1 Information Sharing on Solid Foundations

1. Background:

Organisations collect a great deal of identifiable information about their customers, staff, and/or patients. Information may stay within one place but may also move to different departments in line with the care pathway, the provision of services or to protect individuals from harm. There are occasions where there will be a need for the information to flow between organisational as well as department boundaries, to support decision making, treatment pathways and to support the evaluation of effectiveness.

Numerous national reports and inquiries have demonstrated that relevant information is not being shared across organisational or even departmental boundaries. There are legislative/statutory duties that organisations must adhere to, such as the GDPR & the Data Protection and the Health and Social Care Acts; however these are not meant to be a barrier to effective and necessary information sharing.

This resource explains the information sharing checklist in more detail.

2. Key Questions to ask before sharing information:

2.1 Why is the information required?

- There must be an explicit and defined purpose as to why the information is needed. Consider what will happen if the information is shared and also importantly what would happen if the information is withheld.
- The gathering of the reasons why information required may take thought and time to gather but should not be used as a barrier to information sharing.

2.2 Will the information provide the recipient organisation with sufficient 'need to know'?

- The actions taken or services provided should be different/improved after the information is known. It should be clear that this information is necessary to provide or enrich the best outcome for the person or persons concerned.
- Requestors should be able to state the difference that having this information will make in order to justify their 'need to know'. The more explicit this is, the easier it will be to decide whether the sharing is appropriate.

2.3 How much information is required?

- The information that is shared should be proportionate to the purpose for which the information is required. The information shared should be the minimum necessary to complete the task.
- Whilst the requestor may want 'the whole story', this level of information is normally not required and could be breaching the confidentiality of the person concerned. There should be thought around what information is required for the purpose and more importantly what information is NOT required, so that it can be withheld.

2.4 Is the information up to date and accurate?

- A number of issues can occur if the information that is shared is not accurate.

- When sharing information, you need to ensure that the source of it can be relied upon and that there are sufficient checks in place to confirm the quality of the information.
- Good information quality checks, can provide assurance for the originator and the requestor. If the information that is being shared is an opinion rather than fact, this context should be included, as well as letting the originator know that their opinion is being shared.

2.5 Will the request involve onward sharing?

- It is important to remember that information belongs to the individual and/or organisation that provides it. It should not be passed on to a third party without explicit consent. If the requestor wishes to share the information outside of their organisation, this should be included in the request.
- Additionally, information gathered for one purpose must not be used or passed on for a different purpose without consent.

2.6 Do I need consent?

- In many cases there may be a legal requirement to obtain consent before any personal information can be shared. Consent can be implied, for example when sharing information across a pathway, which crosses multiple departments and organisations.
- It is important to understand when sharing information if more than implied consent is required and also the type of information that is shared, for example where it is considered sensitive. It is a requirement to inform patients or clients about how their information can be shared, through a Privacy Notice and use of supporting material such as information leaflets and posters should be considered where appropriate.

2.7 Do I have consent to share?

- Consent must not be assumed, it is important to ensure that the originating organisation is aware whether explicit consent has been gained. This does not have to be written consent, it can be verbal but it must be recorded clearly by the organisation that receives it.
- To be valid, consent must be fully informed, freely given, specific and an unambiguous positive indication of the data subject's wishes. In some circumstances, it will be more appropriate to rely upon a different legal basis such as, to meet a legal obligation, or when acting in the public interest or under official authority vested in the organisation.
- A person has the right to withdraw consent at any time, the organisation must then ensure that their decision is abided by. Consent must be as easy to withdraw as to give.

2.8 Do I need to record that I have shared Information?

- It is best practice, and a requirement of the NHS IG toolkit in respect of clinical data, that organisations should make a note of all the information that flows to other organisations or bodies – known as data mapping.
- It is important to record what information was shared, the date it was shared, who it was shared with together with the grounds and reasons for sharing.

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2.9 How do I share information securely?

- It is a legal obligation to prevent unauthorised access, or loss of information being shared. Each partner organisation is required to take appropriate steps to maintain the security of personal information, including safe transfer when it is shared.
- For more information please refer to the resource note (3) on the Safe and Secure Transfer of Information.