



Whole Essex Information Sharing Framework

This Information Sharing Protocol is designed to ensure that information is shared in a way that is fair, transparent and in line with the rights and expectations of the people whose information you are sharing.

This protocol will help you to identify the issues you need to consider when deciding whether to share personal data. It should give you confidence to share personal data when it is appropriate to do so, but should also give you a clearer idea of when it is not acceptable to share data.

Specific benefits include:

- transparency for individuals whose data you wish to share as protocols are published here;
- minimised risk of breaking the law and consequent enforcement action by the ICO or other regulators;
- greater public trust and a better relationship by ensuring that legally required safeguards are in place and complied with;
- better protection for individuals when their data is shared;
- increased data sharing when this is necessary and beneficial;
- reduced reputational risk caused by the inappropriate or insecure sharing of personal data;
- a better understanding of when, or whether, it is acceptable to share information without people's knowledge or consent or in the face of objection; and reduced risk of questions, complaints and disputes about the way you share personal data.

Please ensure all sections of the template are fully completed with sufficient detail to provide assurance that the sharing is conducted lawfully, securely and ethically.

Item	Name/Link /Reference	Responsible Authority
Privacy Impact Assessment	PIA174	Essex County Council
Supporting Standard Operating Procedure	N/A	
Associated contract		
Other associated supporting documentation		

Published Information Sharing Protocols can be viewed on the [WEISF Portal](#).

INFORMATION SHARING PROTOCOL

SUMMARY SHEET

Title of Agreement		3 rd Party Access to the Mosaic Social Care System		
Organisation Name	Head Office Address	Telephone	Email	ICO Registration reference
Essex County Council	County Hall. Chelmsford. CM1 1QH	08457 430430	Informationgovernanceteam@essex.gov.uk	Z6034810
ECL (Essex Cares Ltd)	Seax House Floor 7 Victoria Road South Chelmsford CM1 1QH	0333 013 9929	Fran.driver@essexcares.org	Z1801658
Essex Police	Essex Police Headquarters, PO Box 2, Springfield, Chelmsford, CM2 6DA	01245 491491	Andy.begent@essex.pnn.police.uk	Z4883472
Action for Children (Multi-Systemic Therapies)	3 The Boulevard Ascot Road Watford WD18 8AG	01923 361 500	stephen.sipple@actionforchildren.org.uk	Z8506252
Barnardos (Female Genitalia Mutilation)	Barnardos House Tanners Lane Barkingside Ilford IG6 1QG	01245 299060	Michelle.lee-izu@barnardos.org.uk	Z5951768
Essex Partnership University Foundation Trust (EPUT)	Trust Head Office The Lodge Lodge Approach Runwell, Wickford SS11 7XX	01268 555259	Information.governance@eput.nhs.uk	ZA242481

**WEISF**

Westminster Drug Project (Prison Assessments)	7th Floor Kingsway House 103 Kingsway London WC2B 6QX	020 7421 3100	Melanie.jarrett@wdp.org.uk	Z5301563
Department for Works & Pensions (Family Solutions)	58 Caswell Close, Farnborough GU14 8TD	07798 635570	LAUREN.KILBEY@DWP.GSI.GOV.UK	
Anglia Ruskin University (Student Social Workers)	Chelmsford Campus Bishop Hall Lane Chelmsford Essex CM1 1SQ	01245 493131	Jackie.Barlow@anglia.ac.uk	Z6913835
Capita Resourcing Limited (HIP & Temp workers)	71 Victoria Street London SW1H 0XA		colin.webster@capita.co.uk	Z9109167

Version Control	
Date Agreement comes into force	16/01/2017
Date of Agreement review	16/01/2018
Agreement owner (Organisation)	Essex County Council
Agreement drawn up by (Author(s))	Lauri Almond, IG Operational Lead
Status of document – DRAFT/FOR APPROVAL/APPROVED	APPROVED
Version	V1.0

Information Sharing Protocol – 3rd Party Access to the Mosaic Social Care System

1. Purpose

This Protocol supports 3rd party access to the Essex County Council (ECC) Mosaic Social Care System to facilitate partnership working and delivery of commissioned services to ensure that any access to the system is lawful, necessary and appropriate.



Any external agency who require their workers to have access to Mosaic in order to deliver services to citizens will be required to sign up to this protocol, and each individual requiring access will be asked to complete an associated non-disclosure agreement (see [appendix A](#)). Essex County Council reserves the right to disconnect any user account where access has been abused or is no longer necessary.

Access to the system will be reviewed at least annually. As a part of this process, agencies will be required to confirm that named users still require access the system in order to deliver services to citizens.

It is each Partners responsibility to ensure that ECC are promptly informed when access is no longer required by their employees.

2. Information to be shared

The information to be shared via access to the system will vary according to agency type and the work being undertaken in order to deliver the specific service.

The information to be shared may include, but is not limited to:

- Demographic data, e.g. Name, Address, Date of Birth, Gender.
- Assessment data
- Care pathway data
- Safeguarding data
- Involved professionals
- Relationships, e.g. family, friends, care providers, advocates/representatives

3. Legal Basis for sharing information

It is generally good practice to seek the consent of individuals to share their information. However disclosure may be lawful in certain circumstances without consent, for example the performance of public functions, legal obligations, prevention/detection of crime.

Sharing personal information in accordance with this protocol is lawful under the Data Protection Act 1998 schedule 2 condition:

- 2(1) The Data Subject has given his consent to the processing;
- 2(3) The processing is necessary for compliance with any legal obligation to which the Data Controller is subject;
- 2(4) The processing is necessary in order to protect the vital interests of the Data Subject;
- 2(5) The processing is necessary:
 - For the administration of justice



- For the exercise of any functions conferred on any person or under any enactment;
- For the exercise of any other functions of a public nature exercised in the public interest by any person.

Sharing personal information in accordance with this protocol is lawful under the Data Protection Act 1998 schedule 3 condition (if appropriate):

- 3(1) The Data Subject has given his explicit consent to the processing of the personal data
- 3(3) The processing is necessary to protect the vital interests of the Data Subject or another person
- 3(7) The processing is necessary:
 - For the administration of justice
 - For the exercise of any functions conferred on any person or under any enactment;
- 3(8) The processing is necessary for medical purposes and is undertaken by a health professional or a person who owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional

Other legislation or statute as follows:

- Children Act 1989
- Health and Social Care Act 2015 (For Health/Social Services).
- Human Rights Act 1998
- Equalities Act 2010
- Crime and Disorder Act 1998
- Criminal Justice Act 2003 (Duty to co-operate)
- Police Act 1996 (Code of Practice on the Management of Police Information)
- Housing Act 1996
- Mental Health Act 2007
- Mental Capacity Act 2005
- Localism Act 2011
- Localism Act 2013
- Sex Offenders Act 1997
- NHS and Community Care Act 1990.

The following codes of practice and guidance may also be relevant:

- Common Law Duty of Confidence (Social Services, medical profession, patient confidentiality, Police, Nurses, Health Visitors and Midwives).
- Professional Codes of Conduct
- Confidentiality – NHS Code of Practice November 2003
- Caldicott and Caldicott2 Principles

Fair Processing



Each Partner must ensure that they provide privacy notices at the point of contact and on an ongoing basis in order to meet principle 1 of the Data Protection Act.

4. Access and individuals' rights

Subject Access is an individual's right to have a copy of information relating to them which is processed by an organisation.

Once information is disclosed from one agency to another, the recipient organisation becomes the **Data Controller** for that information. With regards to subject access requests, the **Data Controller** has a statutory duty to comply with section 7 of the DPA, unless an exemption applies. It is good practise for the recipient organisation to contact the originating organisation. This enables the originating organisation to advise the use of any statutory exemptions that may need to be applied prior to disclosure to the requesting individual. Communication should take place speedily thus allowing the servicing of the request to take place within the Statutory 40 calendar day, time period.

If a party receives a request for information under the Freedom of Information (FOI) Act 2000 or Environmental Information Regulations (EIR) 2004 that relates to data that has been disclosed for the purposes of this Information Sharing Protocol, it is best practice to seek advice from the originating organisation prior to release. This allows the originating organisation to rely on any statutory exemption/exception under the provisions of the FOI Act or EIR and to identify any perceived harms. However, the decision to release data under the FOI Act or EIR is the responsibility of the agency that received the request.

Essex Partner Agencies' Information Sharing Agreements are made publicly available on the Whole Essex Information Sharing Framework website.

5. Keeping information secure

Requirements for Partners:

Physical security:

- Ensure that their employees are appropriately trained to understand their responsibilities to maintain confidentiality and privacy;
- Each agency must inform ECC of any employees who no longer require access to Mosaic as soon as is practicably possible;
- Restrict access to data to those that have a legitimate need for such access, and take reasonable steps to ensure the reliability of employees who have access to data, for instance, ensuring that all staff have appropriate background checks
- Maintain an up to date policy available to all staff for handling personal data
- Have a process in place to handle any security incidents involving personal data, including notifying relevant third parties and Essex County Council of any incidents



- The system must only be accessed in a secure environment

Technical security:

- *The system can only be accessed via the secure URL provided by ECC*
- *The system must only be accessed on an encrypted computer*
- *2 factor access controls are implemented*
- *Agencies must ensure that they have effective internet firewalls and remote access solutions in place.*
- *Computers and removable media are encrypted to industry standard*
- *Security patching and anti-malware software is regularly updated and functioning effectively*

6. Information format, method(s) and frequency of sharing

Information will be accessed via the secure system as and when required.

7. Data Retention

Information will be retained in accordance with each partners' data retention policy and in any event no longer than is necessary.

8. Responsibility for exchanging these data and ensuring data are accurate

Data quality assurance checks are routinely carried out by the ECC Data Quality Team. Should any partner become aware of any inaccuracy they must report this to Mosaic.Helpdesk@essex.gov.uk

For the purposes of this Protocol the responsibilities are defined as:

ECC will be Data Controller for the Mosaic system and the personal data held within it. Once a Partner to this Protocol records information sourced from Mosaic into their own systems, or processes in any way, they will become the Data Controller for that information.

This Protocol will be reviewed one year after it comes into operation, and annually thereafter, to ensure that it remains fit for purpose. The review will be initiated by Essex County Council. The review will include a list being provided to Partner agencies, of their staff with access to Mosaic, Partner agencies will be asked to confirm that it is still necessary for those staff to continue accessing Mosaic. Failure to respond will result in the relevant Mosaic accounts being closed.



9. Complaints

Partner agencies will use their standard organisational procedures to deal with complaints from the public arising from information sharing under this protocol.

10. Breach of Confidentiality

Any breaches of confidentiality arising from access to Mosaic will be reported to the Essex County Council (ECC) Information Governance Team (IG) (informationgovernanceteam@essex.gov.uk) immediately. Partners will work with the ECC IG Team to ensure appropriate investigation and remedial actions are undertaken. Any decisions to notify the Information Commissioners Office rest with ECC.

11. Agreement

We undertake to implement and adhere to this protocol.

Commencement of the Protocol:

This Protocol shall commence upon date of the signing of a copy of the Protocol by the signatory partners. The relevant information can be shared between signatory partners from the date the Protocol commences.

Withdrawal from the Protocol:

Any partner may withdraw from this Protocol upon giving 4 weeks written notice to the other signatories. The partner must continue to comply with the terms of this Protocol in respect of any information that the partner has obtained through being a signatory. Information, which is no longer relevant, should be returned or destroyed in an appropriate secure manner.

Signed by Authorised Person

On behalf of (Organisation): Essex Partnership University NHS Foundation Trust (EPUT)

Print: Dr Milind Karale (Executive Medical Director/Caldicott Guardian)



Signed:

Date: 16.01.17

On behalf of: Essex Partnership University NHS Foundation Trust (EPUT)

Print: Mark Madden (Executive Chief Finance Officer/Senior Information Risk Officer (SIRO))



Signed:

Date: 16.01.17



Appendix A – Mosaic Access Non-disclosure/Access agreement

Information Security and Confidentiality

I must maintain the security of information held and owned by Essex County Council and must comply with relevant legislation and guidance, including:

- The Data Protection Act 1998 (and any replacement)
- The Data Protection (Subject Access Modification) (Social Work) Order 2011
- The Computer Misuse Act
- The Freedom of Information Act 2000
- The Caldicott Principles

I understand that I must treat the information held within Essex County Council's Social Care Case Management systems with the strictest confidence and must not publish, copy, or otherwise disclose to others, or permit the use by others for their benefit or my own benefit to the detriment of any individual.

I acknowledge that I must only access information within Essex County Council's Social Care Case Management systems that is solely relevant to my work on behalf of Essex County Council, or on the behalf of my organisation and with the agreement of Essex County Council.

I understand that breaches of this agreement will be investigated and may result in disciplinary action. Serious breaches of the Code of Conduct may be considered gross misconduct and result in dismissal/or criminal prosecution.

Name		Signature	
Job Title		Date	
Team		Organisation	

This form must be completed and returned to ECC before you are given access to Essex County Councils Social Care Case Management Systems.

Further advice or copies of the guidance mentioned above can be obtained from Information Governance Team who can be contacted on:

Email: informationgovernanceteam@essex.gov.uk

Tel No: 033301 39824