

**Chief Executives' Group – North Yorkshire and York
16 March 2012**

Revised arrangements for sharing personal data

1 Purpose of the Report

- 1.1 To seek agreement on revised arrangements for sharing personal data in accordance with the Information Commissioner's Code of Practice

2. Background

- 2.1. Partnerships between public sector bodies and others, aimed at delivering joined-up and efficient services, often require them to share the personal data of clients and customers. This must be compliant with the Data Protection Act 1998 ("the Act"). Often arrangements ensuring compliance are included in a contract or partnership agreement, perhaps referred to as a "protocol".
- 2.2. Often the same organisations find themselves working together for new purposes, and having to prepare a new protocol. This led the North Yorkshire Strategic Partnership to prepare its "General Framework for Information Sharing in North Yorkshire and York V2.0 (2009)" ("the General Framework"), intended as a three-level template to make the drafting of protocols more efficient. This document has been adopted locally by councils, the police and certain NHS and voluntary sector bodies.
- 2.3. In May 2011 the Information Commissioner published the "Data Sharing Code of Practice" ("the Code"). It is statutory – that is, compliance with it amounts to compliance with the Act itself. It is in plain English and includes a checklist of things that a protocol should include.

3. Consultation

- 3.1. Local bodies were invited last year to discuss the Code. Some requested a formal partnership decision to cancel the General Framework. This report is intended to address that wish, to enable a strategic level decision that can cascade through those partnerships that require a formal decision.
- 3.2. Those bodies were also invited to identify protocols and similar agreements to create a register. This could be used to identify agreements where partners had lost track of them, help review them at a suitable time, and provide examples to help draft new agreements. Only one has been notified.

4. The General Framework and the Code of Practice

- 4.1. The Code makes clear that agreeing a protocol does not make anything compliant with the Act that would not be otherwise. This means that the General Framework is not enough to ensure that data sharing is compliant; more detailed documents are necessary for that. However they are difficult to find and may not exist; there is a risk that current arrangements may not be compliant.

- 4.2. The Code, by contrast, provides a checklist that can be applied to any partnership agreement or data sharing protocol (or any other form of document). Each partner will wish to ensure the proposed new service will fulfil its own objectives and policies and be within its legal powers. Each partner can also use the Code to ensure compliance with the Act, and therefore that the other partners add no risk.
- 4.3. The General Framework is therefore redundant. It can be abandoned, in favour of applying the Code directly as a check on any draft agreement for a new partnership or service, or at review time to existing agreements. Or, where for constitutional reasons a formal withdrawal is required, that can be done.
- 4.4. Note that there is no proposal to write anything new, or add a new level of documentation or control. There need be no new general framework. Only where data sharing arrangements are not adequately documented, and there is a risk of non-compliance, is any new document needed.

5. Recommendations

- 5.1. That the Group agrees to apply the Code directly to current and future data sharing agreements, in place of the General Framework. The General Framework is declared redundant.
- 5.2. The Group recommends to its related partnerships and strategic bodies that they should similarly either abandon, or formally close, the General Framework.

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Background papers:

“General Framework for Information Sharing in North Yorkshire and York V2.0 (2009)” (43 pages) – available from Robert.Beane@veritau.co.uk

“Data Sharing Code of Practice” (59 pages) – available online at www.ico.gov.uk/for_organisations/data_protection/topic_guides/data_sharing.aspx