**WEISF INFORMATION SHARING PROTOCOL**

# SUMMARY SHEET

**Title of Agreement: Supported Families Programme**

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| --- | --- | --- | --- | --- | --- |
| Organisation Name | Head Office Address | Phone | Email | Named Data Protection Officer | ICO Notification reference |
| Essex County Council | County Hall  Market Road  Chelmsford  Essex, CM1 1QH | 03330 139824 | [DPO@essex.gov.uk](mailto:DPO@essex.gov.uk) | Paul Turner | Z6034810 |
| Essex Child & Wellbeing Service (HCRG Care Group) | The Heath Business & Technical Park,  Runcorn, Cheshire, WA7 4QX | 01928 242942 | [Ask.IG@hcrgcaregroup.com](mailto:Ask.IG@hcrgcaregroup.com) | David Watkins | Z2823541 |
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**Version Control**

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| --- | --- |
| Date Protocol comes into force | 1st January 2023 |
| Date of next Protocol review | 1 year from commencement |
| **Protocol Lead Organisation** | Essex County Council |
| Protocol drawn up by (Author(s)) | Ken Thompson (HRCG CG) / Amy Hoye (ECC) / Alison Dellow (Senior Information Governance Officer, ECC) |
| Status– DRAFT/FOR APPROVAL/APPROVED | APPROVED |
| Version | 1.2 |

**Wider Eastern Information Stakeholder 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.

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.

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| Item | Name/Link /Reference | Responsible Authority |
| Data Protection Impact Assessment (DPIA) | ECC 1258  HCRG - 37108 | Essex County Council  HCRG |
| Supporting Standard Operating Procedure | Various SOPS | ECC / HCRG CG |
| Associated contract | PB19 HFWS 0169 | ECC / HCRG CG |
| Associated Policy Documents | Various IG Policies | ECC / HCRG CG |
| Other associated supporting documentation | Business Case, DEA Code of Practice, Privacy Notices | ECC / HRCG CG |

1 – Purpose

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| To engage with the delivery of the Supporting Families programme as required by the Department for Levelling up Housing and Communities. The programme is concerned with identifying families that have been supported to improved outcomes in relation to  Getting a Good Education  Good Early Years Development  Improved Mental and Physical Health  Promoting Recovery and reducing harm from substance use  Improve Family Relationships  Children Safe from Abuse and Exploitation  Crime Prevention and Tackling Crime  Safe from Domestic Abuse  Secure Housing  Financial Security  Essex Child and Family Wellbeing Service will supply the minimum required data to allow ECC to identify whether families are eligible for inclusion in total figures (no personal details) submitted to DLUCH, to undertake duplication and eligibility checks to ensure that the family has not previously been included.    ECFWS data will be submitted to Early Help Data and Insights Team at ECC who will process the data in line with the requirements of the Supporting Families Programme which is concerned with identifying families supported to better outcomes across Essex. To pursue data transformation and join up across partners enabling families to receive the right services at the right time  Auditing of files will be undertaken by the Department for Levelling Up Communities and Housing by means of a Spot Check whereby partners, families and internal colleagues may be invited to talk about their work / experiences. At no point are families at risk of being targeted using data collected in line with this programme.  Supporting Families objectives   * To see vulnerable families thrive, building their resilience by providing effective, whole family support to help prevent escalation into statutory services. * To drive system change locally and nationally, working with local authorities and their partners to create joined up local services, able to identify families in need, provide the right support at the right time, and track their outcomes in the long term.   The programme aims to have a positive impact for individual families, across public services and for the rest of society:   * Families will be empowered to become resilient over time and build connections to their local community. Avoiding poor outcomes such as homelessness, family breakdown and children entering care, or involvement in crime, families will thrive. * Local services will be joined-up, flexible, responsive to new challenges and sustainable for the long term. Strong multi-agency partnerships will work together to understand local trends, predict emerging need in their local area, identify and respond to those needing extra help. * The benefits of this approach will be felt across society. The pressure on expensive reactive statutory services will reduce as the system begins to rebalance away from intervening at crisis point. This will help services to become more sustainable and allow them to intervene much earlier in the cycle, delivering better outcomes for families. |

2 – Information to be shared

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| **Field** | **Description** |
| NHS Number | Unique Person Identifier if available |
| Unique Pupil Reference Number | If available |
| Forename | Name required to match to existing datasets. Have we claimed the family before? Names are required for all family members |
| Surname | Same as Forename. Names are required for all family members |
| DOB | For matching ideally this format 01/01/1900 |
| Person Type | Adult / Child |
| Latest Address | If possible broken down to house number, road name, Town, in separate columns |
| Post Code | In standard format |
| Date commenced | Date they started to receive support from the service in same format at DOB |
| Service(s) | Service or services that are supporting the family, would this make it clear if it is mental or Physical health being supported? Or good early years development |
| Programmes / Criteria | Any specific Programme or courses that the family are engaged with  Criteria supported |
| Lead Professional | Lead professional because this is a requirement of the programme and so we have a contact if DLUCH wanted to audit any of those cases specifically |
| Date Closed | If work is not ongoing with family is there a date intervention ceased (in same format as DOB)? |
| Outcome | How has life improved, i.e. stopped smoking, weight loss / healthy eating established, self-managing condition? |

3. Legal basis

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

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| Personal Data (identifiable data) | Special Categories of Data  (Sensitive identifiable data – if applicable) | Law Enforcement data  (if applicable e.g. community safety) |
| Article 6: *[please click Choose an item and select]* | Article 9: (if appropriate): *[please click Choose an item and select]* | DPA Part 3 (if appropriate): *[please click Choose an item and select]* |
| Public Task | Substantial Public Interest | Choose an item. |
| Under Contract | Health & Social Care | Choose an item. |
| Choose an item. | Public Interest in Public Health | Choose an item. |
| Choose an item. | Choose an item. | Choose an item. |

Please list below relevant legislation or statute empowering this sharing activity:

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| Digital Economy Act 2017 (Section 35, Section 41, Schedule 4, and Section 43 – Code of Practice) |
| Data Protection Act 2018 |
| Human Rights Act 1998 |
| Children’s Act 1989 &2004 |
| Children & Families Act 2014 |
| Children & Social Work Act 2017 |
| Education Act 1996 & 2000 |
| Education & Skills Ac 2000 |
| Welfare Reform & Work Act 2016 |
| Crime & Disorder Act 1998 |
| Care Act 2014 |
| Local Government Act 2003 |
| Department of Levelling Up, Housing & Communities Programme |

4. Responsibilities

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| For the purposes of this Protocol the responsibilities are defined as follows:  For help go to [Controllers and processors | ICO](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/controllers-and-processors/) | Tick box | Organisation Name(s) |
| The Sole Data Controller for this sharing is: |  |  |
| The Joint Data Controllers for this sharing are: |  | ECC / HRCG CG |
| In the case of Joint Data Controllers, the designated single contact point for Individuals is: |  | Amy Hoye – ECC  Ken Thompson – HRCG CG |
| Data Processors supporting the processing carried out under this protocol are (please list names): |  |  |

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

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. It is for the organisation initiating this ISP to identify which rights apply, and then each Partner has a legal responsibility to ensure they have the appropriate processes in place.

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| Data Subject Rights  Select the [applicable rights](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-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. |  |
| UK GDPR Article 15 – Right of Access – Individuals have the right to request access to the information about them held by each Partner |  |
| UK GDPR Article 16 – Right to Rectification – Individuals have the right to have factually inaccurate data corrected, and incomplete data completed. |  |
| 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. |  |
| UK GDPR Article 18 – Right to Restriction – Individuals shall have the right to restrict the use of their data pending investigation into complaints. |  |
| 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. |  |
| 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 (section 3). Individuals will always have a right to object to Direct Marketing, regardless of the legal basis for processing. |  |
| 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. |  |
| 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 agency that received the request. |  |

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: *encryption of emails sent via a secure email address.*

Partners receiving information will:

* 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 as a **CSV file format attached to a secure and managed email address**
* The frequency with which the information will be shared is **Quarterly (every three months)**

If a shared system is being used by partners:

* What system is being shared?  **N/A**
* Who is the owner of the system?  **N/A**

# 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.

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| Protocol Lead Organisation |  |
| Lead Organisation | Essex County Council |
| Role of Lead Signatory | SIRO |
| Name of Lead Signatory | Nicole Wood |
| Date | 11/01/2023 |
| Protocol Partner Organisation |  |
| Partner Organisation | HCRG Care Group (Essex) |
| Role of Partner Signatory | Interim Managing Director |
| Name of Partner Signatory | Kathleen Ely |
| Date | 21/12/2022 |

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