



**Compass System User
Information Sharing Agreement**

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CONTENTS

- 1. Purpose of the Agreement**
- 2. Principles**
- 3. Consent**
- 4. Process**
- 5. Audit and Review**
- 6. Supporting Policies, Procedures and Guidance.**
- 7. Conclusion**
- 8. Appendices.**

1. Purpose of the agreement.

The need for the Third Sector and Statutory Services to work more closely together in a more joined up way has been apparent for decades. The current economic climate however has escalated this need from ambition to mission critical status. Stakeholders need to make significant strides towards this goal or the future landscape of service provision will be significantly diminished.

The Third Sector by its very nature is complex and fragmented; this is both a strength and a major weakness. The commitment, focus and passion demonstrated by many of the charities and groups operating in the county is admirable. However the challenges we all face are very clear.

Both Third Sector and Statutory Sector organisations are increasingly working together. To work together safely and effectively, all organisations need to be able to share information about the services they provide and the people they provide these services to, in a safe and legally compliant manner.

This agreement has been developed to ensure that information sharing for the purpose of delivering appropriate services to the population of Cumbria has an effective governance structure. The agreement has been produced to assist the Compass System user organisations to implement the required processes to collect, protect and share client data where appropriate throughout Cumbria with other Compass System users.

This agreement does not give carte blanche licence for the wholesale sharing of information. Information sharing must take place within the constraints of the law, relevant guidance and service-specific requirements and is underpinned with the ethos of informed consent and client confidentiality.

This agreement will be underpinned by the operational agreements as designed to meet the specific needs of the Compass System user organisations and to assure any information sharing is undertaken within the realms of current legislation and legal frameworks.

2. Principles

This agreement outlines the principles and operational guidelines for how information and client data is securely managed by the Compass System users to ensure the effective implementation, usage and evaluation of all the elements of the Compass System.

The following key principles guide the sharing of information between the Compass System users:

- 2.1** Compass System user organisations endorse, support and promote the accurate, timely, secure and confidential sharing of both person identifiable and anonymised information for the purpose of providing appropriate support, information and services to the population of Cumbria.
- 2.2** Compass System user organisations endorse, support and promote the accurate, timely, secure and confidential sharing of both person identifiable and anonymised information for the purpose of auditing their service delivery standards and the production of service specific reports that may be required as part of their contractual or grantee responsibilities.

Compass System user organisations are fully committed to ensuring that if they share information it is in accordance with their legal, statutory and common law duties and that it meets the requirements of any additional guidance.

- 2.3** All Compass System user organisations will have in place policies and procedures to meet the national requirements for Data Protection, Human Rights, Information Security and Confidentiality. The existence of and adherence to such policies provides all participating organisations with confidence that all information shared will be transferred, received, used, held and disposed of in an appropriate and legally compliant manner.
- 2.3** Compass System user organisations acknowledge their 'Duty of Confidentiality' to the people they serve. In requesting release and disclosure of information from other partner organisations, their employees and volunteers will respect this responsibility and not seek to override the procedures which each organisation has in place to ensure that information is not disclosed illegally or inappropriately.
- 2.4** This responsibility also extends to third party disclosures. Any proposed subsequent re-use of information which is sourced from another agency should be approved for sharing by the source organisation before the information is disclosed.
- 2.5** An individual's personal information will only be disclosed to another Compass System user:
 - 1) To facilitate the provision of appropriate information, advice or support to the person themselves, or

2) When the individual's information is subject to a specific agreement from the individual to use their data for the purposes of demonstrating the efficacy of a specific service – such as Case Studies.

For all other purposes, information must be anonymised.

- 2.6** Where information is shared in the form of a referral to another Compass System user organisation, only that specific information which is needed by the receiving organisation and relevant to the referring issue will be shared. All shared information will always be on a “need to know” basis.
- 2.7** Compass System user organisations will ensure that all relevant personnel are aware of and comply with their responsibilities in regard both to:
- 1) the confidentiality of information about people who are in contact with their organisation and
 - 2) the commitment of the organisations to share information appropriately in a safe and legally compliant manner.
- 2.8** All personnel will be made aware that disclosure of personal information, which cannot be justified on legal or statutory grounds, whether inadvertently or intentionally, could be subject to disciplinary action.
- 2.9** Compass System user organisations are responsible for putting into place effective procedures to address complaints relating to the disclosure of information, and information about these procedures should be made available to service users.

3. Consent

- 3.1** To facilitate the efficient use of the Compass System, client consent to obtain and hold their information is mandatory. As a **minimum**, clients will be informed that information will be shared across other Compass System user organisations if and when it is relevant to do so. Clients information will only be shared when the client has provided their permission for this to occur.
- 3.2** Consent will be sought in both written and verbal forms, being recorded by setting the relevant indicators embedded in the Compass Systems to indicate the type of consent provided by the client.
- 3.3** To assure all participating Compass System users that the correct type consent has been acquired one the following types of consent must be sought from clients who may be subject to a referral to another Compass System user organisation:

Forms of Consent

Written Consent - also known as explicit consent, express or direct consent, means that an individual is clearly presented with an option to agree or disagree with the collection, use, or disclosure of personal information. It is required that the standard Compass System form of consent is completed for this type of referral. This Consent form should be scanned and uploaded into the outbound referral. This level of consent should be used whenever reasonably possible but always when sensitive or highly personal information is to be provided as part of the MARS referral.

Verbal Consent - also known as implicit consent or deemed or indirect consent. Very often when the first point of contact is via the telephone or at an event, the simple question “Would you like me to make a referral to another organisation on your behalf?” will suffice if you are not transferring sensitive or highly personal information. The use of verbal consent needs indicating on the referral.

Implied Consent – very occasionally it is not possible to get a verbal or written consent from the client, implied consent can then be used when appropriate, but only if it is clear that the referral benefits the client and the assumption can reasonably be made that they have consented by contacting your organisation in the first instance. The reason for using implied consent needs noting in detail in the referral notes panel to ensure the receiving agency is fully aware of the situation. It is advised as a matter internal policy that a responsible service manager’s approval is sought before using Implied Consent. Line manager’s approval should be input in the referral notes.

4. Process

This agreement provides for the collection of and appropriate sharing of the information contained in (a) A Client Record, (b) A Case Record. Compass System user organisations sharing parts or the whole of this information will use the MARS referral system whenever they are referring a client to another Compass System user organisation. It cannot be assumed that sharing the whole or part of a client record or case record is appropriate until permission to disclose the information has been granted by the client. At all times the sharing of client information (where permission has been granted) must be on a **need to know basis**. Information that is not relevant for the referral should not under any circumstances be included in a referral.

4.1 Data Collection

Client records and case records will be created by the Compass System user organisations trained and authorised personnel. All record entries should be completed as much as reasonably possible. All staff should be aware that any records created on the Compass Systems could be subject to a Freedom of Information request.

Only appropriate and relevant information should be entered into the Compass Systems. Trained personnel should only record information about their clients that aids and supports their provision of advice information and support to that client. However personnel should highlight concerns or observed behaviours that may put the client, another visiting officer, a family member or members of the general public at risk. This information should always be included in onward referrals.

4.2 Data Storage

The Compass Systems automatically limits access to Client Records, Case records and MARS referrals to only those that the system user is authorised to access. The method of client information sharing is the integrated MARS referral system or the stand alone MARS referral system. All data is stored on a secure SSL certified server.

Any hard copy printouts taken from the system or input documents used to update the system should be managed in a compliant manner and be subject to the organisation's Data/Document management procedure.

Electronic personal client data should not be stored on any devices such as desktop computers, laptops, tablets, mobile phones, thumb or pen drives or external hard drives.

The Compass System will automatically produce anonymised data reports relating to totals, "Outputs" and impact performance. When detailed case studies are required, the originating Compass System user will be responsible for seeking consent from all the clients whose information is to be used. The client must be made aware of how their detailed information may be used. This should include advising them of the use of photographic images, audio, online still or video images.

4.3 Data Sharing

The MARS system provides for the safe transfer of client information between Compass System user organisations, at all times Compass System users will use MARS as the method of referring a client to another Compass System user organisation. It is the individual responsibility of the referring person to ensure that the information being shared is accurate, appropriate (**need to know**) and that the

relevant client or their representative have given their permission to share the information.

4.4 Non-Compass Systems user Data Sharing

If a referral needs to be made to a non-Compass System User using other methods, the referring officer should apply the same compliant standards of data sharing as those employed between Compass System user organisations. Consideration should be given to the integrity and method of information transfer. A note of the external referral should be recorded on the Case Record. It is the responsibility of the individual officer issuing the referral to a non-Compass Systems user organisation to ensure that the information being shared is accurate, appropriate (need to know) and that the relevant client or their representative have given their permission to share the information.

5. Auditing

The Compass System provides an embedded facility for case auditing. Each Compass Systems user organisation will be responsible for their organisation's case audits. Where grant or contract obligations require an independent case audit, each Compass System user organisation will be responsible for providing the access permissions for the auditing organisation. They will also be responsible for ensuring the auditing organisation limits the use of their access for direct audit purposes only. Access for external auditing purposes should be granted on a time limited basis only.

6. Compass Systems user training

Organisations using the Compass Systems should ensure that their personnel have adequate training to use the systems safely and competently. They must also ensure that all personnel using the Compass Systems and are made fully aware of their responsibilities to use the systems in compliance with the Data Protection Act and all other relevant legislation and guidance.

7. Supporting Policies and Procedures.

Supporting policies

For members of the public and Compass System user organisations personnel to have confidence that information sharing takes place legally, securely and within relevant guidance, all organisations must demonstrate evidence of relevant policy guidance which meet the requirements for:

- Data Protection
- Confidentiality
- Information Security
- Caldecott principles
- Human Rights

These policies must cover manual, verbal and computer-based information.

8. Conclusion

To assure the effective implementation and evaluation of the County-wide Compass System, accurate, safe and timely sharing of information is a key contributing factor.

This agreement acknowledges and provides a means whereby all personnel, be it paid or volunteering, and the organisations they work for, can be confident that where information that is shared is done within the law, appropriately and securely. They can also be confident that the sole purpose of sharing that information is to enable partner organisations to work more effectively together for the benefit of all our clients. Further, that the information will not be used outside the scope of the individual partner’s service delivery, grant or contract obligations, and not without the consent of the relevant client(s).

For any agreement to have longevity and impact requires the participant to embrace the overarching ethos of the initiative. For the Compass System users, that ethos is to strive to work better together, in a more joined up way for the benefit of all our clients.

Agreement signatories

Signed on behalf of the system user organisation:

Authorised signatory.....Date.....

Signed on behalf of the System Admin:

Authorised signatory.....Date.....