<table>
<thead>
<tr>
<th><strong>Partners</strong></th>
<th>List all those partners or third sector providers who wish to share this data</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Luton Borough Council; Luton Clinical Commissioning Group; Bedfordshire Police; Luton &amp; Dunstable Hospital; East London Foundation Trust; Eastern Region Ambulance Service; Cambridge Community Services</td>
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</table>

| **Purpose of Sharing Data** | The purpose of this information sharing agreement (ISP) is to support lawful information sharing between agencies to protect adults at risk of abuse by setting out an agreed framework. The agreement should be used as good practice standards that all staff from partner agencies need to meet in order to fulfil their duty of care in relation to the sharing of information for the purposes of responding to or preventing abuse or neglect of adults. |

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<tr>
<th><strong>Agreement date</strong></th>
<th>18th June 2015</th>
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<tbody>
<tr>
<td><strong>Date agreement came into force</strong></td>
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<td><strong>If different from above</strong></td>
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<tr>
<td><strong>Agreement Owner</strong></td>
<td>Luton Safeguarding Adults Board</td>
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<tr>
<td><strong>Agreement Author</strong></td>
<td>Patricia Jennings</td>
</tr>
<tr>
<td><strong>Approved by &amp; date</strong></td>
<td>Michael Preston-Shoot</td>
</tr>
<tr>
<td><strong>LSAB Chair</strong></td>
<td></td>
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<tr>
<td><strong>Review date of this agreement</strong></td>
<td>31st March 2016</td>
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<tr>
<td><strong>No longer than 12 months from agreement date</strong></td>
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<table>
<thead>
<tr>
<th><strong>Version Number</strong></th>
<th><strong>Amendments</strong></th>
<th><strong>Authorisation</strong></th>
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</table>
1. Purpose of Data Sharing

Give full description of reasons for the data sharing, including benefits & risks to individuals considering if the objective could be achieved without sharing personal data.

The overall objective of sharing information within safeguarding adults work is to ensure that adults are effectively safeguarded, by providing all relevant parties with the information they need in order to address concerns, reduce risks or prevent abuse happening in the future.

Specific purposes for information sharing within safeguarding adults work may be:

- To seek advice about a specific safeguarding adults’ situation or to establish grounds for progressing with safeguarding adults’ procedures and enquiries.
- To make a safeguarding adults alert
- To seek immediate protection for a person(s) through referral to another service(s)
- To notify agencies who may need to take action against alleged or known perpetrators (includes risks posed by a member of the public, worker, volunteer or a service user)
- To make a referral to agencies for purposes of requesting or amending services to people at risk of abuse or to those suspected of perpetrating abuse
- To complete a criminal investigation, an employment investigation, a regulatory investigation, a Risk Assessment Tool (RAT), a Serious Case Review or any other investigation, enquiry or review as part of the safeguarding adults process.
- To contribute to other review processes where safeguarding adults information is relevant e.g. Domestic Homicide Reviews, a Child Serious Case Review, Safeguarding Adults’ Review.
- To monitor and audit safeguarding adults work e.g. alerts, quality of outcomes, adherence to procedures
- To review and develop multi-agency policies and procedures to safeguard adults
- To deal with complaints, grievances and professional or administrative malpractice.
2. Legislation giving Powers for data sharing

Give all the legislation & directives
- The Caldicott Review 2013
- The Data Protection Act 1998
- The common law duty of confidentiality
- The Human Rights Act 1998
- The Mental Capacity Act 2005
- Crime and Disorder Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- The National Health Service Act 2006
- The Care Act 2014

In addition there are a number of professional codes of conduct and guidance on information sharing which should be considered, in particular:
- Information Sharing Guidance for Practitioners and Managers (Department for Children and Families and Communities and Local Government)
- Data Sharing Code of Practice (Information Commissioners Office)
- Information Sharing Requirements relating to Offenders (Ministry of Justice/National Offender Management Service)

Information gathered for safeguarding adults purposes may need to be shared at a later date for other purposes e.g. criminal investigation; child serious case review; Domestic Homicide Review. The relevant legislation and/or information sharing agreements and/or guidance for those processes should be referred to on these occasions.

Anonymised or pseudonymised information should be shared wherever possible and appropriate.

Information shared must be proportionate to the service delivery.

3. LSAB Partner Data Controllers

Give the name of the manager or person who is the data controller
- Maud O’Leary – Luton Borough Council adult Social Care
- Luton Clinical Commissioning Group
- Bedfordshire Police;
- Luton & Dunstable Hospital;
- East London Foundation Trust;
- Eastern Region Ambulance Service;
4. **What Data is to be Shared**

- **Give full details of the data to be shared**
- This agreement primarily applies to the sharing of information about an adult(s) at risk of abuse where there is a concern they have been a victim of abuse or neglect, however this may involve the sharing of information about others in order to safeguard other adults, children or the general public.

- Reference is made within this agreement to children; this is because information may need to be shared about children as part of the safeguarding adults process and/or decisions to share information may be based on risks to children.

- The agreement concerns the following personal and/or sensitive information which needs to be shared for the purposes of providing a service:
  - “Personal data” which identifies the alleged victim(s) or alleged perpetrator(s) of abuse or neglect e.g. name, date of birth, address
  - “Sensitive data” about the alleged victim(s) or alleged perpetrator(s) of abuse or neglect e.g. gender, religion, ethnicity
  - Reasons for concerns and details of the alleged concerns e.g. type of abuse, location of abuse, levels of risk or urgency
  - Information about the physical and or mental health of the alleged victim(s) or alleged perpetrator(s) e.g. mental capacity, communication needs
  - Reports of any medical or social care assessments or examinations undertaken as part of the safeguarding adults procedures e.g. eligibility for community care, psychiatric assessment.
  - Personal data which identifies professionals involved with the alleged victim(s) or alleged perpetrator(s)
  - Personal data which identifies other people who may be at risk e.g. via employment, family, service
  - Historical information held in records about the alleged victim(s) or alleged perpetrator(s) that may be relevant to the current safeguarding concern or case review e.g. previous safeguarding adults alert.
  - Name and contact details of alerter (unless they have stated they wish to
remain anonymous and this anonymity would not have a detrimental impact upon the safeguarding adults process).

- Name of employer or organisation if the concern relates to a paid worker or volunteer of a service provider
- The agreement also concerns aggregated data (e.g. statistics) which may be shared. In these situations, anonymised information should be used.
- Depersonalised Information is that which does not and cannot be used to establish the identity of a person, having had all identifiers removed.
- Partner organisations accept that there are no legal restrictions on the exchange of depersonalised information, although a duty of confidence may apply in certain circumstances or copyright, contractual or other legal restriction may prevent the information being disclosed.

5. How will the Information be Shared by all Partners

Give details of how the data will be given to partners

Luton Borough Council data will be transferred electronically by secure email, using an approved secure method: e.g. Egress Switch encryption email or encrypted memory stick.

6. How will the data be stored by all Partners

Give details of how partners will hold this data securely within the European Economic Area (EEA)

Partners will agree to protect the shared data to PSN secure network standards:

- The organisation is registered with the ICO regarding data protection
- The organisation agrees to the council’s acceptable use policy
- The organisations staff are trained on their responsibilities under the DPA
- Their PCs/laptops store any LBC data securely and in accordance with the council’s security requirements: passwords, encryption, backups
- Data is only retained for the period necessary for the completion of the work.
- They have a procedure for subject access requests
- Staff to sign a confidentiality agreement if this is not included in the contract.

7. Retention of Data by all Partners

How long should the partner keep this data

Luton Borough Council Data should be destroyed in accordance with the council’s secure document / data destruction policies.

8. Who will have access to the Data

Give details of who in the organisation will have access to this data
Partner organisations (to this Agreement), their contracted services and their respective staff or volunteers have access to information for those purposes outlined of providing a service.

It is the responsibility of those partner organisations to ensure there are procedures in place to ensure appropriate access to information by appropriate staff or volunteers.

Queries over data sharing should be referred to the councils Information Governance Manager or the council’s Caldicott Guardian.

9. Benefits to Service Users

What are the benefits to service users
Enhanced safeguarding from risk of harm
Appropriate and proportionate responses to safeguarding adult concerns

10. Obtaining Consent

Can the consent of the data subject be obtained before the data is shared

In most cases service users will be asked if they agree to share their data with the third party organisations and that agreement should be recorded.

Staff should ensure that the service user fully understands what data is to be shared, why their information is to be shared and with whom, before asking for consent to share.

Any question about the competency of the services user should be considered under existing council procedures.

Only where there is an exemption to the Data Protection Act, will data be shared without consent. Any decision taken to share data without consent will be recorded.

Information may be shared without consent under Principle 1 of the Data Protection Act: e.g.
Schedule 3 Condition 2
The processing is necessary to the purposes of performing an obligation imposed by law on the data controller.

Schedule 3 Condition 3
The processing is necessary to protect the vital interests of the data subject or another person.

If consent to share is not obtained the decisions to share and reasons why must be recorded.

11. Subject Access Request

How will the data subject know that their information has been shared if not by consent
Third party organisations must have clear subject access procedures that are visible to the data subjects.

12. Incident Reporting

Any breaches of the Data Protection Act **MUST** be reported to the LBC Information Governance Manager

Luton Borough Council - Any breaches of the Data Protection act must be reported to the councils information governance officer -

mailto:informationgovernance@luton.gov.uk

13. Data Use

No other use is to be made of this data without the expressed consent of all parties.

14. Data Transfer

Data must not be transferred outside of the European Economic Area (EEA).

Signatures to Agreement:

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<tr>
<th>Name</th>
<th>Organisation &amp; contact details</th>
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