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Prison Partnership Scheme

Information Sharing Agreement

Approval and Authorisation:

Name	Job Title	Date
Owner : Carole Robinson	Group Manager (Mental Health)	Jan 2015

Change History:

Version	Date	Reason	Name

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1. Introduction

The aim of the Prison Partnership Board Care Act sub group is to develop the new services required to ensure compliance with the Care Act 2014.

The types of services which will be provided under the scheme include the following:

- Assessment of the social care needs of prisoners
- Provision of Universal Adult Care services including Information and advice, brokerage
- Determination of eligibility for statutory Adult Care services
- Care and support plan development
- Service provision
- Care and support plan review

All these activities will involve the development of a close working relationship between prison staff, health and social care staff and will necessitate the sharing of prisoner personal information.

2. Partners to the Agreement

Derbyshire County Council Adult Care
Derbyshire Prison Service
Derbyshire Health United
Derbyshire Community Health Services
NHS Midlands
NHS North Midlands
HMP Foston
HMP Sudbury
Derbyshire Healthcare NHS Trust

3. Purpose

The purpose of this Agreement is to facilitate the sharing of information between partners to allow for co-ordinated access to care and support services.

The agreement defines the specific purposes for which signatory agencies have agreed to share information, and describes the roles and structures that will support the exchange of information.

4. Fair and Lawful Processing

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An individual's consent will always need to be gained in order that their details can be shared with partner agencies.

The First Principle of the Data Protection Act 1998 states that:

Personal data must be processed fairly and lawfully and in particular, shall not be processed unless:

- *at least one of the conditions in schedule 2 (of the Act) is met , and*
- *for sensitive personal data one of the conditions in schedule 3 is also met.*

The partners to this agreement will meet the requirements of Schedule 2 of the Data Protection Act 1998, for the processing of personal data by virtue of subsections 1 as follows:

the data subject has given their consent to the processing of the personal data.

In the case of sensitive personal data, the partners to this agreement also meet a Schedule 3 condition by virtue of subsection 1 as follows:

the data subject has given their explicit consent to the processing of the personal data.

Consent may be defined as "...any freely given specific and informed indication of an individual's wishes by which the data subject signifies their agreement to personal data relating to them being processed."

Explicit consent shall be sought and obtained from the client prior to any onward referral to other partners and before information that is personal or sensitive personal data is shared. This consent may be verbal but a written record should be made to confirm that information sharing has been discussed and agreed.

Should a client subsequently withdraw their consent for referral to other partner agencies, the Adult Care worker will contact the relevant partner agencies to arrange for their records to be updated accordingly.

5. Type and extent of information to be shared

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The information shared will be limited to that which is necessary, relevant and proportionate to ensure that the client is provided with the necessary support services and to assist the partners in making a referral to the appropriate agencies.

This could include the following:

- Client Name
- Client address
- Client telephone number
- Client's communication needs
- Name of the referral agency
- Client's General Practitioner details (discretionary if supplied by client)
- Health Information
- Social Care needs

6. Terms of use of the information

The information will only be used as explained to the client for the purpose of providing the client with appropriate care and support services in circumstances where such a need has been identified.

Information on client needs is gathered at the assessment stage.

Information will be stored on the Adult Care record system. This will be used to support the provision of the service and in an anonymised version may contribute to departmental statistical data.

7. Data quality assurance

Information shared under this agreement will be adequate to enable the effective discharge of the service objectives. It will be professional, relevant and not contain excessive detail which is beyond that required for the agreed purpose.

Where information received by any partner is insufficient to achieve the agreed purpose, clarification shall be sought before the information is acted upon.

Should information be received which is excessive in relation to the purpose, it shall not be retained by the receiving partners but it shall be securely disposed as confidential waste.

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Where information is discovered to be inaccurate, out-of-date or inadequate for the purpose, the originating owner of the data will be notified and will be responsible for correcting the data and notifying all other recipients of the information who must make sure the correction is made.

Partner agencies will ensure that there is an effective management regime to monitor data quality, and that the arrangements for information sharing are fit for purpose.

8. Data retention, review and disposal

It will be the responsibility of each partner to make sure that any data held about individuals for the purposes of this service are held in accordance with that partners' policy on data retention.

Information no longer required for the agreed purpose shall be securely destroyed.

9. Access and security

The partners to this agreement acknowledge the security requirements of the Data Protection Act 1998 applicable to the processing of the information.

Each partner will make sure they take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

In particular, each partner must make sure they have procedures in place to do everything reasonable to:

- make accidental loss compromise or damage unlikely during storage, handling, use, processing transmission or transport
- deter deliberate loss compromise or opportunist attack
- dispose of or destroy the data in a way that makes reconstruction unlikely
- maintain confidentiality and take steps to prevent unauthorised access.

Access to information subject to this agreement will only be granted to those professionals who 'need to know' to effectively discharge their duties in relation to the provision of this service.

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Information should be sent by post for the specific attention of the recipient. If it is necessary to send information by facsimile transmission it should be established that the recipient is present at its destination. It is best practice to have partners' fax numbers located as a quick auto dial facility to prevent wrong dialling of numbers. A test fax before shall be sent before sending sensitive or personal information.

Information will only be transferred electronically if it is via an approved secure email connection for example EHE, gsi, pnn, gcsx, gcsn or cjsm, and this should include any scanned documents. Each partner must check with their designated Information Security staff or similar for advice and should liaise with Adult Care and the Derbyshire County Council IT Service Desk to ensure that a suitably secure system is in place.

In cases where information is being exchanged by telephone the person giving the information will always make sure they check the identity of the person receiving the information by making the phone call via a partner switchboard or recognised contact details.

10. Management of the agreement

All complaints or breaches relative to this agreement will be notified to the designated Data Protection Manager of the relevant organisation in accordance with their respective policy and procedures.

Lead Officers or alerted signatories will make sure that in the event of:

- security incidents involving case file data a review by the relevant partner agency shall be carried out in accordance with their own processes and procedures.
- any breach of this agreement, the Data Protection Manager is informed and the cases are reviewed in light of the circumstances of the breach.
- an internal disciplinary matter, the Data Protection Managers will review procedures in view of the circumstances coming to light from the disciplinary matter.

11. Indemnity

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Each partner to this Agreement will undertake to indemnify the other against any legal action arising from any breach of this agreement by any person working for or on behalf of that organisation.

12. Subject access requests

Any person receiving a request for information under the provisions of the Data Protection Act 1998 or Freedom of Information Act 2000 must refer the request to the relevant officer within their respective organisation in accordance with local policy and procedures or liaise with Derbyshire County Council.

Where a request for information includes that information provided by a partner organisation, the originating organisation will be informed in accordance with normal protocols. However, each organisation is responsible for their compliance with the Freedom of Information Act 2000.

13. Review and termination of agreement

Partner organisations accept responsibility for jointly auditing compliance of this information sharing agreement.

A partner may suspend these arrangements in order to investigate and resolve any serious breach of this Agreement.

Partners will make every effort to resolve any dispute affecting the ability to share information under this Agreement within 10 days.

This Agreement will be reviewed by Derbyshire Adult Care and its Partners annually.

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Prison Partnership Scheme

Signatory Sheet for Parties to the Information Sharing Agreement

We agree by the terms of the Prison Partnership Scheme Information Sharing Agreement:

Name of Organisation:	
Name of Signatory:	
Position in Organisation:	
Signature:	
Date:	

Please keep a copy for your records and return the original to:
 Neil Brailsford
 Adult Care Department
 Derbyshire County Council
 County Hall
 Matlock
 Derbyshire
 DE4 3AG

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