



DATA SHARING PROCEDURE

POLICY AGREED: SPRING TERM 2022 BY THE FULL GOVERNING BOARD

**POLICY TO BE REVIEWED: SPRING TERM 2023
OR WHEN CHANGES ARE MADE BY CWAC**

Data Sharing Checklist – Systematic Data Sharing

Scenario: You want to enter into an agreement to share personal data on an ongoing basis

Is the sharing justified?

Key points to consider:

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

It is good practice to have a data sharing agreement in place.

As well as considering the key points above, your data sharing agreement should cover the following issues:

- What information needs to be shared.
- The organisations that will be involved.
- What you need to tell people about the data sharing and how you will communicate that information.
- Measures to ensure adequate security is in place to protect the data.
- What arrangements need to be in place to provide individuals with access to their personal data if they request it.
- Agreed common retention periods for the data.
- Processes to ensure secure deletion takes place.

Data Sharing Checklist – One Off Requests

Scenario: You are asked to share personal data relating to an individual in 'one off' circumstances

Is the sharing justified?

Key points to consider:

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

Key points to consider:

- What information do you need to share?
 - Only share what is necessary.
 - Distinguish fact from opinion.
- How should the information be shared?
 - Information must be shared securely.
 - Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.

Record your decision

Record your data sharing decision and your reasoning – whether or not you shared the information. If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with?
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent

Appendix 1

Data Sharing Request Form

All requests for the sharing of data must be recorded whether or not data is to be shared.

Requests should be logged and passed to the school DP Lead.

Note: this form is not for the request of personal data by individuals; see the Subject Access Request Policy.

| | |
|---|--|
| Name of organisation: | <i>Details of the organisation requesting information.</i> |
| Name and position of requestor: | <i>Identify the contact details of the individual making the request to determine if they have the authority to do so.</i> |
| Date of request: | <i>Date request was made</i> |
| Data Sharing Agreement: | <i>Is a data sharing agreement required or is one in place?</i> |
| Date requested | <i>Date of existing Data Sharing Agreement or date DSA requested.</i> |
| Purpose of request: | <i>Clearly detail what has been requested and why.</i> |
| Date required: | <i>Date when data would be required</i> |
| Specific arrangements in relation to security, retention or deletion of data: | <i>Detail any arrangements in relation to how data would be provided etc</i> |
| Signed: | <i>Signed by recorder</i> |
| Date: | <i>Date request recorded</i> |

Appendix 2

Data Sharing Decision Form

To be completed to record incidents of the sharing of personal data. This form should be filed with the Data Sharing Request form and, where relevant, a copy of any Data Sharing Agreement.

| | |
|---|---|
| Name of Organisation: | Organisation involved |
| Name and position of person requesting data: | Contact details of requestor |
| Date request received by DP Lead: | Date request was passed to DP lead for assessment |
| Data Requested: | What information has been requested |
| Purpose: | What is the purpose of the request, why does the organisation require the information? |
| Decision: | Are you sharing the information? |
| Is a Data Sharing Agreement required? | Data Sharing agreements are required for the regular sharing of data or where a large amount of data is involved. |
| Details of Data Sharing Agreement: | If there is a DSA, what is the reference number |
| Data supplied: | What information is being supplied |
| Reason for disclosure or non-disclosure: | What is the basis on which the decision to disclose or not disclose based, what allows this to happen? |
| Specific arrangements regarding security, retention or deletion of data supplied: | How is the information being sent, is it encrypted, how long is it to be used, how is it deleted etc. |
| Decision taken by: | Name of authorising person |

| | |
|---------------------|---------------------------------------|
| Date of disclosure: | Date information was/is to be shared. |
| Signed: | |
| Date: | |