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V. 4 22 June 2018

## 1. Introduction

- 1.1 This charter aims to provide Wiltshire partner agencies with a robust foundation for the lawful, secure and confidential sharing of personal information between themselves and other public, private or voluntary sector organisations that they work, or wish to work in partnership with. It will enable all partner organisations to meet their statutory obligations and share information safely to enable integrated service provision across the county and better care outcomes for its residents.

## 2. Charter Principles

- 2.1 The principles of this charter are to:
- (a) identify the lawful basis for information sharing;
  - (b) provide the framework for security of information and the legal requirements associated with information sharing;
  - (c) address the need to develop and manage the use of Personal Information Sharing Agreements (PISAs);
  - (d) encourage flows of personal data and develop good practice across integrated teams;
  - (e) provide the basis for Pan Wiltshire processes which will monitor and review data flows; and information sharing between partner services
  - (f) reduce the need for individuals to repeat their story when receiving an integrated service.

## 3. Scope

- 3.1 This charter considers the requirements for all personal information processed by partner organisations that is shared because of partnership and integrated working in order to provide a more seamless service to the individual.
- 3.2 This charter regards all identifiable personal information relating to an individual as confidential that should only be shared if there is a legitimate purpose, statutory obligation or lawful basis and is covered by associated procedures and/or agreements to this document between partners and/or specific services within that provide services to the public.
- 3.3 In line with the General Data Protection Regulation 2016, and the UK data Protection Act 2018 the term “personal data” refers to any information relating to an identified or identifiable natural person, processed wholly or partly by automated means or as part of a filing system.
- 3.4 This charter defines processing as any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction, in writing or through electronic medium including images and photographs.
- 3.5 The GDPR and domestic legislation further define certain classes of personal information as ‘special category data’, for which additional conditions must be met to ensure the information is processed lawfully. All partners under this charter are expected to treat special category data in line with conditions as set out.

- 3.6 This charter applies to all persons within the partner agencies who manage, share and/or use information as part of established partnership working arrangements and integrated teams or services. It also applies to anyone working in a voluntary or contracted capacity within those arrangements.

## 4 Partner Commitment

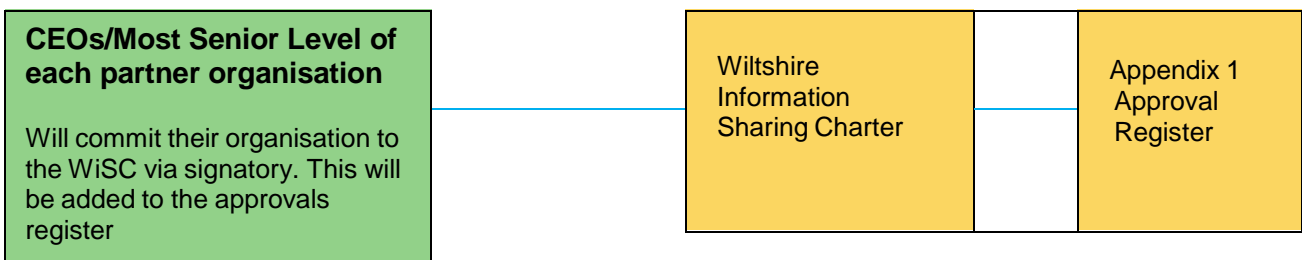
- 4.1 By becoming a partner to this charter, all organisations are making a commitment to:
- (a) accept the principles of this charter as the foundation for sharing information with each other and promote awareness to all staff
  - (b) share information in line with legislation and associated information sharing agreements where the purpose and necessity to share information has been agreed by all parties
  - (c) ensure the sharing of information is agreed as proportionate to meet the purpose
  - (d) ensure all persons working with personal information on behalf of their organisation do so in line with the principles of this charter
  - (e) delegate authority to a nominated lead for their organisation who will act on their behalf for decision making
  - (f) provide a nominated lead to assist the governance of this charter and associated information sharing agreements where required or link with a like-minded partner
  - (g) support on going participation for better information sharing in accordance with the governance protocol. Ensure groups are properly represented and representatives are supported with decision making
  - (h) support the production of shared guidelines and literature associated with information sharing for both staff and the public
  - (i) support the development and provision of joint cross agency training where appropriate
  - (j) provide all staff the appropriate training and support to be able to share information safely and legally as part of their normal duties.
  - (k) Confirm that all staff sharing information under this charter possess the appropriate knowledge and authority and are aware of the legislative and lawful basis requirements.
  - (l) ensure their DPA notification to the Information Commissioner covers the arrangements established under this charter and any associated PISAs
  - (m) follow the Caldicott and/or Data Protection principles
  - (n) understand that the sharing of information under this charter without lawful justification or consent places them at risk of prosecution
  - (o) ensure appropriate organisational policies and procedures are in place to cover the security, storage, retention and destruction of personal information under this charter.
- 4.3 It is understood that signatories to this charter are committing their entire organisation to fully support the principles and carry out their commitments to the full. Any organisation, that for whatever reason is unable to continue their commitments, will be removed as a partner and signatory to this charter. Only partner signatories to this charter will be able to benefit from any integrated agreements, joint development, support and universal resources available.

## 5 Governance

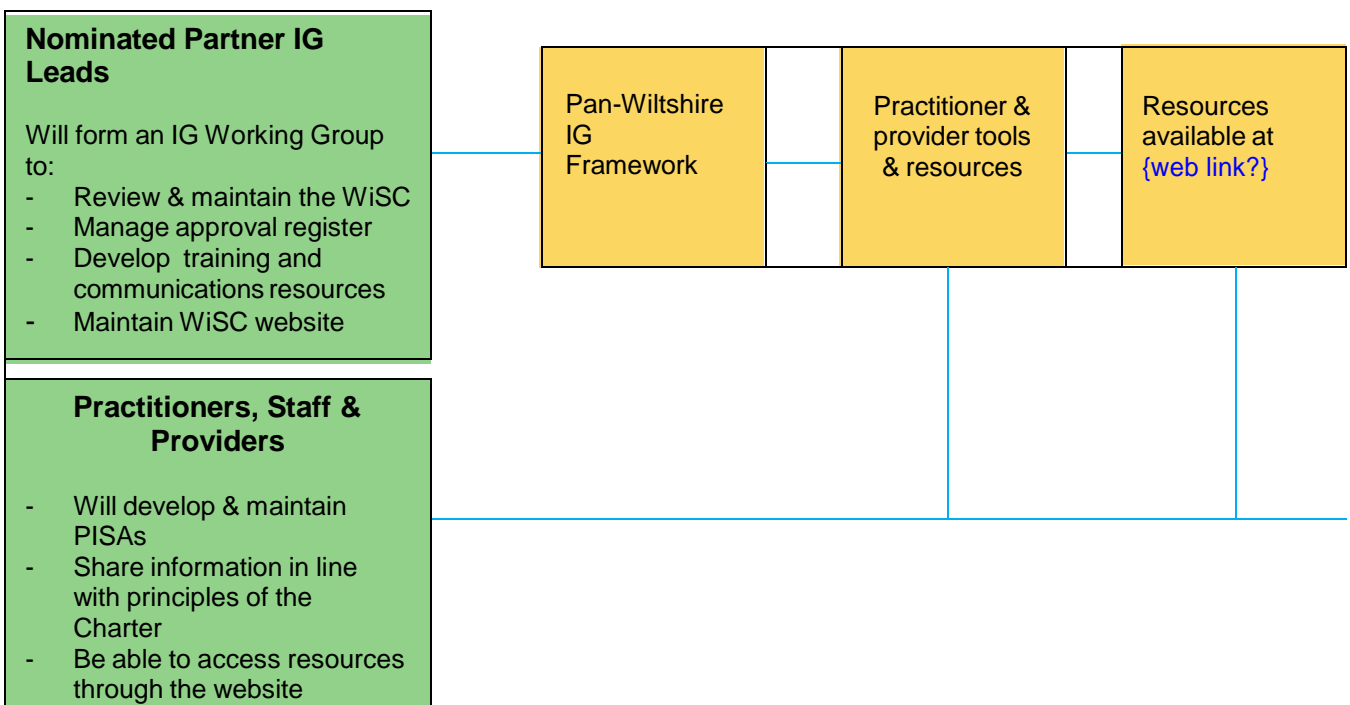
- 5.1 A governance framework will be put in place to manage this charter and monitor associated procedures and PISAs on behalf of all partners.
- 5.2 The framework will cover:
- Review and monitoring of the overarching charter and PISAs
  - Approval of information sharing procedures and protocols associated to the charter
  - Production of shared guidance and literature
  - Data Privacy Impact Assessments
  - Principles of good practice for information sharing
  - Management of appropriate registers and logs, e.g. data breaches
  - Structure and Terms of Reference for nominated lead persons
  - Information sharing complaints

A two-tier structure is proposed and explained below:

### Tier 1 – Strategic level



### Tier 2 – Operational level



- 5.3 By approving the charter, Tier 1 members grant delegated authority to their nominated leads to act on their behalf for management of this charter and all associated operational documents.
- 5.4 Tier 2 is the operational level, where the day to day information sharing decision making and IG support to organisations will operate on behalf of Tier 1 by delegated authority. The governance structure will also provide an overarching assurance role on behalf of all partners to the charter.

## 6 The Lawful basis and Legal Requirements

- 6.1 Principle legislation and guidance governing the protection and use of personal information is:
  - a. General Data Protection Regulation 2016
  - b. Data Protection Act 2018
  - c. Human Rights Act 1998 (article 8)
  - d. The Common Law Duty of Confidentiality
  - e. Caldicott Principles

All partners commit to respect the rights of individuals in line with legislation and the principles of this charter.

## 7 Personal Information Sharing Agreements (PISAs)

- 7.1 PISAs will be required by any partners that have a need to share specific personal data between their services in order to improve the customer journey and continuity of care. They are intended to define the procedural requirements to share agreed information in accordance with the principles of this charter.
- 7.2 PISAs need to be agreed between participating partners and their nominated lead person. These need to be shared with the Pan Wiltshire IG Group who will provide an assurance role on behalf of all partners to the charter.
- 7.3 Existing PISAs prior to partner agreement of this charter will remain valid until their review date where they must be updated in line with this charter and approved through the agreed governance procedure. However, for good practice and to maintain a consistent approach existing PISAs should ideally be reviewed and updated in line with this charter at the earliest opportunity.
- 7.4 The governance procedures associated to this charter will define agreed processes for the management and monitoring of all PISAs on behalf of partners. However, it will be the responsibility of nominated lead persons to undertake the review and updating of their respective PISAs.

## 8 Review of the Charter

- 8.1 It is intended that the overarching charter contains high level principles and partner commitments only. It will be reviewed every 5 years by the governance group.

Partners and signatories to the charter will be expected to sign up for the remaining term of the charter at the point of signing.

Subject to there being no significant changes, the charter may be extended by a further 5 years without seeking further approval or new signatures. However, any significant changes will require the full approval process and re-launch.

The planned review dates are: [5years] and [10years]

- 8.2 In addition and as part of their assurance role, the governance group will undertake annual 'light touch' reviews to ensure the charter is up to date and accounts for any changes in government legislation and requirements. These reviews will not require further partner approval unless the principles of the charter and partner commitments are significantly affected.