



Information Sharing Principles and Good Practice

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Data Sharing Principles

Information sharing occurs on a daily basis in schools. It may be information about pupils, staff, parents or others. Every member of school staff, and many volunteers, have access to a lot of information about different individuals.

For all of us, we have to bear in mind the basis that we share and discuss information. UK GDPR and Data Protection is only part of the story. Safeguarding, contractual responsibilities, statutory responsibilities and daily expectations are all other factors why we share information.

Schools have many policies that deal with all aspects of school life. Every member of a school staff needs to consider some key elements when they are sharing information.

The purpose of sharing

Sharing information can be as simple as the word of a parent in the playground, by email or by telephone. It may be something as simple as "yes Tom had a good day" or "Kirpal enjoyed the music lesson". It might be far more intricate and complicated. It could be information about a child's injury at school. A health issue. Concern about behaviour, bullying or SEN. All of these are examples of information sharing.

Who are we sharing with?

Who is the recipient of the information? Do they have a legitimate right to know the information? Is it a parent or someone with Parental Responsibility? Is it an external partner agency like the police or social care? Is it an extended family member? Or even a sibling?

Thinking about who the recipient is, and what is their legal basis for requesting the information, needs to be at the forefront of all school staff's consideration.

What data is to be shared?

Some information is more sensitive, and sharing health information or safeguarding information must be done with great care. However, even some basic information about pupils or staff needs to be thought through carefully. When you are asked to share information, you need to consider what is the least amount of information that can be shared to fulfil the objective. Data minimisation is a key pillar of the UK GDPR – keep it as brief as possible.

Data quality, accuracy, relevance and usability

What information is being given? Is it an opinion or is it fact? If it is reporting information that is not known directly by you, what is the source of it? Are you sure it is accurate? Are you providing information that was given to school for one reason, but the requester wants it for a different purpose? If so, is it right to share that information?

Data security

How is the information to be shared? Face-to-face, is it a safe place to have a confidential conversation? Are there other people around? Should confidential information be sent by email? What about secure delivery, or password protection? If being shared with an outside agency, what protections are in place? If information is going out by hard copy post, what checks and balances are there to make sure that the right recipients get the right report? (This is a common source of a data breach).

If information is going by pupil post, are there any risks if the bag went missing on the way

home?

Are there measures in school to ensure that information is checked on an annual basis and reminders are sent through the academic year for parents and carers to update contact information?

Record-keeping

It will be impossible to keep track of every piece of information that is shared in the school. A school would grind to a halt within half an hour! However, sensitive information or safeguarding or health data being shared should be recorded. This might be as simple as keeping a note on an email about what was sent and why.

Individual's rights

All staff members should be aware that there are Data Subject Access processes that individuals can use. Likewise, there is a complaints process that can be accessed and people should be directed to the relevant pages on the school website or in the policies.

Data Sharing Good Practice

Data shared between schools and individuals or partner organisations must be compliant with the Data Protection Act 2018 and UK GDPR. Other statutory obligations and official guidance need to be considered when dealing with data sharing.

The DfE's Guidance on Information Sharing for Practitioners 2018 has a summary of these obligations.

Overarching all policies should be a framework for information sharing which is driven by the key principles set out by the Government.

1. Necessary and proportionate

Data should only be shared with any third party, internally or externally, on the basis that it is proportionate to the need and fulfils the objective of the legitimate request. Different levels of risk will require individuals to make decisions on a case-by-case basis. Enough information should be provided to fulfil the policy or obligation.

2. Relevant

Relevant information should be shared with those who need it. This should be limited and principles of data minimisation should be applied. Depending on the individual request, will determine the amount of information that is required.

3. Adequate

Information supplied should be fit for purpose and should be the right quality for the recipient to understand and be able to act upon it, rely upon it or understand it. Too little information is as dangerous as too much.

4. Accurate

Staff should be mindful to provide information that is as accurate as possible. This may require checking on school systems prior to giving information out. Reminders should be sent to parents, carers and staff about updating information over the course of the academic year.

5. Timely

Information may be required on an urgent basis. Taking account of potential risks of not sharing information may lead to greater risks for pupils, or indeed adults. Sharing

information needs to be on a timely basis, and on occasion requesters may have to be informed that a response will not be immediate. Realistic timescales should be shared.

6. Secure

Individuals must follow their own organisation's security measures. Processes for sharing personal and sensitive data should be applied in every case. Guidance around delivering information should be on a scale, the more sensitive the information the more care must be taken in sharing it.

7. Recording

Decisions in respect of information sharing should be recorded. Clearly the more sensitive the information being shared the more detail about why it was shared, who was shared with, how it was shared and the basis for sharing need to be in place. Day-to-day conversations do not need to be shared, emails and other correspondence may provide a suitable record if they have enough detail.

Information should not be stored for longer than necessary and should be subject to retention policies and timelines. The Trust retention schedule and policy can be found on the Oak Trust website.

When sharing information it is important to understand the legal basis under UK GDPR. In many instances in schools, there is a legal duty to process information. However it may also be by consent or part of a contract or as part of a public task. Sharing safeguarding and information that prevents or protects individuals from significant harm or requires immediate medical treatment to save and protect are dealt with under the category of vital interests.

Information requests from the Police, Social Care or Court Service need to be approached in the same way and properly considered about what information can, or could not be shared.

Information should be shared in accordance with policies.

If there is any question about the nature of information to be shared, or reasons for sharing, or not sharing, advice should be taken from the UK GDPR lead in school or the Data Protection Compliance Manager (admin@oaktrust.org), who may seek further advice from the Data Protection Officer.