CRUDGINGTON PRIMARY SCHOOL
INFORMATION SHARING POLICY

1. Introduction & Scope of Policy

1.1 This policy is based on the requirements of the latest Information Commissioners Office (ICO) Data Sharing Code of Practice published in May 2011. The policy will help ensure any sharing is fair, transparent and in line with the General Data Protection Regulations (GDPR) (or UK equivalent legislation) and the rights and expectations of the people whose information is being shared.

1.2 The requirements of this policy are aligned to the school's values particularly contributing to openness and honesty and involvement.

2. What do we mean by data/information sharing

2.1 Information sharing is the disclosure of data from one or more organisations to a third party organisation(s), or the sharing of information between different parts of the education system.

2.2. This policy covers the sharing of personal information on a systematic and exceptional basis.

   2.2.1 **Systematic Information Sharing** – this involves the routine sharing of the same or similar information for the same person between a set number of organisations. Sharing ordinarily takes place under the conditions of an agreed information sharing agreement.

   2.2.2 **Exceptional Information Sharing** – these are one off adhoc decisions to share information

2.3 It is important to remember that data protection principles also apply to information shared **within** the School as well as sharing with external organisations.

3. Information Sharing and the Law

3.1 The School derives its powers to share information from either Acts of Parliament or other legislation that governs the School's activities.

3.2 We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

3.3 We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

3.4 The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

3.5 We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to https://www.gov.uk/education/data-collection-and-censuses-forschools

To find out more about the NPD, go to https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

4. Deciding on Sharing Personal[1] Information

4.1 There are a number of factors to be considered before information sharing takes place. The following questions need to be considered before sharing.

4.1.1 **What is sharing meant to achieve?** A clear objective for sharing should be identified. This will assist in deciding on what elements of information need to be shared.

4.1.2 **What information needs to be shared?** Only the elements of information required to meet the objective identified should be shared. Where opinion is being shared it should be clearly denoted that this is an opinion being shared.

4.1.3 **Who requires access to the shared information?** 'Need to know' principles should be applied. Individuals should only be able to access shared information if they need to.

4.1.4 **When should it be shared?** It should be recorded whether the sharing was on an exception or systematic basis.

4.1.5 **How should it be shared?**
Externally - Information should only be shared securely, e.g. electronically using secure email such as GCSX or the Secure Communication System (SCS) or hand delivered to named individuals or sent by post (special delivery/secure courier) dependent on the level of sensitivity of the information being shared.

Internally- if sharing is electronic and to/from @telford.gov.uk or @taw.org.uk then this a secure method. However the correct recipients details should be checked. If hard copy information is being shared then hand delivery should be considered for very sensitive personal information.

4.1.6 **What are the risks in sharing and not sharing the information?** A number of questions should be asked such as what is the potential benefit/harm/damage to an individual whose information may be shared, will an individual be likely to object, etc.

4.1.7 **Can the objective be met without sharing the information or by anonymising it?** If an objective can be met by sharing anonymised information or by not sharing personal information at all then the objective should be met in this alternative way.

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[1] The term personal information is used to generically include personal and sensitive information

4.1.8 **Record what you have shared**. Once you have decided there is adequate justification to share information then the actual sharing should be recorded including what information was shared, to who, when and by who.

4.2 Obtaining consent from individuals to share their personal information should also be factored into the decision making process for sharing information. Consent should be a positive action, specific, given freely, granular and provide an informed indication of the wishes of the individual that they agree to how their personal data will be processed. If personal information is to be shared then consent should be obtained prior to sharing information (however see paragraph 4.3 below) from the subject of the personal information..

4.3 It is not always appropriate to obtain consent from an individual (or in fact inform them that sharing is taking place) for sharing their information. An example of this is where the School is required to provide the police with information for the prevention and detection of crime or for the protection of children/vulnerable adults. However a legal basis is **always** required before any sharing occurs.

5. Fairness and Transparency

5.1 To share information in a fair and transparent manner, individuals should be aware of which organisations are sharing their personal data, with whom and what it is being used for. Fairness also relates to how personal information is shared in that this should happen in a reasonable way that the individual would not reasonably object to. However there are certain exceptions to this, see 4.3 above.

5.2 Fairness and transparency can be achieved by the use of privacy notices which, as a minimum, tells an individual from whom information is being collected why their information will be shared and who it is going to be shared with (either named organisations or types of organisation).

6. Security When Sharing Information

6.1 GDPR requires the School to have adequate technical and organisational measures in place to protect personal information. This requirement also covers when the School shares information.

6.2 There are a number of security issues that should be considered in respect to shared / sharing the information.

6.2.1 Information must be shared in a secure manner, see paragraph 4.1.5 for further detail.
6.2.2 Information received from other organisations should be reviewed to ensure there are no conditions of use attached to it and it needs to be kept secure.
6.2.3 Information sent from the School to other organisations should be reviewed to ensure staff understand who will access it and for what purpose.
6.2.4 More sensitive information shared should be afforded additional security.
6.2.5 The level of impact of a data breach on both the individual(s) and the School

7. Governance Arrangements

7.1 Responsibility for sharing information lies with the 'Information Asset Owner'. The Information Asset Owner is the responsible member of staff for the particular service who collects and processes personal information.

7.2 The information owner should ensure there are appropriate arrangements in place to share information that comply with the requirements of this policy.

7.3 A further element of governance in respect to information sharing is the use of information sharing agreements (ISA's). An information sharing agreement sets out a number of common rules to be adopted by the various organisations involved in the data sharing operation.

7.4 It is good practice to have an ISA in place if information sharing is taking place on a large scale or on a regular basis. The checklist for the contents of an ISA should be adhered to when drafting an ISA.

8. Reporting Security Incidents

8.1 If the information shared is compromised, e.g. sent to an incorrect recipient, viewed by an unauthorised individual, etc. the School's Information Security Breach Procedure (ISBP) should be instigated immediately.

8.2 As per the ISBP procedure, all potential information security incidents should, as a minimum, be reported to the Headteacher and the Information Governance Team as soon as the incident has been identified.

9. Contacts and Further Information

9.1 Appendix 1 provides 5 steps to effective data sharing. This can be used as a reference when considering sharing information.

9.2 To discuss the contaents of this policy with a member of the school staff, please contact the office manager (Mrs K Cunningham) or the Headteacher (Mr A Ames)

5 Steps to Effective Data Sharing

Is sharing justified?	Do you have the power to share?	What information should I share?	How should the information be shared?	Record your decision
Do you think you should share?	Is there legislation that allows you to share?	Only share what is necessary	Use SCS / GCSX for sharing or hand / special delivery for hard copy	Record data sharing decision and reasoning for this
What are the risks of sharing or not sharing?	What is the nature of information, e.g. was it given in confidence	Distinguish fact from opinion	Only shared with the correct individuals – check recipient details	If you share record what information was shared, with who and for what
Is an individual at risk of harm?	Have you received legal instruction to share?	What are risks of not sharing?	Consider informing individual that their information has been shared	Record when it was shared, justification for this and if consent obtained
Is there a DPA exemption allowing me to share?				