

South Dublin Childrens Services Committee

Data Sharing Protocol

**Agreement for Sharing Data
Between Partners of the**

South Dublin Childrens Services Committee

**Version 0.4 – Final Draft
June 2009**

Contents

- 1 Preface 3
- 2 Introduction & Overview 3
- 3 Strategic Aims & Reasons for Data Sharing 4
- 4 The Legal Framework..... 4
- 5 Information Covered by this Protocol..... 5
- 6 How the Data is to be Shared..... 6
- 7 Secondary Use of Data 6
- 8 Security of Data 6
- 9 Data Audit..... 8
- 10 Complaints 8
- 11 Changes to Agreement..... 8

- Appendix A - Data Sharing Guidance 9
- Appendix B - Declaration of Acceptance and Participation (for Partners)..... 10
- Appendix C - South Dublin Childrens Services Committee Partners 11
- Appendix D – Technical Specification for Data Inclusion..... 10

1 Preface

A Data Sharing Protocol is a formal agreement between organisations that are sharing personal data. For the purpose of this protocol, the terms 'data' and 'information' are synonymous.

This protocol has been developed by South Dublin County Council to facilitate the legal, secure and confidential collation, depersonalisation, analysis and sharing of information / data sets (electronic and manual) between public, private and voluntary sectors to enable them to meet both their statutory obligations, and the needs and expectations of the people they serve in the South Dublin area. This protocol may be further extended to include other organisations working in partnership to deliver services.

Organisations involved in providing services to the public have a legal responsibility to ensure that their use of personal information is lawful, properly controlled and that an individual's rights are respected. This balance between the need to share information to provide quality service and protection of confidentiality is often a difficult one to achieve.

2 Introduction and Overview

The South Dublin Childrens Services Committee intends to use available data to provide a spatial picture of life in the county. It will enable strategic planning of services and facilities as well as providing definitive baseline data which will facilitate on-going mapping, demonstrating significant shifts in trends in terms of citizens' experiences of living in the county. The technical specification will enable the data to be shared across the organisation and ultimately, perhaps through the use of secure 'extranets', shared with partner organisations as appropriate.

The aim of this agreement is to define how personal and sensitive data will be provided to partner organisations and the methods used by South Dublin County Council for the secure and legal management, accessing and processing of that data. It provides a framework for partner organisations to establish and regulate working practices between them. It also provides guidance to ensure the secure transfer of information, and that the information shared is for justifiable 'need to know' purposes.

Personal data supplied remains the property of the data controller who has supplied such data and must not be amended or distorted by other users or partners

3 Strategic Aims & Reasons for Data Sharing

Sharing personal information will enable us to:-

- Assist our partners and South Dublin County Council in carrying out our statutory obligations in respect of the planning, delivery and management of efficient, effective and equitable public services.
- Provide integrated and seamless delivery of services in line with our policies, government initiatives and public expectations.
- Monitor, review and account for what we do.
- To manage and integrate the cohesive planning of services.
- To avoid, where possible, duplication of information gathering.
- Risk management, statistical analysis, research.
- To enable the assessment and reporting of statistical information associated with the County.
- To support a proactive problem solving approach to improve community life for the citizens of South Dublin County.

4 The Legal Framework

In writing this agreement due attention has been paid to the views of partners where possible, and all the guidance has been written taking into account relevant legislation where applicable, including:

- Data Protection Act 1988 & 2003
- Freedom of Information Acts 1997 & 2003
- Electronic Privacy Regulations
The ePrivacy Regulations 2003 (S.I. 535) deal with data protection for phone, e-mail, SMS and Internet use. They give effect to the EU e Privacy Directive 2002/58/EC.
SI 192 of 2002 – which has been replaced by SI 535

5 Information Covered by this Protocol

5.1 **All information**, including personal information as defined in the Data Protection Act 1988 & 2003. Such data should be provided to third parties in an anonymised format.

5.2 **Personal Information**: The term 'personal information' refers to any information held as either manual or electronic records, or records held by means of audio and/or visual technology, about an individual who can be personally identified from that information. The definition is 'technology neutral'.

The term is further defined in the Data Protection Acts 1988 & 2003 as data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

A similar definition is contained in the Directive (95/46/EC): "personal data" shall mean any information relating to an identified or identifiable natural person ('Data Subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his/her physical, physiological, mental, economic, cultural or social identity.

There are different ways in which an individual can be considered 'identifiable'. A person's full name is an obvious likely identifier. But a person can also be identifiable from other information, including a combination of identification elements such as physical characteristics, pseudonyms, occupation, address etc.

The Data Protection Acts 1988 & 2003 also define certain classes of personal information as 'sensitive data' where additional conditions must be met for that information to be used and disclosed lawfully.

5.3 **Anonymised Data**: To ensure anonymised data, especially when combined with other information from different agencies, does not identify an individual, either directly or by summation.

Anonymised data about an individual can be shared without consent (subject to certain restrictions regarding health/social care records), in a form where the identity of the individual cannot be recognised i.e. when:-

- Reference to any data item that could lead to an individual being identified has been removed.
- The data cannot be combined with any data sources held by a partner to produce personally identifiable data.

6 How the Data is to be Shared

Personal data held by the partners of the South Dublin Childrens Services Committee will be shared with the partners of the South Dublin Childrens Services Committee, as required.

Under this agreement, the data will be shared as appropriate between the partners who will process the data in such a way as to enable the committee to produce the statistical or aggregated data from which it is not possible to identify any individual.

This data will then be shared with the partners for the purposes set out in Point 3 'Reasons for Data Sharing'.

Should any partner require personal data or data in a less aggregated form than provided by South Dublin County Council, then an approach must be made directly to the data controller who originally supplied the data. Any requests from any other person, party, agency or body not at the time included in the South Dublin Childrens Services Committee must also be referred to the original data controller.

7 Secondary Use of Data

Personal data supplied to the South Dublin Childrens Services Committee will not be used for any other purpose than that for which it was supplied to the committee.

8 Security of Data

Regardless of the type of data being accessed, processed and stored, security is considered of paramount importance.

All data that is held by South Dublin County Council is held on secure servers, with access restricted to internal use by appropriate members of staff.

As data controllers for the data they collect, all partners are expected to treat named data in accordance with the Data Protection Acts 1988 and 2003, and ensure that security is in place sufficient to protect the data from unauthorised access.

This includes physical security, such as adequate protection for premises when unattended, to IT related security such as passwords and secure IDs.

It is understood that each partner may have differing security needs, however it is important that all reasonable steps are made to ensure data is kept private and confidential at all times. Each partner is expected to comply with its Information Security Policy and to make staff aware of their obligations in this respect.

In particular all partners must take appropriate technical and organisational measures against unauthorised or unlawful accessing and / or processing of personal data and against accidental loss or destruction of, or damage to, personal data.

This will include:

- Appropriate technological security measures, having regard to the state of technology available and the cost of implementing such technology, and the nature of the data being protected
- Secure physical storage and management of non-electronic data
- Password protected computer systems
- Restricted access to data and taking reasonable steps to ensure employees who have access to sensitive data are informed about their responsibility to protect data and apply data only for the purposes for which it was supplied.
- Ensuring data is only held as long as is necessary, in line with Data Protection principles
- Appropriate security on external routes into the organisation, for example Internet firewalls and secure remote access facilities.

Partners are themselves responsible for complying with security in respect of the Data Protection Acts 1988 & 2003, irrespective of the specific terms of this agreement.

If there is a requirement for South Dublin County Council to supply data to any external body, full records will be kept of when data is supplied to external organisations.

8.1 Issuing of Data

Partners are expected to issue data only to data subjects who comply with the required procedure or those organisations which have a legitimate right to view and process that data. South Dublin County Council will not make named data available for commercial use.

8.2 Storage of Data

Data supplied to partners must be stored in a secure, purpose built database, with restricted access to the data. Processing of the data within South Dublin County Council should be carried out in conjunction with the data controller who has provided the data.

8.3 Confidentiality of Data

All personal data is treated with the utmost confidentiality, and shared by South Dublin County Council only with those organisations which can demonstrate a professional or legal requirement for having access.

9 Data Audit

All data stored, processed and/or passing through South Dublin County Council as part of this project is tracked and recorded. This provides an audit trail of where data has come from and where it is going.

It is expected that partners will also be able to provide robust audit trails for all data they hold that is considered personal or sensitive.

10 Complaints

Complaints about personal or sensitive information held by the South Dublin Childrens Services Committee can be made in writing to the person or organisation holding information, detailing the reasons for the complaint, but data subjects may also request information from the data protection officer about personal data supplied to South Dublin County Council.

11 Changes to Agreement

This agreement will be reviewed periodically and consequently it may be subject to change. This agreement will be available on-line and in the public domain. On changing an agreement, the new publication will be provided on the South Dublin County Council website.

Appendix A - Data Sharing Guidance

South Dublin Childrens Services Committee Data Sharing Guidance

This document is intended to ensure that personnel working for and on behalf of the South Dublin Childrens Services Committee understand the importance of good practice when dealing with personal and sensitive personal data held in customer records, are conscious of their obligations regarding compliance with data protection legislation and appreciate the rules by which individuals' data may be accessed and processed.

Whilst the guidelines are written for internal use, they will be available for viewing by the public on South Dublin County Council www.sdublincoco.ie and South Dublin Childrens Services Committee www.southdublinchildren.ie websites.

The following items represent the Data Sharing Guidelines of SDCC, with respect to personal and sensitive personal data:

1. Data held by SDCC will be treated as confidential at all times.
2. Data held by SDCC will be processed in accordance with the Data Protection Acts 1988 & 2003, and internally produced agreements.
3. Individuals have the right of access to personal information about them
4. Personal data will be made available to the data subject if the data subject satisfies the request requirements of the Data Protection Acts 1988 & 2003.
5. Only data appropriate to the immediate requirements of the South Dublin Childrens Services Committee to perform and fulfil its statutory and business obligations will be retained.
6. The uses, to which personal and sensitive data may be put, are detailed in Section 3 – Strategic Aims & Reasons for Data Sharing.
7. Data will not be made available to third parties for commercial or marketing purposes. Data will only be shared with organisations that have a legal requirement to access such data in order to fulfil their statutory requirements. Organisations using any type of data held by SDCC will have to sign up to a data sharing agreement and be bound by the requirements of that agreement.
8. All documentation that relates to the management of data will be made publicly available.

Periodically, this policy will be subject to review and change. Any changes to this policy will be published to both websites listed above.

Appendix B – Declaration of Acceptance and Participation (for Partners)

On behalf of the organisation specified below, I agree to the provision and management of data in accordance with the conditions laid out in the “Agreement for the Sharing of Data between Partners of the South Dublin Childrens Services Committee.

Signed..... Date

Name.....

Position.....

Organisation

Address.....

.....

.....

Telephone.....

Appendix C – Technical Specification for Data Inclusion

Preferred Geocode Level:-

- Data Geocoded to Electoral Division Level (49 Number for South Dublin area)
Columns to be included for CSO DED_ID and CSO DED_NAME

Data Type:-

- Anonymised & non-personal data

Preferred Grid :-

- Irish National Grid

Preferred Format:-

- ESRI File GeoDatabase

Conforming to Dublin Core Metadata Element Set, Version 1.1

Alternative Format:-

- CSV file

South Dublin County Council is willing to provide access to our Address Matching technology.