are completing assessments regularly in the prison setting should complete the Ministry of Justice vetting procedures, and these involve signing a confidentiality statement from Ministry of Justice.

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 3<sup>rd</sup> 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 via a Word document sent using secure email.
- The frequency with which the information will be shared is on a case-by-case referral basis as required.

If a shared system is being used by partners:

- What system is being shared? Not applicable.
- Who is the owner of the system? Not applicable.

## 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.

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## 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). Email approvals should be retained by the Lead Organisation for the lifetime of the Protocol plus two years.

Signed Protocols, or emails of approval should be sent to the Lead Organisation at: [dpo@essex.gov.uk](mailto:dpo@essex.gov.uk)