



DATA SHARING CHECKLIST

October 2019

Introduction

In the course of its work, it is necessary for Positive Life to process information about its staff, associates, volunteers and service users so that the organisation can comply with its legal obligations. To comply with the law, information must be collected and used fairly, stored safely, and not disclosed to any other person unlawfully.

In doing this, Positive Life must comply with the Data Protection Principles, which are set out in the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR).

The Board of Directors of Positive Life are committed to meeting their obligations under the Data Protection Act 2018 and have agreed to apply the following guidelines when deciding whether it is appropriate to share the personal data we hold.

In general terms, Positive Life does not share personal information of its data subjects. However, in the event of a request the following checklists are designed to be used alongside our full policy and highlight the relevant considerations to ensure that any sharing complies with the law and meets individuals' expectations.

Please also see Positive Life's

- Data Protection & Retention Policy
- Confidentiality Policy
- Managing Subject Access Requests
- Privacy Notice.

Data sharing checklist – systematic data sharing

Scenario:

We want to enter into an agreement to share personal data on an ongoing basis - is the sharing justified?

Key points to consider:

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

Do we have the power to share?

Key points to consider:

- The type of organisation we are.
- Any relevant functions or powers of our organisation.
- The nature of the information we have been asked to share (e.g. was it given in confidence).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If we decide to share

- We must have a data sharing agreement / form of authority in place. As well as considering the key points above, does our form of authority cover the following issues:
 - What information needs to be shared?
 - The organisations that will be involved.
 - What we need to tell people about the data sharing and how you will communicate that information.
 - Measures to ensure adequate security is in place to protect the data.
 - What arrangements are in place to provide individuals with access to their personal data if they request it?
 - Agreed common retention periods for the data.
 - Processes to ensure secure deletion takes place.

Data sharing checklist – one off requests

Scenario: We are asked to share personal data relating to an individual in 'one off' circumstances - is the sharing justified?

Key points to consider:

- Should we share the information?
- What are the potential benefits / risks to individuals and / or society of sharing or not?
- Are there concerns that an individual is at risk of serious harm?
- Is there an exemption in the DPA to consider?

Do we have the power to share?

Key points to consider:

- The type of organisation we are.
- Any relevant functions or powers of our organisation.
- The nature of the information you have been asked to share (for example was it given in confidence).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If we decide to share

Key points to consider:

- What information do we need to share - only share what is necessary.
- Distinguish fact from opinion.
- How should the information be shared?
- Information must be shared securely.
- Ensure we are giving information to the right person.
- Consider whether it is appropriate / safe to inform the individual that you have shared their information.

Recording our decision

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information, you should record:

- What information was shared and for what purpose.
- Whom it was shared with.
- When it was shared.
- Rationale for sharing.
- Whether the information was shared with or without consent.