

Buckinghamshire, Oxfordshire and Berkshire West Data Sharing Agreement for Health and Social Care

Introduction

The seventh Caldicott principle is that:

“The duty to share information can be as important as the duty to protect patient confidentiality”

Organisations which share data must be confident that those who receive that data will undertake to protect it and use it responsibly and lawfully. This agreement has been developed for Buckinghamshire, Oxfordshire and Berkshire West in order to facilitate the sharing of person-identifiable data relating to data subjects of signatory organisations

The agreement requires that:

1. Organisations sign this overarching **Data Sharing Agreement** which commits them to processing shared data lawfully: accepting the principles of information sharing and agreeing organisational responsibilities.
2. Organisations will sign specific **Data Sharing Protocols** for each distinct data flow. These protocols will be proposed by the organisation requesting the data; they will describe the purpose, legal basis and consent for sharing and will specify the data required, how and why it will be used, and by whom.

The relevant legislation, guidance and common law is described and explained in the accompanying Information and Data Sharing Guidance.

Principles of Data Sharing

Person-identifiable data may be shared between signatory organisations subject to the following conditions:

- each organisation understands its responsibilities with regards to sensitive personal data, as defined in the Data Protection Act (1998), the General Data Protection Regulation (2016) and relevant future legislation, and will abide by the Caldicott principles;
- each organisation has in place internal policies for data protection and confidentiality, and for staff training, which will be made available to and agreed with partner organisations

Organisational responsibilities

Each organisation will:

- follow the guidance for the safe and secure sharing of person-identifiable data with other signatory organisations and subscribe to the principles outlined in a manner that complies with statutory and professional responsibilities;
- establish appropriate internal systems, raise awareness, inform service users, issue specific guidance, and provide training to staff to ensure compliance with the required standards, for example, the Information Governance Toolkit or any future replacement thereof;
- ensure all staff are aware of the need for data security and confidentiality
- agree specific Data Sharing Protocols with other signatory organisations as required
- ensure that internal policies covering records management and data sharing protection are concordant with this agreement

Complaints, Freedom of Information and subject access requests

All relevant parties identified in the protocol will be notified by the organisation in receipt of an enquiry of this nature from a data subject or their representative; responsibility for investigating and responding to the enquiry will be agreed between the parties.

Breaches

Data breaches will be the responsibility of the organisation in which the breach occurred.

Agreement

To be signed by the Chief Executive Officer or Senior Information Risk Owner, or equivalent, on the recommendation of the Caldicott Guardian, where applicable

By signing this agreement, all parties agree to be bound by its terms

Signature:

Date:

Role and organisation:

Associated documents	
• Information and data sharing guidance	• Data sharing template