



Wales Accord on the Sharing of Personal Information

Information Sharing Protocol for Integrated Service for Children with Additional Needs (ISCAN) - Gwent

Version Final – V1.0

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Quality Assurance Group WASPI South East Wales QA Group

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1 Introduction to this ISP

- 1.1 This Information Sharing Protocol (ISP) is supplementary to the Wales Accord on the Sharing of Personal Information (WASPI) and has been agreed following consultation between the participating partner organisations.
- 1.2 This ISP is intended to help practitioners understand what information can be shared between the listed partners for the stated purpose(s). It also provides assurance that the partners have considered the requirements of data protection legislation.
- 1.3 This ISP has been prepared to support the regular sharing of personal information for [This ISP has been prepared to support the regular sharing of personal information for the Integrated Service for Children with Additional Needs (ISCAN) in ISCAN North (Nevill Hall Children's Centre) - Blaenau Gwent, north Torfaen and north Monmouthshire
- 1.4 Personal information is shared for the purpose of Assessing complex additional needs of children. Providing better co-ordination of services; and Ensuring early intervention.

2 The information sharing partner organisations

- 2.1 The table below sets out the organisational partners to the ISP, the key contact points and the departments, divisions and teams typically involved in sharing information for the purposes described in this ISP.

Information Sharing Partner Organisations	Owner / Point of contact	Departments / Divisions / Teams
Aneurin Bevan University Health Board (ABUHB)	ISCAN Manager	ISCAN Service
Blaenau Gwent County Borough Council (BGCBC)	Assistant Director Children's Services	Educational Psychology
Caerphilly County Borough Council (CCBC)	Assistant Director Children's Services	Educational Psychology
Monmouthshire County Council (MCC)	Assistant Director Children's Services	Educational Psychology
Newport City Council (NCC)	Assistant Director Children's Services	Educational Psychology
Torfaen County Borough Council (TCBC)	Assistant Director Children's Services	Educational Psychology
GPs	Practice Manager	GPs
All Blaenau Gwent Schools	Head Teacher	Education
All Caerphilly Schools	Head Teacher	Education
All Newport Schools	Head Teacher	Education
All Monmouthshire Schools	Head Teacher	Education
All Torfaen Schools	Head Teacher	Education
Sparkle Charity	Trustees	Sparkle Charity / Manager
Action For Children Charity	Trustees	Action For Children Charity / Manager

SPACE Panel	SPACE Co-Ordinators for Blaenau Gwent, Torfaen, Monmouthshire, Newport and Caerphilly	SPACE Wellbeing Service
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- 2.2 The ISP owners / points of contact have overall responsibility for this ISP within their respective organisations and must therefore ensure the ISP is disseminated, understood and acted upon by relevant practitioners.
- 2.3 The owners / point of contact for each partner organisation will regularly monitor and review the use of this ISP to ensure information is shared effectively and appropriately.
- 2.4 Once the ISP has been assured, each partner organisation will nominate a signatory to sign the ISP at Appendix C. The signatory will be an appropriate person from the partner organisation who can sign on behalf of the organisation.

3 Specific organisational / practitioner obligations

- 3.1 Any breaches of security, confidentiality and other violations of this ISP must be reported in line with each partner organisation's incident reporting procedures. Consideration should be given to sharing the outcome of any investigation, where appropriate, with other partners to the ISP.
- 3.2 Practitioners who share information in line with this ISP should make themselves aware of, and adhere to, their organisation's Information Governance and records management procedures; in particular the provisions that relate to collecting, processing and disclosing personal information.
- 3.3 Every reasonable step should be taken to ensure that inaccurate personal data are erased or rectified without delay. Consideration must be given to advising partner organisations that they may have received inaccurate information. In circumstances where partner organisations cannot be informed, advice should be taken from an Information Governance lead (or equivalent).

4 Legislative / statutory powers

STAFF SHOULD NOT HESITATE TO SHARE PERSONAL INFORMATION IN ORDER TO PREVENT ABUSE OR SERIOUS HARM, IN AN EMERGENCY OR IN LIFE-OR-DEATH SITUATIONS.

IF THERE ARE CONCERNS RELATING TO CHILD OR ADULT PROTECTION ISSUES, THE RELEVANT ORGANISATIONAL PROCEDURES MUST BE FOLLOWED

- 4.1 The sharing arrangements described in this ISP takes into account the relevant data protection legislation, the Human Rights Act 1998 and the common law duty of confidence.
- 4.2 Before sharing personal information, partner organisations must have identified a clear legal basis for doing so.
- 4.3 Data protection legislation includes the concept of:
 - **'personal data'**; any information relating to an identified or identifiable (living) natural person, and

- **‘special categories of data’ / ‘sensitive processing’**; personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation

Whilst information about deceased people is not covered by data protection legislation, data about deceased people is covered by a similar level of confidence.

- 4.4 Further information and guidance on lawful processing of personal information can be found on the Information Commissioner’s website; www.ico.org.uk
- 4.5 Partner organisations also need to ensure they take into account the Data Protection Act 2018 and any additional requirements it places on the use of the legal bases set out in Articles 6, 9 and 10 of GDPR (see Part 2 of the Act) and processing for the ‘law enforcement purposes’ (see Part 3 of the Act). The ICO has guidance on this matter and queries about the relevance of any legal basis should be raised with an Information Governance lead.
- 4.6 Consent to process personal data should not be confused with consent to receive the service. The two are separate and should not be confused or merged.

Table 1 - Article 6 - Personal Data

Legal basis	Check box / Notes
Consent – Art 6(1)(a)	<input type="checkbox"/> Consent is not sought, as there are other legal gateways that support information sharing for ISCAN and we are working under guidance that consent should not be used where there are other legal gateways. However, as described in more detail in Appendix B, information about ISCAN is provided at the point of referral, using a layered approach to ensure transparent practice and to ensure that subjects’ data rights are safeguarded.
Task carried out in the public interest or in the exercise of official authority – Art 6(1)(e)	<input checked="" type="checkbox"/> <u>HEALTH</u> The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The following legislation supports the sharing of personal information for the purposes defined in this agreement; <ul style="list-style-type: none"> • Children Act 2004, Part 3, section 25 - places a duty on each child’s service authority to make arrangements to promote cooperation between itself and relevant partner agencies to improve the wellbeing of children in their area • Children Act 2004, Part 3, section 28(2) – places a duty on the service authority to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Local Authorities The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The following legislation supports the sharing of personal information for the purposes defined in this agreement;

	<ul style="list-style-type: none"> • Children Act 2004, Part 3, section 25 - places a duty on each child's service authority to make arrangements to promote cooperation between itself and relevant partner agencies to improve the wellbeing of children in their area • Children Act 2004, Part 3, section 28(2) – places a duty on the service authority to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children • Local Government Act 2000, Part 1 Promotion of economic, social or environmental well-being - section 2 – places a duty on the local authority to promote or improve the social wellbeing of their area. This provides an implied power to share information with statutory services and the independent sector
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Table 2 - Article 9 - Special Categories of Personal Data

Legal basis	Checkbox / Notes
Necessary for reasons of substantial public interest - Art 9(2)(g)	<p><input checked="" type="checkbox"/> HEALTH</p> <p>GDPR Art 9(2)(g) requires a basis in UK law, which is provided by Section 10(3) of the Data Protection Act 2018.</p> <p>This in turn refers to the need to meet a relevant condition in Part 2 of Schedule 1 of the DPA 2018. The relevant condition is:</p> <p>Schedule 1, Part 2, Para 16 1 (a) support for individuals. 17 1 (a) counselling and support, 18 1 (a) safeguarding of children at risk</p> <p>The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The following legislation supports the sharing of personal information for the purposes defined in this agreement;</p> <ul style="list-style-type: none"> • Children Act 2004, Part 3, section 25 - places a duty on each child's service authority to make arrangements to promote cooperation between itself and relevant partner agencies to improve the wellbeing of children in their area • Children Act 2004, Part 3, section 28(2) – places a duty on the service authority to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. <p>Local Authorities</p> <p>The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The following legislation supports the sharing of personal information for the purposes defined in this agreement;</p> <ul style="list-style-type: none"> • Children Act 2004, Part 3, section 25 - places a duty on each child's service authority to make arrangements to promote cooperation between itself and relevant partner agencies to improve the wellbeing of children in their area • Children Act 2004, Part 3, section 28(2) – places a duty on the service authority to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children

	<ul style="list-style-type: none"> • Local Government Act 2000, Part 1 Promotion of economic, social or environmental well-being - section 2 – places a duty on the local authority to promote or improve the social wellbeing of their area. This provides an implied power to share information with statutory services and the independent sector
<p>Provision of preventative or occupational medicine, health or social care or treatment, or the management of health or social care systems – Art 9(2)(h)</p>	<p><input checked="" type="checkbox"/></p> <p>ISCAN Gwent - The Integrated Service for Children with Additional Needs (ISCAN):</p> <p>ISCAN North (Nevill Hall Children’s Centre) - Blaenau Gwent, North Torfaen and North Monmouthshire,</p> <p>ISCAN South (Serennu Children’s Centre) – Newport, South Torfaen and South Monmouthshire</p> <p>ISCAN West (Caerphilly Children’s Centre) - Caerphilly</p> <p>Personal information is shared for the purpose of:</p> <ul style="list-style-type: none"> • Assessing complex additional needs of children; • Providing better co-ordination of services; and • Ensuring early intervention. <p>Processing is necessary for the purpose of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care treatment or the management of health or social care systems and services on the basis of Union or Member State law pursuant to contract with a health professional.</p>

5 Personal information to be shared

- 5.1 Only the **minimum necessary** personal information consistent with the purposes set out in this document can be shared. Anonymised and pseudonymised information should be used where possible.
- 5.2 Information provided by partner organisations will not generally be released to any third party without prior consultation with the originating partner organisation.
- 5.3 An information reference table at Appendix B provides details of the information exchanges associated with this ISP, including the typical categories of information shared, the organisations involved and the parts of the organisation typically involved. As controllers in their own right, partner organisations are responsible for ensuring the appropriate staff have access to personal information that is adequate, relevant and limited to what is necessary for the intended purpose.
- 5.4 The following table sets out the personal information commonly shared to identify data subjects and ensure partner organisations are referring to the same data subject:

Personal identifiers	Select all that apply
Name (including aliases)	<input checked="" type="checkbox"/>
Date of birth	<input checked="" type="checkbox"/>
Address	<input checked="" type="checkbox"/>
Postcode	<input checked="" type="checkbox"/>
Other reference number (eg NHS number, National Insurance number, any system/service number)	<input checked="" type="checkbox"/>

6 Data Subjects' Rights

- 6.1 Data protection legislation provides various individual rights for data subjects. Advice on how these rights should be met should be sought from each organisation's Information Governance representative, Data Protection Officer or equivalent. Specific guidance on these rights is available on the Information Commissioner's website; www.ico.org.uk
- 6.2 The following paragraphs refer to key rights associated with sharing personal information.
- 6.3 Unless doing so would risk harm to them or others, or hinder any investigation or legal proceedings, data subjects should be informed how and why their personal information will be processed and who it is shared with (the Right to be Informed). Ideally, this information – often provided in what is commonly referred to as a privacy notice - will be provided at the first point of contact. It can be part of a registration / consent form or a standalone document.
- 6.4 A layered approach is often appropriate. This could involve a high level organisational statement supplemented by specific service level information; for example a website or leaflet and verbal information provided by a practitioner.
- 6.5 Information should be clear and particular care should be taken when relying on consent as the legal basis for sharing information, or where working with children, as there are additional requirements to consider. Further information on the 'Right to be Informed' is available on the Information Commissioner's website; www.ico.org
- 6.6 For the purposes of this ISP, partner organisations should set out below how they meet the requirements of the Right to be Informed. Ideally, a consistent message will be provided and it may be helpful to agree a standard service level privacy notice.

Name of Organisation	Method of Informing (select any that apply)	Name of document / website	Comments
[ABUHB]	Website <input checked="" type="checkbox"/> Leaflet <input checked="" type="checkbox"/> Form <input checked="" type="checkbox"/> Verbal <input checked="" type="checkbox"/> Other <input type="checkbox"/> (specify in comments)	ABUHB – Privacy Notice https://abuhb.nhs.wales/use-of-site/privacy-policy/	

Newport CC	Website <input checked="" type="checkbox"/>	NCC – Privacy Notice - www.newport.gov.uk/privacynotice	
	Leaflet <input type="checkbox"/>		
	Form <input type="checkbox"/>		
	Verbal <input type="checkbox"/>		
	Other (specify in comments) <input type="checkbox"/>		
Monmouthshire CC	Website <input checked="" type="checkbox"/>	NCC – Privacy Notice - www.newport.gov.uk/privacynotice	
	Leaflet <input type="checkbox"/>		
	Form <input type="checkbox"/>		
	Verbal <input type="checkbox"/>		
	Other (specify in comments) <input type="checkbox"/>		
Torfaen CBC	Website <input checked="" type="checkbox"/>	TCBC – Privacy Notice Privacy Notice Torfaen County Borough Council	
	Leaflet <input type="checkbox"/>		
	Form <input type="checkbox"/>		
	Verbal <input type="checkbox"/>		
	Other (specify in comments) <input type="checkbox"/>		
Blaenau Gwent CBC	Website <input checked="" type="checkbox"/>	BGCBC – Privacy Notice - Blaenau Gwent CBC: Council's Privacy Notice (blaenau-gwent.gov.uk)	
	Leaflet <input type="checkbox"/>		
	Form <input type="checkbox"/>		
	Verbal <input type="checkbox"/>		
	Other (specify in comments) <input type="checkbox"/>		
Caerphilly CBC	Website <input checked="" type="checkbox"/>	CCBC – Privacy Notice - Caerphilly - Privacy notices	
	Leaflet <input type="checkbox"/>		
	Form <input type="checkbox"/>		
	Verbal <input type="checkbox"/>		
	Other (specify in comments) <input type="checkbox"/>		

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- 6.7 All participating organisations will have in place policies and procedures to uphold the confidentiality, integrity and availability of personal information with specific reference to the retention, storage and disposal of records.
 - 6.8 Requests for the information referenced in this ISP will be dealt with in accordance with each partner organisation's relevant policies and procedures.
 - 6.9 Each partner organisation will put in place a formal procedure by which data subjects, partner organisations and practitioners can direct any complaints regarding the information sharing documented in this ISP.
 - 6.10 There is an expectation that partners to this ISP will work together to keep all partners informed of any complaints or requests for information received from data subjects or third parties. The partners will also keep each other informed of any problems associated with the information sharing practices documented in this ISP and there is an expectation that they will collaborate to develop and improve these practices.

7 Information security

- 7.1 Each partner organisation must have an appropriate and adequate security framework.
- 7.2 Practitioners carrying out the functions outlined in this ISP should make themselves aware of, and adhere to, their organisation's information security policies and procedures.
- 7.3 A detailed list of agreed methods for the safe and secure transfer of personal information is documented within Appendix B.
- 7.4 All partners must ensure adequate and appropriate training on the subjects of data protection and confidentiality is provided to all staff with access to personal data.

8 Review of this ISP

- 8.1 This ISP will be reviewed two years from signing this document or sooner if appropriate. There is guidance available on the WASPI website about the process for reviewing an ISP.

9 Appendix A – Glossary of Terms

Term	Definition
Data Protection Act 2018	<p>The UK's third generation of data protection law replaces the Data Protection Act 1998. The 2018 Act accepts the standards and obligations set by GDPR and, where GDPR allows, makes specific provisions relevant to the UK.</p> <p>The 2018 Act also transposes EU Data Protection Directive 2016/680 (Law Enforcement Directive) into domestic UK law.</p> <p>It is important the GDPR and the DPA 2018 are read side by side.</p>
Data Protection Officer	<p>Certain categories of organisation, including any public body or authority (except courts in their judicial capacity) are required to designate a suitably qualified Data Protection Officer (DPO). The tasks of the DPO are set out in Article 39 of GDPR.</p>
Data subject	<p>A 'data subject' is an identified or identifiable natural person. Organisations may refer to data subjects as service users, patients, clients, citizens, etc but for consistency, WASPI framework documentation refers to data subjects.</p>
GDPR	<p>The General Data Protection Regulation (GDPR) lays down laws relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data. This Regulation protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.</p>
Law Enforcement Purposes	<p>The purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. (DPA 2018 Part 3, Chapter 1, Section 31)</p>
Personal data	<p>'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.</p>

Personal data about criminal convictions, offences or related security measures	This includes personal data which relates to the alleged commission of offences by the data subject, or proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing. (DPA 2018 Section 11(2))
Personal identifiers	A set of basic personal details that allow partner organisations to identify a data subject.
Personal information	Includes information falling within the definition of 'personal data' and information about deceased individuals. Data protection legislation does not apply to information about deceased individuals but such information needs to be treated confidentially and WASPI should be applied to this information.
Practitioner	An inclusive term that refers to those involved in the care, education, welfare of data subjects; ie those who provide a public service.
Processing personal data	'processing' means 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.' (GDPR Art 4(2))
Special categories of data / sensitive processing	Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. (GDPR Art 9(1))
Responsible Manager	A senior manager within an organisation who has overall responsibility for the area of work related to a specific ISP. It will be their responsibility to ensure that ISPs are disseminated, understood and acted upon by relevant practitioners and that access to personal information is regularly monitored and audited to ensure appropriate access is maintained.

Appendix B – Information Reference Table for Integrated Service for Children with Additional Needs (ISCAN).

This table sets out the why, what, when and how of information sharing in detail. Guidance on completing this section can be found on the website

	Description	Referral into ISCAN	ISCAN Team Meeting/assessment	Discharge Process
1	Information exchange <i>General description of the process or stage to which the information sharing relates.</i>	Referral to ISCAN (ISCAN Co-ordinator).	ISCAN Team meeting to discuss referrals and to determine appropriate intervention and co-ordination of care.	Following assessment by ISCAN Team meeting to facilitate next stage of care or any further intervention

Description	Referral into ISCAN		ISCAN Team Meeting/assessment		Discharge Process	
<p>2 What information will be shared?</p> <p><i>Describe the information to be shared – you do not need to go to ‘field level’ detail.</i></p> <p><u>Please note: Only the minimum and relevant personal information is to be shared and strictly on a case by case basis.</u></p>	Name Address Date of Birth Case Reference Number/NHS number Gender Ethnicity Development Needs Disability Strengths Family situation Environmental factors Support from agencies or practitioners Family Members Name(s) Family Members Address(s) Ability to meet child needs Known issues Environmental factors Agencies/Practitioners known to family		Name Address Date of Birth Case Reference Number/NHS number Gender Ethnicity Development Needs Disability Strengths Family situation Environmental factors Support from agencies or practitioners Family Members Name(s) Family Members Address(s) Ability to meet child needs Known issues Environmental factors Agencies/Practitioners known to family		Name Address Date of Birth Case Reference Number/NHS number Gender Ethnicity Development Needs Disability Strengths Family situation Environmental factors Support from agencies or practitioners Family Members Name(s) Family Members Address(s) Ability to meet child needs Known issues Environmental factors Agencies/Practitioners known to family	
<p>3 Partner Organisation(s)</p> <p><i>Details of provider and recipient organisation(s)</i></p> <p><i>Ensure the organisations listed reflect section 2 of the ISP i.e. are all organisations listed in section 2</i></p>	<p>Who by</p> <ol style="list-style-type: none"> 1. ABUHB 2. BGCBC 3. MCC 4. TCBC 5. NCC 6. CCBC 7. All Schools 8. GPs 	<p>Who to</p> <p>ABUHB</p>	<p>Who by</p> <p>ABUHB</p>	<p>Who to</p> <ol style="list-style-type: none"> 1. ABUHB 2. BGCBC 3. MCC 4. TCBC 5. NCC 6. CCBC 7. All Schools 8. Sparkle 	<p>Who by</p> <p>ABUHB</p>	<p>Who to</p> <ol style="list-style-type: none"> 1. ABUHB 2. BGCBC 3. MCC 4. TCBC 5. NCC 6. CCBC 7. All Schools 8. Sparkle

	Description	Referral into ISCAN	ISCAN Team Meeting/assessment	Discharge Process
4	<p>How is information shared and what methods are used to keep the information secure?</p> <p><i>Provide, in detail the specific agreed secure methods for sharing personal information</i></p>	<p>Secure exchange of paper documents at meetings. Email using secure networks in line with partner organisations Email Policy. Post (recorded delivery). Direct feed from electronic system</p>	<p>Secure exchange of paper documents at meetings. Verbal exchange of information at meetings.</p>	<p>Secure exchange of paper information Email using secure networks in line with partner organisations Email Policy. Post (recorded delivery). Direct feed from electronic system</p>
5	<p>Reliance on consent</p> <p><i>Check the box if any exchange relies on consent and explain how and when consent is obtained. Ensure section 4 of the ISP reflects this legal basis</i></p>	<p><input type="checkbox"/> Exchange relies on consent <input checked="" type="checkbox"/> Exchange does not rely on consent Consent will be sought at the referral stage on the ISCAN referral form. It is expected where possible, that initial consent at referral stage should be recorded with a signature, and then any future consent to facilitate specific aspects of the process can be in verbal format. While consent can be given in writing i.e. by means of a signature, this is not essential and with the increase in the practice of electronic sharing of information it may not be possible to capture signatures. Provided that service users have been informed appropriately, verbal consent supported by electronic completion of the ISCAN referral form will be sufficient.</p>	<p><input type="checkbox"/> Exchange relies on consent <input checked="" type="checkbox"/> Exchange does not rely on consent Consent will be sought at the referral stage on the ISCAN referral form</p>	<p><input type="checkbox"/> Exchange relies on consent <input checked="" type="checkbox"/> Exchange does not rely on consent Consent will be sought at the referral stage on the ISCAN referral form</p>

	Description	Referral into ISCAN	ISCAN Team Meeting/assessment	Discharge Process
6	Notes for Practitioners	Single professional service referrals will go straight to individual service and not the ISCAN team.		

10 *Appendix C – Partner Organisations Signatures*

11 Appendix D – ISCAN Referral Documentation



ISCAN Re Refer
Form 2021.docx



ISCAN Referral
Form 2021.docx