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Welsh Assembly Government

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# Wales Accord on the Sharing of Personal Information (WASPI)

## Guidance on the Development of an Information Sharing Protocol

for organisations involved in the  
protection, safety, health, education  
and social welfare of the people in Wales

Version 3  
*(revised December 2010)*



ISBN 978 0 7504 5900 6

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WAG10-10725

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# Section 1 - Guidance for ISP development using the WASPI framework

## 1 Introduction

- 1.1 This guidance has been prepared to support the development of Information Sharing Protocols (ISPs) within the Wales Accord on the Sharing of Personal Information (WASPI) framework. This document should be read in conjunction with the Accord and reference must be made to the template ISP. Further advice and guidance can be sought from the WASPI Support Team at [www.waspi.org](http://www.waspi.org).
- 1.2 ISPs provide the second element of the WASPI framework and support the principles contained within the Accord. They provide greater levels of detail, focusing on the practical sharing processes for specific purposes between partner organisations.
- 1.3 Partner organisations can be included in several ISPs; however each ISP has a specific context and objective defined. Not all organisations signing WASPI will share information under every ISP.
- 1.4 It is intended that ISPs are to be developed by Managers and Practitioners, working together from the relevant partner organisations. It is not recommended that ISPs are created by a single organisation but accomplished with stakeholders who are a fair representation of the partner organisations.
- 1.5 The ISP addresses the 'who/ why/ where/ when/ what/ how' questions of personal information sharing. It defines the processes by which information may be exchanged, monitored and managed. ISPs identify the routes through which requests for information may be made, the methods of auditing who has had access to what information, and the details of the information to be shared.
- 1.6 The WASPI framework includes a standard template ISP which organisations must use as the basis for all ISP development. This template is broken down into the following four parts:
  - Part A** - provides an introduction to the ISP. It details the scope and purpose for sharing personal information and the functions for its use. It describes the information to be shared and the key identifiers to be used. Partner organisations are listed in this part, together with the Service Users involved;
  - Part B** - details the lawful justifications for sharing personal information to support the ISP;

**Part C** - sets out the detailed operational procedures to be followed when sharing personal information in-line with the specific ISP. It describes how the Service Users are to be informed of the sharing, the requirements of Service Users consent, where appropriate, and lists the agreed information collection tools to be used;

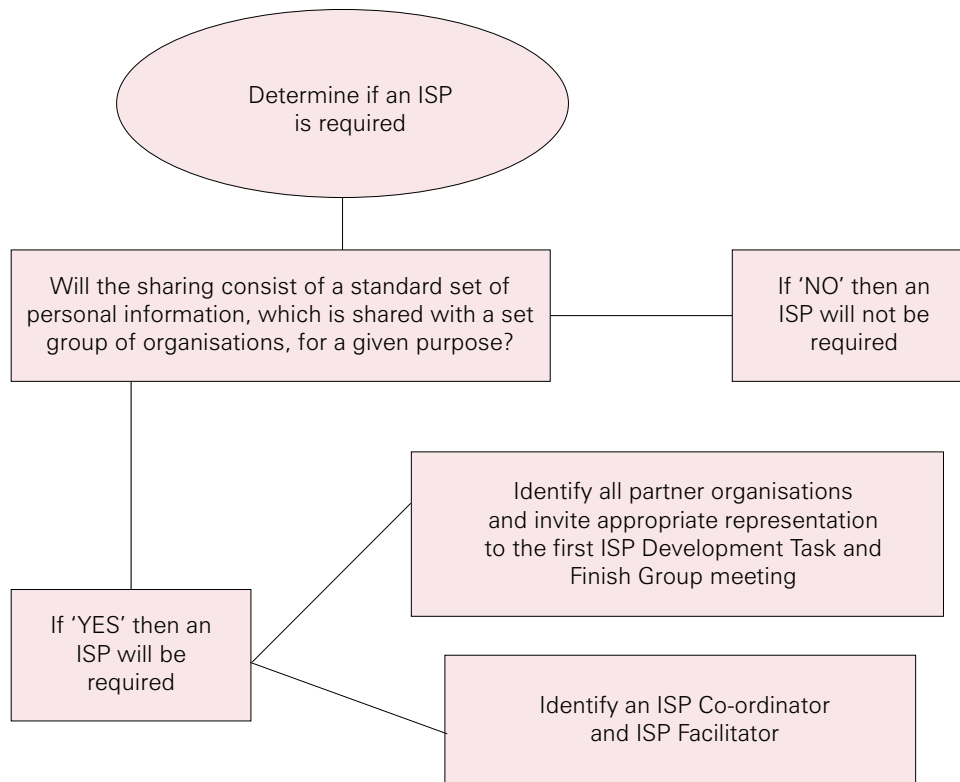
**Part D** - consists of an information flow reference table which, when populated, sets out the details of the information to be shared to support the ISP. It also details the controls to be applied to the information in order to ensure that it is kept secure from accidental disclosure.

- 1.7 Legal advice has been taken during the development of the template ISP, therefore if appropriately used the template will ensure compliance with legal requirements and relevant codes of practice on confidentiality. The template ISP should be completed with the required information without alteration to the standard text.
- 1.8 Questions regarding the set headings and text, including any perceived requirements for variation, should be discussed with the ISP Facilitator or the WASPI Support Team in order to determine the scope for flexibility in each instance.
- 1.9 The need to provide supporting information to Service Users must not be forgotten, since this ensures that processing of personal information is fair, as required by the Data Protection Act 1998. Further details are set out in the Accord and section 2 of this guidance document.

## 2 Preparation required before developing an ISP

- 2.1 The first consideration to make when contemplating the development of an ISP is to determine whether an ISP is required or not. ISPs are about sharing personal information for specific purposes; they are not intended to support general 'partnership-working' where summary or aggregated information is used for strategic purposes. Generally, if there is a group of organisations sharing **regular flows** (see Glossary, Appendix B) of personal information for the benefit of Service Users, then an ISP is likely to be required. Further clarification can be sought from the WASPI Support Team.
- 2.2 Once it has been ascertained that an ISP is likely to be required, consideration is to be given to the identification of all the information sharing partner organisations. Once these organisations have been identified, it is recommended that they are invited to attend an initial meeting, to discuss the possible development of an ISP. Generally, these invites would be addressed to individuals who represent the people on the ground involved in the sharing of personal information and who have a sound and proven knowledge of the appropriate work area. This group of representatives will become the ISP Development Task and Finish Group.

## ISP development preparation



## 3 ISP Co-ordinator

- 3.1 Generally, it is intended that one 'single' organisation co-ordinates the development of the ISP. This partner organisation is to identify an 'ISP Co-ordinator' to manage the development process, including setting up the Task and Finish group meetings, taking notes and populating the template ISP.
- 3.2 Only one ISP Co-ordinator is required. However, for a large group of partner organisations, it maybe appropriate to appoint an 'Assistant ISP Co-ordinator'.

## 4 ISP Facilitator

- 4.1 An ISP Facilitator's role is to provide advice and guidance regarding the development of the ISP, including Information Governance advice regarding specific legislation which can be relied upon to enable lawful information sharing.
- 4.2 There are WASPI approved ISP Facilitators available across Wales, who have been appropriately trained in the development of ISPs within the WASPI framework. Their contact details are available through the WASPI Support Team.

- 4.3 It is recommended that an ISP should not be developed without the input of an approved ISP Facilitator; they are to be involved throughout the ISP development process, from the first workshop to the final approval. Please note, the ISP Facilitators' role is to provide guidance and direction; it is not their responsibility to populate the template ISP.

## 5 Template ISP

- 5.1 A template ISP has been developed and is available on the WASPI website.
- 5.2 The template has already been populated with a set of standard text and **must** be used as a basis for all ISP development. The headings and standard text within each part of the template **must not** be altered, unless otherwise indicated. The template highlights where all additional information is required to be populated.
- 5.3 The template has been written to ensure that all relevant areas of the ISP are addressed, and that it complies with legal advice and relevant codes of practice. If any partner organisation has any questions regarding the set headings and text, they are to discuss their concerns with the ISP Facilitator or the WASPI Support Team.
- 5.4 **The template ISP should only be populated in conjunction with this guidance document.**

## 6 ISP development process

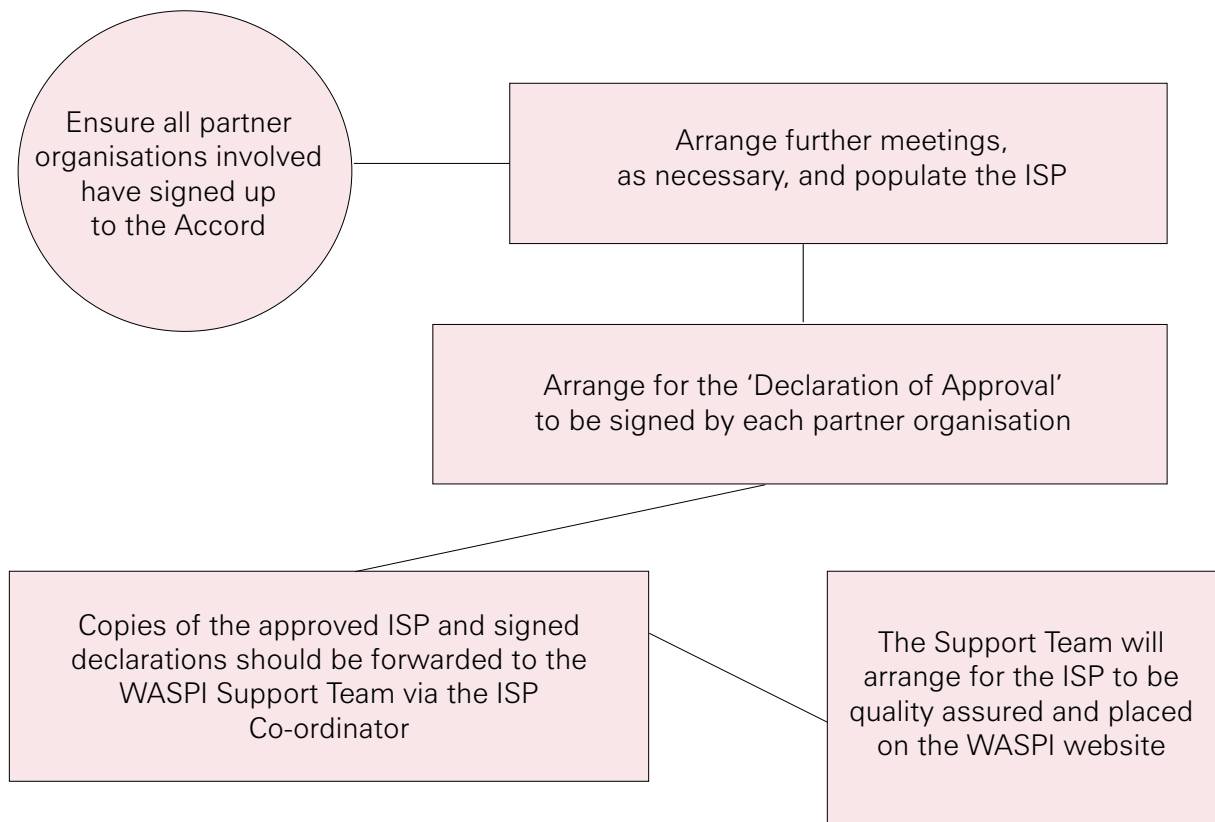
- 6.1 To begin the development process of the ISP, an initial ISP Development Task and Finish group meeting should take place.
- 6.2 This meeting should be attended by representatives of all the identified partner organisations to agree the purpose and objectives of the ISP. The meeting can also be used to ensure that all potential partner organisations have been included and that those representing such organisations are the correct individuals.
- 6.3 If required, the ISP Facilitator can provide details of the purpose and background of the WASPI framework at this initial meeting.
- 6.4 Each partner organisation must confirm if they have signed the Accord. A current list of all organisations who have signed the Accord is available on the WASPI website.
- 6.5 Any partner organisation who has not signed the Accord, must arrange to do so. The ISP Facilitator can guide organisations through this process.
- 6.6 The ISP Co-ordinator should now arrange a series of further task and finish group meetings to continue with the development of the ISP. Every effort should be made by the representatives of each organisation to attend each of these meetings. This will ensure that all areas of the personal information sharing process are considered.



- 6.7 Timescales for these meetings can be adaptable and are not set in stone. However, it will depend on the complexity of the ISP and the number of the organisations involved. Generally, the development of an ISP can be undertaken within a maximum of 6 meetings, preferably held over a 4 to 6 week period.
- 6.8 The WASPI Support Team recommends that consideration should be given to populating Part D of the ISP template first, as from practical experience, once populated it will help assist in the completion of Parts A, B and C.
- 6.9 Any existing information sharing documents, forms or guidance, including local policies and procedures currently used by partner organisations, should be brought along to this meeting for consideration and / or potential inclusion in the ISP.
- 6.10 If any such documents are agreed for inclusion, they should be checked for suitability by the ISP Facilitator and referenced appropriately.
- 6.11 The next stage will be to complete Parts A, B and C of the ISP template. The aim should not be to gather evidence but to populate and complete these parts during the task and finish group meetings.
- 6.12 Consideration should also be given at this point to the relevant professional codes of practice and any other appropriate guidelines relevant to each field of work.
- 6.13 Once population of each part of the template is complete, the requirements of the Accord must be revisited to confirm that all conditions, obligations and requirements set out in the Accord, have been achieved.
- 6.14 A final cross check of the 'ISP Development Checklist' (available on the website) should be undertaken to double-check that all the required steps within the ISP development process have been addressed.
- 6.15 Once the ISP has been finalised and agreed, the ISP Co-ordinator will circulate the final ISP document, together with the ISP Declaration of Approval, to the representative from each partner organisation; who will be responsible for ensuring it is approved and implemented within their own organisation.
- 6.16 The ISP Declaration of Approval should be signed by a senior responsible Manager within each partner organisation, who has the authority to sign on behalf of their organisation.
- 6.17 A copy of the signed ISP Declaration of Approval **must** be sent to the ISP Co-ordinator, who will then forward them to the WASPI Support Team, together with the final version of the approved ISP.

- 6.18 The WASPI Support Team will arrange for the ISP to be quality assured and if considered of an appropriate quality it will be published on the WASPI website. Should the Support Team have any concerns regarding the quality or content of the ISP they will notify the ISP Co-ordinator and / or the ISP Facilitator of such.
- 6.19 Following approval, each partner organisation should make arrangements for the ISP to be published on their website and where appropriate, within their Publication Scheme.
- 6.20 It is also recommended, that partner organisations publish a copy of the Accord on their websites, with confirmation that the organisation has signed up to it, together with any approved ISPs.

### Stages of ISP development



# Section 2 - Guidance for populating the ISP template

## 7 Introduction

- 7.1 The following section provides guidance in populating the template ISP.
- 7.2 The template ISP has been pre-populated in some sections with standard text which **must not be altered**. This guidance provides assistance in populating the additional information which is required.
- 7.3 It details the place within each section of the ISP by stating the specific number referenced in the template. It is intended for any highlighting to be removed once populated.
- 7.4 Approved ISPs are to be made available on the WASPI website; these can be used for reference when developing new ISPs.

# Part A - Introduction to this ISP

## 8 Scope and purpose of this ISP (Template section 1)

- 8.1 This section has been pre-populated with standard text; however the following details are required to be inserted, to expand on the scope and purpose of the specific ISP.
- 8.2 In **1.2** state the name of the particular service to which the ISP specifically relates, for example: **The Flying Start Programme**.
- 8.3 In **1.4** describe the aim(s) for the sharing of personal information between the partner organisations, for example:
- The aim of Flying Start is to make a decisive difference to the life chances of children aged 0 - 4 years in the areas in which it is operational; this ISP helps this aim by ensuring more effective joint working;
  - Information is shared to support effective care and well being of the children and their families.
- 8.4 In **1.5** describe the partner organisations and the specific purpose(s) for the sharing of personal information, for example:
- This Information Sharing Protocol covers the exchange of information between health, social care, statutory, voluntary and independent agencies in Torfaen Local Authority area for the purposes of the Flying Start programme with respect to children aged 0 - 4 years and their relatives, within the primary school catchment areas of:
    - Penygarn and Pontnewynydd Primary Schools - Pontypool
    - Hillside Primary School - Blaenafon
    - Woodland Primary School Thornhill - Cwmbran
  - Flying Start complements Cymorth funded projects, Early Years and the Foundation Phase and contributes to achieving the standards in the National Service Framework for Children, Young People, and Maternity Services;
  - Flying Start is led by the Children and Young People's Partnership which is responsible for the overall direction and management of the programme.

## 9 High level functions of this ISP

### (Template section 2)

9.1 In **2.1** detail the list of functions which all partner organisations are seeking to support by means of the particular ISP. It should be noted however, that not all partners will undertake all of these functions individually, but as a whole they will. It is recommended that the following examples are considered as high level functions. However, it is recognised that they may not always support every ISP, therefore further consideration may be required:

- Processing referrals;
- Assessing needs of the Service User;
- Agreeing the service provision;
- Implementing the service provision;
- Reviewing the service provision;
- Discharging the Service User.

9.2 Partner organisations may choose to expand each function to include a short description of the main processes within that function. However, this is not intended to be a large section of the document.

## 10 Service Users included in this ISP

### (Template section 3)

10.1 Describe in **3.1** the Service User group(s) that the particular ISP relates to; include reference as to whether it is targeted at a specific age group, category of Service Users or particular levels of need. For example:

- Any child aged 0 - 4 years and their families who become known to one of the participating organisations and requests or appears to require an assessment of needs;
- These people are referred to as Service Users and will usually be residents of the areas of Torfaen, but residents of other areas will also occasionally present.

## 11 Benefits to Service Users

### (Template section 4)

11.1 Reference is to be made in **4.1** as to how the sharing of personal information may benefit the Service Users concerned. For example:

- Assessment will be co-ordinated across agencies to promote a more seamless response to Service Users and their carers;
- Agencies will ensure that Service Users are active partners in the assessment of their needs.

## 12 Details of personal information being shared (Template section 5)

- 12
- 12.1 Once the purpose and functions for the particular ISP are clearly defined, partner organisations can make an informed decision about the level of personal information that is necessary to carry out the purpose.
- 12.2 It is intended that partner organisations are able to justify the sharing of each item of information, on the grounds that the sharing is necessary to achieve the purpose. Therefore, information which is not necessary must not be shared.
- 12.3 It is good practice for partner organisations to check the quality of the information before it is shared, otherwise inaccuracies and other issues may spread across the information systems of such organisations.
- 12.4 Partner organisations will be required to make regular checks to ensure that all the information being shared is necessary for achieving the purpose, see point 31.3 for further details.
- 12.5 In **5.2** of this section describe the type of personal information that is proposed to be shared. For example:
- concerns;
  - needs assessment;
  - health risks;
  - social risks;
  - environmental risks;
  - financial assessment;
  - current housing situation;
  - family support;
  - vulnerability;
  - language development;
  - cognitive development;
  - social & emotional development;
  - risks to staff;
  - demographic information.
- Ensure that there is a common understanding of language and definitions; where appropriate these could be included in a glossary appendix.
- 12.6 In **5.3** describe how the personal information outlined in 5.2 is to be used, for example:
- The information is used to prepare a care plan detailing how services will be provided, how needs will be met, who will be involved, whether any needs will remain unmet and how the Service User's ongoing care will be managed and reviewed.

## 13 Key identifying information (Template section 6)

- 13.1 In **6.1** record the unique identifiers or a set of basic personal details that allow partner organisations to identify exactly who is being referred to. For example:
- **Child's name;**
  - **Child's dates of birth;**
  - **Child's address;**
  - **Parents and siblings names and addresses.**
- 13.2 Each partner organisation has a responsibility to only share the minimum necessary personal information and only when it supports the delivery of the functions set out in the particular ISP.

## 14 The information sharing partner organisations (Template section 7)

- 14.1 Each organisation agreeing an ISP for the given purpose of sharing specific sets of personal information becomes an information sharing partner.
- 14.2 Partner organisations can include entirely public or voluntary sector organisations or a combination of both. Private organisations contracted by either sector to provide a relevant service, may also be involved in the information sharing process.
- 14.3 An ISP may include a small number of partner organisations concerned in a narrowly focussed aspect of the service delivery or it may involve a broader group of organisations committed to a common purpose.
- 14.4 In **7.1** list the organisations that are involved in the sharing of personal information together with the role of their 'Responsible Manager'.
- 14.5 It is recommended that each partner organisation appoints a Responsible Manager who has sufficient senior authority within their service area. They will have overall responsibility for the ISP(s) within their area, of their organisation. Ensuring that the ISP is implemented, disseminated, understood and acted upon by relevant staff.

# Part B - Justification for sharing personal information

## 15 General remark

- 15.1 Please note that legal advice has been taken to ensure that the material in the template ISP is lawful and complies with codes of practice on confidentiality.

## 16 Legislative / statutory powers (Template section 8)

- 16.1 In order for personal information to be processed lawfully, partner organisations must comply with all relevant rules of law whether derived from statute or common law.
- 16.2 For partner organisations undertaking statutory duties describe in **8.2**:
- a) the legal basis for sharing information;
  - b) the requisite duties and powers that will facilitate sharing of appropriate Service User information;
  - c) any explicit limitations to information sharing and any other statutory and non-statutory regulations and guidance;
  - d) the statutory gateways that enable the sharing of information. Some gateways permit information to be shared without consent of the Service User. It is important to list any such gateways in this section of the ISP.
- 16.3 Examples of those listed in a) to d) above may include:
- **Section 47 of the NHS and Community Care Act 1990 provides for social services authorities to involve staff of health and housing agencies in order to prepare comprehensive assessments of need. It can be implied from this duty that there is a power to share information with health bodies or housing authorities;**
  - **Local authorities have powers under section 2 of the Local Government Act 2000 to promote or improve the social wellbeing of their area. This provides an implied power to share information with other statutory services and the independent sector;**
  - **Section 22 of the National Health Service Act 1977 provides for a general duty on NHS bodies and local authorities to cooperate with one another in order to secure and advance the health and welfare of the people of England and Wales. This general duty implies a power to share information between NHS bodies and local authorities;**



- Paragraph 16 of Schedule 2 to the NHS and Community Care Act 1990 provides that NHS Trusts have general powers to do anything which is necessary or expedient for the purposes of or in connection with the provision of goods and services for the health service and similarly will give rise to an implied power to share information;
- Section 29 of the Data Protection Act 1998 permits use or disclosures of personal data for the purpose of the prevention or detection of crime or the prosecution or apprehension of offenders, even though the data subject has not been informed of those uses or disclosures, if to inform the data subject might prejudice that purpose. Disclosure needs to be determined by the individual circumstances of each case. The outcome to be achieved must be weighted against the provision of confidentiality;
- The Data Protection (Processing of Sensitive Personal Data) Order 2000 amends the Data Protection Act 1998 and provides that sensitive personal data (for example, mental or physical health) may be lawfully processed without explicit consent where there is substantial public interest in disclosing the data for any of the following purposes:
  - For the detection and prevention of crime;
  - For the protection of members of the public against malpractice, incompetence, mismanagement, etc;
  - To publicise the fact of malpractice, incompetence, mismanagement, etc, for the protection of the public;
  - To provide confidential counselling and advice where explicit consent can not be given nor reasonably obtained, or where the processing must be carried out without explicit consent so as not to prejudice that confidential counselling or advice; or
  - To undertake research that does not support measures or decisions with respect to any particular data subject unless the data subject has explicitly consented and does not cause, nor is likely to cause, substantial damage or substantial stress to the data subject or any other person;
- Section 115 of the Crime and Disorder Act 1998 permits the disclosure of personal information that may otherwise be prohibited. There is not a compulsion to disclose and the organisation must make its own decision; however, the requirements of the common law duty of confidence and the Data Protection Act 1998 must still be met. Therefore, information given in confidence must not be disclosed unless there is a clear overriding public interest to do so.

16.4 Any organisation that processes personal information must comply with the Data Protection Act 1998 (DPA). The DPA establishes a framework of rights and duties which are designed to safeguard personal data. It balances the legitimate needs of organisations to collect and use personal data for business and other purposes, against the right of individuals to have the privacy of their personal details respected.

- 16.5 When sharing personal information Practitioners will ensure compliance with the DPA by ensuring that:
- personal information is processed fairly and lawfully;
  - only the minimum and relevant information necessary for the purposes of this ISP will be shared;
  - they only share information with others who need to know, within the information sharing partner organisations outlined in this ISP;
  - they check that the information is accurate and up to date;
  - if appropriate, they understand the limits of any consent given;
  - the information is shared in a secure manner.
- 16.6 In some cases an organisation may be expressly prohibited from sharing the information they hold. These partner organisations must be clear about the nature of any such prohibition. If necessary, they should consider obtaining legal advice.
- 16.7 Partner organisations must comply with the Human Rights Act 1998, in particular the right to respect an individual's private and family life.
- 16.8 Partner organisations should also take into account any relevant professional guidance, for example, the Code of Practice for Social Care Workers, the Nursing and Midwifery Council Code of Professional Conduct.

## 17 Consent (Template section 9)

- 17.1 Consent issues can be complex and a lack of clarity can sometimes lead Practitioners to assume incorrectly that no information can be shared. Consent is a critical component of the ISP therefore all partner organisations should devote sufficient time and effort to understand the issues around consent. Although consent requirements are detailed in Part C of the ISP, this section provides information to help Practitioners understand and address those potential issues. Further guidance can also be sought from the ISP Facilitator or the WASPI Support Team.
- 17.2 Partner organisations must provide Service User's with sufficient information for them to make a decision regarding consent. This should be provided at the earliest appropriate opportunity, preferably at first contact.
- 17.3 Consent can be 'explicit' or 'implied'. Obtaining explicit consent for information sharing is best practice and ideally should be obtained at the earliest appropriate opportunity.
- 17.4 Implied consent can legitimately be obtained if the circumstance is such that information sharing is essential to the service provision which the ISP relates to. For example, if a GP refers a patient to a hospital specialist and the patient agrees to the referral, then the GP can assume that the patient has given their implied consent to share their information with the specialist. However, if it was then required to share information outside

of the bounds of the original service, for example, for a different type of referral, then explicit consent would be required.

- 17.5 Explicit consent for sharing information to support the specific ISP would usually cover all the partner organisations involved in the specific service provision. However, additional explicit consent would be required for sharing with organisations outside of the service.
- 17.6 If the ISP involves children or young people, consideration should be given as to whose consent should be sought. A child or young person who has capacity to understand and make their own decisions, may give (or refuse) consent to sharing. Where the ISP includes service provision for Service Users who are classed as children, it is recommended that further guidance is sought from the ISP Facilitator or WASPI Support Team.
- 17.7 The threshold for sharing confidential or sensitive information is generally higher than for sharing other forms of information. This is because the unnecessary or inappropriate sharing of this sort of information is more likely to cause damage, distress or embarrassment to individuals.
- 17.8 Some organisations are required by law to share information for a particular purpose without obtaining the Service Users' consent. In these cases partner organisations must be clear about what information they are required to share and in what circumstances. If partner organisations are unclear about this, they are recommended to obtain legal advice.
- 17.9 No further population is required to this section of the ISP.

## 18 Additional information and useful links

- 18.1 Further sources of information can be found on the WASPI website at [www.waspi.org](http://www.waspi.org).

# Part C - Operational procedures for this ISP

## 19 Summary (Template section 10)

- 19.1 This section has been pre-populated to provide a brief summary of the information sharing requirements.
- 19.2 No further population is required to this section of the ISP.

## 20 Fair processing information (Template section 11)

- 20.1 Processing personal information is required above all else to be fair. "Processing" broadly means collecting, using, disclosing, retaining or disposing of personal information. If any aspects of processing are found to be unfair, then the Data Protection Act is likely to be breached.
- 20.2 Fairness generally means being open and transparent with the Service User about how their information is to be used. Therefore, Service Users must be informed of why their information needs to be shared, what will be shared, who it will be shared between, what purposes it will be used for and the implications of sharing that information, they should also be informed of the identity and contact details of the Data Controller.
- 20.3 Partner organisations can provide fair processing information in various forms, ranging from verbal communication to making it readily available in a written format. Such information provided to the Service User is often known as a Fair Processing or Privacy notice.
- 20.4 In this notice a Service User should also be advised of their rights in respect of their information, for example:
  - the right to withhold their consent;
  - the right to place restrictions on the use of their information;
  - the right to withdraw their consent at any time.
- 20.5 Fair processing information should be communicated in a way that it can be easily understood and written notices should be made readily available. They should normally be provided when personal information about the Service User is first obtained.

- 20.6 It may be useful to adopt a 'layered' approach to providing fair processing information. This involves having a relatively simple explanation backed up by a more detailed version for Service Users who want a more comprehensive explanation. For example, brief reference can be made in referral letters and backed up by an information leaflet providing more detail.
- 20.7 Fair processing information can be supplied in various formats, for example:
- given verbally during initial contact;
  - in a letter;
  - in an information leaflet;
  - on a poster displayed in a suitable location.
- It would also be good practice to have such notices available on the partner organisations' websites.
- 20.8 Section 11 of the template has been briefly pre-populated; however further details regarding the agreed fair processing format, are to be inserted in **11.4**. For example:
- **verbally;**
  - **referral letter;**
  - **information sharing leaflet.**
- 20.9 For the purpose of an ISP which involves the sharing of confidential or particularly sensitive personal information, partner organisations should actively communicate their fair processing information.
- 20.10 An ISP can change over time, for example, where a public sector partner organisation is placed under a new statutory duty to share information; therefore the fair processing information must be reviewed to ensure that it still provides an accurate description of the information sharing being carried out.
- 20.11 Further guidance and information can be sought from the ISP Facilitator or the WASPI Support Team.

## 21 Obtaining consent (Template section 12)

- 21.1 Describe in **12.2** whether the consent of Service Users will be needed, if yes what level; **implied** or **explicit**. If **no**, see sections 16 and 17 above for further information.
- 21.2 Where there is a statutory gateway that removes the need for consent, this will need to be made clear in **12.3**. For example: **Partner organisations undertaking statutory duties, are permitted to share information without the Service Users' consent, under the statutory gateways described in section 16 above.**

- 21.3 Where independent organisations are delivering services without being in a contract with a statutory body, then explicit consent to share information must always be secured.
- 21.4 The status of a Service User's consent to information sharing must be periodically reviewed. Although it is not possible to set hard and fast rules on the timing of such reviews they may be undertaken, for example, during a Service User's annual case review or assessment.
- 21.5 While it is preferable to obtain consent at the point of contact and before information is shared, it is recognised that in emergencies it may not be necessary or possible to seek consent.

## 22 Refused and withdrawn consent (Template section 13)

- 22.1 If partner organisations are relying on consent to support the particular ISP, they must stop sharing the information if consent is refused, withdrawn or expires.
- 22.2 Service Users must be informed of the implications of this action and understand the consequences to them for withholding or withdrawing consent. See section 24 below for further guidance on sharing without consent.
- 22.3 In **13.2** detail the agreed location for recording consent decisions. For example: **their case record**.

## 23 Recording consent (Template section 14)

- 23.1 All decisions regarding Service Users' consent both in verbal or in written form; provided, refused or withdrawn, must be recorded.
- 23.2 In **14.1** detail the agreed location for recording consent decisions. For example: **their case record**.

## 24 Sharing information without consent (Template section 15)

- 24.1 There are cases where it is legitimate to share information without a person's knowledge or consent. For example, where failure to share information about a parent's lifestyle would put a child at risk.
- 24.2 There are also other situations where information should be shared without consent, for example, where the sharing is necessary to safeguard public safety in an emergency situation. In many criminal justice contexts it is not feasible to gain consent, because doing so may prejudice a particular investigation.

- 24.3 Any decision to share personal information without the Service Users' consent must be fully documented in section **15.3** (generally, this would be the same place as noted in 22.3 above) for example: **their case record**.

## 25 Actions to be taken where a Service User lacks mental capacity (Template section 16)

- 25.1 Each participating organisation will have in place and apply an appropriate decision making process which is compliant with the Mental Capacity Act 2005 (MCA).
- 25.2 Following the commencement of the MCA, if by reason of mental incapacity a service user aged 16 or over is found to be unable to consent to a specific disclosure / sharing of information, any decision to share personal information about them without consent can **only** be made if it is in that Service User's best interests.

The determination of a person's best interests must be carried out as per Section 4 of the MCA 2005 and Chapter 5 of the MCA Guidance which also sets out who can be the relevant 'decision-maker'.

The person reaching a decision as to the best interests of the Service User is to take into account the:

- Service User's previous expressed wishes, including any recorded in a valid Advance Directive;
- views of any legal guardian or a person holding valid Lasting Power of Attorney;
- views of carer or other person close to the Service User, including paid carers;
- views of the lead NHS health professional or the lead Local Authority professional who has a duty of confidentiality equal to a health professional, usually the key worker.

- 25.3 The template has been pre-populated with set text which identifies the process to be undertaken in all circumstances.
- 25.4 No further population is required to this section of the ISP.

## 26 Temporary impairment of capacity (Template section 17)

- 26.1 The template has been pre-populated with set text which identifies the process to be undertaken in such circumstances.
- 26.2 No further population is required to this section of the ISP.

## 27 Information collection (Template section 18)

27.1 Each organisation uses specific data collection methods and these should be detailed in **18.1**. For example:

- SWIFT - Torfaen Social Service
- EPEX - ABHB Mental Health
- PROTOS - ABHB Maternity
- CCH2000 - ABHB Child Health System
- Local forms
- Service providers client paper records

Remember that manual and electronic systems may be used to gather information.

27.2 The title and reference number of forms or IT systems used, are to also be noted if appropriate.

## 28 Frequency of information sharing (Template section 19)

28.1 Information should only be shared on a need-to-know basis, as and when required to support the delivery of the purposes and functions set out in the ISP. Partner organisations are to agree the frequency of the agreed information sharing.

28.2 The agreed frequency is to be populated in **19.2**. For example: **on a daily, weekly or monthly basis or as and when required.**

## 29 Information security (Template section 20)

29.1 Each partner organisation must have information security procedures in place, ensuring that an appropriate level of security is maintained commensurate with the sensitivity of the information.

29.2 To ensure that all partner organisations are working to the same level, they should, where possible, be applying the ISO27001 information security standards.

29.3 The template has been pre-populated with set text therefore, no further population is required to this section of the ISP.



## 30 Complaints (Template section 21)

- 30.1 Each partner organisation should have a complaints procedure in place, to deal with any issues which the Service Users may have regarding the processing of their personal information in relation to this ISP.
- 30.2 The complaints procedures should also cover the processing of complaints received from partner organisations and Practitioners in relation to any area of the ISP.
- 30.3 The template has been pre-populated with set text therefore, no further population is required to this section of the ISP.

## 31 Review of this ISP (Template section 22)

- 31.1 Reviews of the ISP should be undertaken at least every three years as a minimum. Partner organisations must agree the occurrence of these reviews and detail such in **22.1** of the ISP. For example: **one year after implementation and within three years thereafter.**
- 31.2 Following any security breach, consideration is to be given as to whether a review of the ISP should be undertaken prior to the review date.
- 31.3 During the review process, particular attention should be given to whether:
- the sharing of information meets the purposes outlined in the ISP;
  - the fair processing information still provides an accurate explanation of the information sharing process;
  - the retention periods of partner organisations are being adhered to and continue to reflect business need;
  - information security remains adequate and if not whether any security breaches have been investigated and acted upon;
  - Service Users are being given access to all the information they are entitled to, and that they are finding it easy to exercise their rights;
  - partner organisations are meeting agreed information quality standards.
- 31.4 It is good practice to check from time to time whether information being shared is of good quality. For example, a sample of records could be checked to ensure the information contained in them is kept up to date. This could be done by checking the information with the Service User. Although this may only reveal deficiencies in a particular record, it could indicate wider systemic failure which can then be addressed.
- 31.5 The spreading of incorrect information across partner organisations can cause significant problems for individuals. If inaccurate information is discovered, the partner organisation should not only correct their own records but ensure that partners are also advised where appropriate.

# Part D - Methods and controls for the sharing of personal information to support this ISP

## 32 Summary

- 32.1 When populated, this section aims to provide a detailed description of the information sharing processes for each specific ISP.

## 33 Information flow reference table (Template section 23)

- 33.1 A blank table has been created to record the “who, why, where, when, what and how” of the information sharing process, within Part D of the ISP template. An example of a populated table can be found in Appendix A below.
- 33.2 It is recommended for an ISP which contains a large number of information exchanges that these are shown in a separate spreadsheet for ease of reference. A template spreadsheet is available on the WASPI website.
- 33.3 In **23.1** detail the agreed format of table as appropriate. For example, in the attached spreadsheet or the following table.

# Appendix A - Information Flow Reference Table

The sharing of personal information to support the provision of the Flying Start Programme - Torfaen (Extract taken from the Flying Start Programme)														
Description		Information Exchange 1			Information Exchange 2			Information Exchange 3						
<b>1</b>	<b>a</b>	<b>Information flow reference</b> Reference number allocated to any information flow processes to which each set of information relates.	Post-Natal (FS-PN 001)	Post-Natal (FS-PN 002)	Post-Natal (FS-PN 003)	Initial referrals	Referral into the Flying Start Multi-Professional Panel	Intervention by Flying Start Multi-Professional Panel: Assessing needs Agreeing a care plan Implementing the care plan Reviewing the care plan	Concerns, needs assessment, health risks, social risks, environmental risks, financial assessment, current housing situation, family support, vulnerability, language development, cognitive development, social and emotional development, risks to staff, demographic information.	Concerns, needs assessment, health risks, social risks, environmental risks, financial assessment, current housing situation, family support, vulnerability, language development, cognitive development, social and emotional development, risks to staff, demographic information.				
<b>2</b>	<b>a</b>	<b>High level function(s)</b> General description of the function(s) or service(s) to which the information relates.	Concerns	Concerns, needs assessment, health risks, social risks, environmental risks, financial assessment, current housing situation, family support, vulnerability, language development, cognitive development, social and emotional development, risks to staff, demographic information.	Concerns, needs assessment, health risks, social risks, environmental risks, financial assessment, current housing situation, family support, vulnerability, language development, cognitive development, social and emotional development, risks to staff, demographic information.	Surname	First Name	Address	Date of Birth	Service Reference No	Other NHS No			
<b>3</b>	<b>a</b>	<b>What information will be shared</b> Description of the information to be provided.	Surname	First Name	Address	Date of Birth	Service Reference No	Other NHS No	Surname	First Name	Address	Date of Birth	Service Reference No	Other NHS No
<b>4</b>		<b>Personal identifiers included in the above</b> Main identifiers being used to identify the Service User.	Surname	First Name	Address	Date of Birth	Service Reference No	Other NHS No	Surname	First Name	Address	Date of Birth	Service Reference No	Other NHS No

### Information Flow Reference Table (Continued)

<b>5</b>	<b>Provider organisation(s) (Who from)</b>	Aneurin Bevan LHB	Aneurin Bevan LHB	Aneurin Bevan LHB	See 6 (a) below
a	Provider organisation(s)				
b	Directorate(s) or department(s) responsible for providing the information.	Women & Children	Women & Children	Women & Children	See 6 (b) below
c	Roles of staff responsible for providing the information.	Health Visitor / Midwife	Health Visitor / Midwife	Flying Start Health Visitor	See 6 (c) below
<b>6</b>	<b>Destination organisation(s) (Who to)</b>	Aneurin Bevan LHB	Aneurin Bevan LHB	Flying Start Multi-Professional Panel 1) Aneurin Bevan LHB 2) Torfaen County Borough Council 3) Independent / Voluntary Sector 4) General Medical Practice	Flying Start Multi-Professional Panel 1) Aneurin Bevan LHB 2) Torfaen County Borough Council 3) Independent / Voluntary Sector 4) General Medical Practice
a	Recipient organisation(s) with whom this information will be shared.				
b	Directorate(s) or department(s) responsible for receiving the information.	Women & Children	Women & Children	1.1) Woman & Children 1.2) Mental Health 2.1) Social Service 2.2) Education	1.1) Woman & Children 1.2) Mental Health 2.1) Social Service 2.2) Education
c	Roles of staff receiving the information.	Flying Start Health Visitor	Flying Start Health Visitor	1.1.1) Midwife 1.1.2) Speech and Language Development Therapist 1.1.3) Health Visitor 1.1.4) Nursery Nurse 1.1.5) Portage 1.1.6) Flying Start Administrator 1.2.1) Community Psychiatric Nurse 1.2.2) Psychologist 1.2.3) Play Therapist 2.1.1) Social Worker 2.2.1) School / Nursery Head	1.1.1) Midwife 1.1.2) Speech and Language Development Therapist 1.1.3) Health Visitor 1.1.4) Nursery Nurse 1.1.5) Portage 1.1.6) Flying Start Administrator 1.2.1) Community Psychiatric Nurse 1.2.2) Psychologist 1.2.3) Play Therapist 2.1.1) Social Worker 2.2.1) School / Nursery Head

c	Roles of staff receiving the information. (cont'd)	Flying Start Health Visitor	<p>2.2.2) Language and Play Worker  2.2.3) Adult Basic Skills Worker  2.2.4) Educational Worker  2.2.5) Education Psychologist  2.2.6) Child Care / Minder  2.2.7) Advanced Teaching Staff  2.2.8) Speech and Language Development Therapist  2.2.9) Administration Officers  3.1) Child Care Providers  3.2) Child Minders  4.1) GP</p>	<p>2.2.2) Language and Play Worker  2.2.3) Adult Basic Skills Worker  2.2.4) Educational Worker  2.2.5) Education Psychologist  2.2.6) Child Care / Minder  2.2.7) Advanced Teaching Staff  2.2.8) Speech and Language Development Therapist  2.2.9) Administration Officers  3.1) Child Care Providers  3.2) Child Minders  4.1) GP</p>
7	<p><b>Reason(s) for use of the information (Why / Purpose)</b>  Description of why the information is required e.g. law, WAG directive, care of individual (more than one reason may apply).</p>	Placement into Flying Start programme	<p>Flying Start Multi-Professional Panel developing the care plan for the child including parenting review</p>	<p>Flying Start Multi-Professional Panel developing the care plan for the child including parenting review and undertaking the intervention required which will include:  Assessing needs;  Agreeing a care plan;  Implementing the care plan;  Reviewing the care plan.</p>
8	<p><b>Source of data (What system)</b>  Description of the information system(s), from which the information to be exchanged, is obtained.</p>	<p>Health Visitor / Midwife manual case notes, including:  Family card, child card and clinic card</p>	Flying Start Health Visitor manual case notes	<p>Each recipients notes  Central Flying Start Multi-Professional Panels notes for each individual child (only those referred in) - summary of plan for each child</p>
b	<p>Description of the module or fields accessed when using another organisations IT system to shared data. Details of other non-relevant data which is also available, including any necessary risk assessment undertaken.</p>			<p>Summary of data held on the Torfaen County Borough Council network</p>

### Information Flow Reference Table (Continued)

9	<b>Form title and reference number (What form)</b> The title and reference number of any form or letter used to convey and / or collect the information.	Sharing information consent form		Flying Start Multi-Professional Panels agenda and summary minutes
a				
10	<b>Destination record(s) / system(s) (Where to)</b> The information record(s), system(s) or other destination of the information shared.	Flying Start Health Visitor manual case notes	Each recipients notes Central Flying Start Multi-Professional Panels notes for each individual child (only those referred in) - summary of plan for each child	Flying Start Multi-Professional Panels summary notes Each recipients notes
11	<b>When exchanged / shared (When)</b> Details of when the information needs to be exchanged or shared e.g. daily, weekly, monthly, yearly, as and when.	Daily Monthly As and when required Telephone Face to face Access to paper record Letter or similar	Daily Monthly As and when required Telephone Face to face Access to IT system Letter or similar	Daily Monthly As and when required Telephone Face to face Access to IT system Letter or similar
12	<b>Communication media (How)</b> Details all formats in which the information is to be transferred to the recipient e.g. fax, direct feed from system, verbal transfer at team meeting, telephone call, e-mail.	Weekly Yearly Other Fax Email Copy of paper records Copy of form	Weekly Yearly Other Fax Email Copy of paper records Other	Weekly Yearly Other Fax Email Copy of paper records Other

<p><b>13</b></p> <p>a</p>	<p><b>Communication media controls (How)</b></p> <p>Details how all security controls are applied, e.g. password protected files, encryption of files, and encryption of media, including any risks assessments undertaken.</p>		<p>Flying Start Multi-Professional Panel meeting is held in a controlled environment</p>	<p>Flying Start Multi-Professional Panel meeting is held in a controlled environment.          'Email only within password protected files, strictly in-line with each partner organisations Email Policy regarding the transmission of sensitive personal information'</p>
<p><b>14</b></p>	<p><b>Issues or comments not included in the above</b></p>	<p>Start of process - referral to Flying Start programme.          Intra-NHS sharing</p>	<p>Referral on using service provider forms</p>	<p>Members of the Flying Start Multi-Professional Panel will be responsible for referring Service Users on to the relevant specialist services.          Referral on using service providers forms</p>

## Information Flow Reference Table (Continued)

	Description	Information Exchange 4	Information Exchange 5	Information Exchange 6
1 a	<b>Information flow reference</b> Reference number allocated to any information flow processes to which each set of information relates.	Post -Natel (FS-PN 004)	Post -Natel (FS-PN 005)	
2 a	<b>High level function(s)</b> General description of the function(s) or service(s) to which the information relates.	Referral to the Fire and Rescue Service Implementing the care plan	Onward referral Discharge	
3 a	<b>What information will be shared</b> Description of the information to be provided.	Concerns of fire and safety risks	Concerns, needs assessment, health risks, social risks, environmental risks, financial assessment, current housing situation, family support, vulnerability, language development, cognitive development, social and emotional development, risks to staff, demographic information	
4	<b>Personal identifiers included in the above</b> Main identifiers being used to identify the person.	Surname Date of Birth Service Reference No	Surname Date of Birth Address Post code Service Reference No	First Name Address Post code Service Reference No



5	<b>Provider organisation(s) (Who from)</b> Provider organisation(s).	Aneurin Bevan LHB	Flying Start Multi-Professional Panel 1) Aneurin Bevan LHB 2) Torfaen County Borough Council 3) Independent / Voluntary Sector 4) General Medical Practice	
a	Directorate or department responsible for providing the information.	Women & Children	1.1) Woman & Children 1.2) Mental Health 2.1) Social Service 2.2) Education	
c	Roles of staff responsible for providing the information	Flying Start Health Visitor	1.1.1) Midwife 1.1.2) Speech and Language Development Therapist 1.1.3) Health Visitor 1.1.4) Nursery Nurse 1.1.5) Portage 1.1.6) Flying Start Administrator 1.2.1) Community Psychiatric Nurse 1.2.2) Psychologist 1.2.3) Play Therapist 2.1.1) Social Worker 2.2.1) School / Nursery Head 2.2.2) Language and Play Worker 2.2.3) Adult Basic Skills Worker 2.2.4) Educational Worker 2.2.5) Education Psychologist 2.2.6) Child Care / Minder 2.2.7) Advanced Teaching Staff 2.2.8) Speech and Language Development Therapist 2.2.9) Administration Officers 3.1) Child Care Providers 3.2) Child Minders 4.1) GP	

### Information Flow Reference Table (Continued)

6	<p><b>Destination organisation(s) (Who to)</b></p> <p>Recipient organisation(s) with whom this information will be shared.</p>	Gwent Fire and Rescue Services	<p>Sure Start Programme Multi-Professional Panel</p> <p>1) Aneurin Bevan LHB</p> <p>2) Torfaen County Borough Council</p> <p>3) Independent / Voluntary Sector</p> <p>4) General Medical Practice</p>	
a	Directorate or department responsible for providing the information.		<p>1.1) Woman &amp; Children</p> <p>1.2) Mental Health</p> <p>2.1) Social Service</p> <p>2.2) Education</p>	
b	Roles of staff receiving the information.	Fire and Safety Officers	<p>1.1.1) Midwife</p> <p>1.1.2) Speech and Language Development Therapist</p> <p>1.1.3) Health Visitor</p> <p>1.1.4) Nursery Nurse</p> <p>1.1.5) Portage</p> <p>1.1.6) Flying Start Administrator</p> <p>1.2.1) Community Psychiatric Nurse</p> <p>1.2.2) Psychologist</p> <p>1.2.3) Play Therapist</p> <p>2.1.1) Social Worker</p> <p>2.2.1) School / Nursery Head</p> <p>2.2.2) Language and Play Worker</p> <p>2.2.3) Adult Basic Skills Worker</p> <p>2.2.4) Educational Worker</p> <p>2.2.5) Education Psychologist</p> <p>2.2.6) Child Care / Minder</p> <p>2.2.7) Advanced Teaching Staff</p> <p>2.2.8) Speech and Language Development Therapist</p> <p>2.2.9) Administration Officers</p> <p>3.1) Child Care Providers</p> <p>3.2) Child Minders</p> <p>4.1) GP</p>	
c				

7	<p><b>Reason(s) for use of the information (Why / Purpose)</b></p> <p>a Description of why this information is required e.g. law, WAG directive, care of individual (more than one reason may apply).</p>	Care of Service User and family	Onward referral to facilitate intervention and co-ordination of next stage of care Discharge of Service User	
8	<p><b>Source of data (What system)</b></p> <p>a Description of the information system(s), from which the information to be exchanged, is obtained.</p> <p>b Description of the module or fields accessed when using another organisations IT system to shared data. Details of other non-relevant data which is also available, including any necessary risk assessment undertaken.</p>	Flying Start Health Visitor manual case notes	Flying Start Multi-Professional Panels summary notes Relevant Multi-Professional Panel members case notes	
9	<p><b>Form title and reference number (What form)</b></p> <p>a The title and reference number of any form or letter used to convey and / or collect the information.</p>		Onwards referral using service provider forms	
10	<p><b>Destination record(s) / system(s) (Where to)</b></p> <p>a The information record(s), system(s) or other destination of the information shared.</p>	Gwent Fire and Rescue Services case notes	Each recipients notes	

### Information Flow Reference Table (Continued)

	When exchanged / shared (When)	Daily	Weekly	Other	Daily	Weekly	Other	Daily	Weekly	Other				
<b>11</b>	<b>When exchanged / shared (When)</b> Details of when the information needs to be exchanged or shared e.g. daily, weekly, monthly, yearly, as and when.	Daily						Daily						
a		Monthly		Yearly	Monthly		Yearly	Monthly		Yearly				
		As and when required	X	Other	As and when required	X	Other	As and when required	X	Other				
<b>12</b>	<b>Communication media (How)</b> Details all formats of how the information is to be transferred to the recipient e.g. fax, direct feed from system, verbal transfer at team meeting, telephone call, e-mail.	Telephone	X	Fax	Telephone	X	Fax	Telephone	X	Fax	X			
a		Face to face	X	Email	Face to face		Email	Face to face		Email	X			
		Access to paper record		Copy of paper records	Access to paper record		Copy of paper records	Access to paper record		Copy of paper records				
<b>13</b>	<b>Communication media controls (How)</b> Details how all security controls are applied e.g. password protected files, encryption of files, and encryption of media, including any risks assessments undertaken.	Letter or similar	X	Copy of form	Letter or similar		Copy of form	Letter or similar	X	Copy of form				
a														
											Email only within password protected files, strictly in-line with each partner organisations Email Policy regarding the transmission of sensitive personal information.			

14	<b>Issues or comments not included in the above</b>	Verbal consent obtained by Flying Start Health Visitor to pass information on to Fire and Rescue Service, is recorded in the Health Visitors notes and the Multi Professional Panels summary record	Verbal consent obtained by relevant member of the Flying Start Multi-Professional Panel to pass information on to the relevant organisation. This is recorded in the Multi Professional Panels summary record and relevant provider organisations case notes	
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## Appendix B - Glossary of terms

Term	Definition
Service User	An inclusive term to describe those people who have contact with service providing organisations within Wales and have information recorded about them.
Practitioner	An inclusive term to describe any staff working for the partner organisations involved in the care of or provision of services for the Service User.
Personal Information	Information which relates to an individual, including their image or voice, which enables them to be uniquely identified from that information on its own or from that and / or other information available to that organisation.  It includes personal data within the meaning of Section 1 of the Data Protection Act and also includes information relating to the deceased.
Regular flows	Consists of a standard set of information, which is shared with a set group of organisations, for a given purpose.  It can include information which is shared in-line with a set timetable and also on an 'as and when' basis.



