



Data Sharing Policy

Version: 2.00



Version Awareness:

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Title:	Data Sharing Policy		
Description:	Provides the Council’s Policy for sharing of personal data both internal and with external organisations, clearly describing the processes to be taken and the considerations around the sharing of personal data to ensure it is conducted lawfully and transparently		
Author:	Data Protection Officer	Scope:	All members of staff, visitors or third-party providers of services or support.
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2.00	27/10/2022	Data Protection Officer	Upgrading of old Policy for compliance and conversion to MetaCompliance



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1. Purpose of this Policy

The combined Data Protection laws (UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA 2018)) regulate the processing of 'personal data'. Data protection legislation contains data protection principles which must be complied with when processing personal data.

This policy sets out BCC's obligations in relation to the sharing of personal data as outlined in the legislation.

Employees of BCC are obliged to comply with the combined Data Protection Laws (UK GDPR and the Data Protection Act 2018 (DPA 2018)) when processing personal data on our behalf. A breach of the combined Data Protection Laws (UK GDPR and the Data Protection Act 2018 (DPA 2018)) may result in criminal proceedings and may result in disciplinary action which could result in dismissal.

Data Processors acting on the instructions of BCC are obliged to comply with this policy when processing personal data on our behalf, as detailed in the contract between BCC and the processor.

2. R.A.C.I. Model

1.1. The RACI model is used for clarifying and defining roles and responsibilities in cross-functional or departmental projects and processes as detailed below:

- **Responsible:** IAO & Lead Custodians (LC), who use Bristol City Council information assets.
- **Accountable:** Head of Information Assurance.
- **Consult:** Information Governance Board (data protection and information security).
- **Inform:** All staff who use Bristol City Council information assets.

3. Introduction

3.1. Data sharing agreements set out the purpose of the data sharing, cover what happens to the data at each stage, set standards and help all the parties involved in sharing to be clear about their roles and responsibilities.

3.2. Bristol City Council (BCC) is committed to using people's personal data properly and legally, to ensure it is used only in ways people would reasonably expect and that it stays safe.

3.3. Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities we collect, store and process personal data including sharing some of

the data about our citizens, service users, employees, suppliers and other third parties. We recognise that the correct and lawful treatment of this data maintains trust and confidence in the organisation and provides for successful service delivery.

4. Definitions

4.1 DSA (Data Sharing Agreement)

A Data Sharing Agreement is not a legally binding contract but is a requirement under the combined data protection laws to clearly define what data is being shared, who is it being shared with, what is the purpose for sharing the personal data and under what lawful basis is the data being shared. The document is to be signed by all parties with whom the data is going to be shared, together with their role (Data Controller, Joint Data Controller etc)

4.2 LC – Lead Custodian

Lead information custodians are experts in their subject and responsible for making sure information is accurate and secure.

They'll agree quality standards for the information they are responsible for and put in place systems and processes to ensure that information is secure.

In relation to data sharing, they are responsible for supporting the IAO to ensure the appropriate sharing of personal data and that their staff are aware of this policy and comply with its requirements.

4.3 IAO – Information Asset Owner (Service Director)

IAOs are responsible for the lawful processing of personal data within their service area, including the lawful sharing of data.

4.4 Data Controller

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. They are responsible for establishing practices and policies in line with data protection legislation. Bristol City Council is the data controller for the personal information we process where BCC decides the purposes and means of the processing

4.5 Encryption

The process of encoding a message or information in such a way that only authorised parties can access it.

4.6 Confidential Information

Information provided in confidence by an individual, that they would expect to not be shared further without their consent or a suitable exemption. This includes medical information, demographic information and information about 3rd Parties.

5. Data Sharing

Data sharing in the context of this policy, means the disclosure of personal data either between different parts of BCC, or from one or more organisations to a third-party organisation or organisations.

5.1. This policy does not relate to sharing of data with Data Processors. Sharing of Data to our Processors is covered in the Data Processing Agreements held between BCC and the Processor.

5.2 All signed data sharing records and agreements must be registered with the Information Governance service at data.protection@bristol.gov.uk

5.3 The data sharing agreement

The Data Sharing Agreement (DSA) must include the following:

- 5.3.1 Purpose or purposes of the sharing and the legal basis for sharing
- 5.3.2 Service Area(s) the data is being shared with and who has access to the shared data
- 5.3.3 Type of personal data shared (categories of personal data)
- 5.3.4 Category of personal data (e.g., citizen, vulnerable adult, child etc)
- 5.3.5 Frequency of data sharing
- 5.3.6 Measures to ensure the security of the data shared
- 5.3.7 Measures to ensure the accuracy, relevance, and usability of shared data

- 5.3.8 Relevant arrangements and undertakings in relation to the retention of the shared data
- 5.3.9 Procedures to deal with
 - (i) Data Subject Access requests and any other data subject requests
 - (ii) Queries and complaints
 - (iii) Provision of Privacy Notices
- 5.3.10 How will the data be shared (method for sharing data securely)
- 5.3.11 Arrangements for review and termination of the agreement
- 5.3.12 Instructions to notify originating data controller in the event of any data breach relating to shared data

5.4 A Data Protection Impact Assessment (DPIA)

A DPIA must be undertaken for any external data sharing proposals which are likely to result in a high risk to the data subject, with particular focus on the issues of repurposing, transparency, and ethics.

5.5 Approval

Data sharing agreements are approved by the IAO and where the service area is subject to Caldicott Principles, approved by the Caldicott Guardian.

5.6 Reviews of Data Sharing Agreements

Data Sharing Agreements are sent to the Data Protection team for review prior to being sent to the IAO to ensure that all elements are detailed correctly to ensure that BCC is compliant with the requirements under the combined data protection laws (UK GDPR and DPA 2018) prior to their approval and forward transmission to the parties to the agreement.

The Information Governance service will prompt reviews of all data sharing agreements by the IAO at agreed intervals.

6 Standards

[UK General Data Protection Regulation 2018](#)

[Data Protection Act 2018](#)