

Data Sharing in Multi-Agency Meetings for homelessness services



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Speakers:

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www.homeless.org.uk

Let's end homelessness together

Webinar overview



- Introduction to data sharing in multi agency meetings
- The role of the Information Commissioner's Office (ICO) and the ICO Data Sharing Code
- Data sharing in meetings – some example scenarios
- Attitudes towards, and understanding of, data protection issues amongst people using homelessness services and importance of effective communication
- Q&A
- Top tips and further help

Introduction



- What is personal data & special category data?
- What types of multi-agency meetings involve sharing of personal data?
- Why do we need to think about data sharing?
- Legal framework – UK GDPR and 2018 Data Protection Act
- Wider training and knowledge around data protection is important and understanding of terminology (not covered here)

Case Study 1



A charity delivering an outreach service (funded by the Local Authority) are attending a multi-agency meeting to encourage joint working responses to local rough sleeping. Agencies attending include the LA housing options service, RS Co-ordinator, police and health. The outreach workers are asked to share information about their work, any trends they have seen in the support needs of clients over recent months and in particular about a female sleeping rough they have made contact with - including her name, age, nationality and support needs. They are unsure what they can share.

Case Study 2



A day centre run by a local homelessness charity is supporting a male client who is homeless and he has told them a lot about his past including a criminal conviction for sexual assault against a woman. He has previously given consent for his case to be discussed at the multi agency casework panel led by the local authority. When the day centre worker attends the meeting they hear an offer of a placement in a mixed gender hostel is due to be made to him. They have concerns about risks to female residents but are worried about breaching data protection rules if they share the information about his offences.

The role of the ICO and the data sharing code.

Viv Adams, ICO

The data sharing code

The Data Protection Act 2018 (DPA 2018) requires the Information Commissioner to prepare a code of practice providing practical guidance on data sharing.

The code was published on our website in December 2020, was approved by Parliament in the summer and came into force on 5 October 2021.



The data sharing code

The data sharing code:

- is a practical guide to data sharing for all sectors;
- explains relevant changes to data protection legislation; and
- deals with developments since the publication of the old 2011 code.

For SMEs we have separate guidance in the **data sharing information hub** on our website.



The role of the ICO as a regulator

The ICO is a responsive, practical, proportionate regulator.

We will take this code into account when considering whether you have complied with the UK GDPR or the DPA 2018, particularly when considering questions of fairness, lawfulness, transparency and accountability.

BUT

We will always use our powers in a fair, targeted and proportionate manner, in line with our regulatory action policy.

We prefer to work with organisations to seek a resolution.



The basics

The code is structured and written to help you find the information you need on data sharing. It links to ICO website guidance and covers:

- The requirement to identify at least one lawful basis for data sharing.
- Ensuring your data sharing is fair and transparent.
- Demonstrating compliance through accountability.
- Making sure data is shared in a secure manner.



The basics

- The data sharing code contains a quick reference guide entitled 'Navigating the data sharing code' to help you find the content you need on the topics listed above as well as other data protection themes.
- To help you the code includes practical tools - checklists, request templates, and real-life examples and case studies
- Alongside the code we have launched a data sharing information hub with additional resources.



Data sharing myths

There are some myths and misconceptions around data sharing, eg “data protection law stops organisations from sharing personal data”.

Rather, data protection provides a framework to help you to share data fairly, proportionately and lawfully.

It can often be more harmful not to share data than to share it.



The screenshot shows the ICO website page titled "Data sharing myths busted". The page header includes the ICO logo and the text "The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals." Below the header is a navigation menu with links: Home, Your data matters, For organisations, Make a complaint, and Action we've taken. The main content area has a breadcrumb trail: For organisations / Data sharing information hub / Data sharing myths busted. The title "Data sharing myths busted" is followed by a paragraph stating that many organisations have shared data successfully, but a common belief is that data protection law is a barrier, which is unfounded. It then explains that data protection law provides a framework for lawful sharing while protecting individuals. A section titled "Myth #1: Data protection law stops all organisations and businesses from sharing personal data." is followed by a "Fact" stating that data protection law enables secure, fair, and proportionate sharing.

ico.
Information Commissioner's Office

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Home Your data matters For organisations Make a complaint Action we've taken

For organisations / Data sharing information hub / Data sharing myths busted

Data sharing myths busted

Many organisations have been sharing data successfully, but there seems to be a belief by some in the public and private sectors that data protection law is a barrier to doing this. This belief is unfounded.

Data protection law provides organisations with a framework to help them be confident they can share personal data lawfully, while protecting the people whose data is being shared.

Here we bust some of the common myths and the misconceptions surrounding data sharing and data protection law.

Myth #1: Data protection law stops all organisations and businesses from sharing personal data.

Fact: Data protection law enables organisations and businesses to share personal data securely, fairly and proportionately.

Lawful basis

You must identify at least one lawful basis for sharing data before you start sharing.

You must document this to help you comply with your accountability obligations.

No single basis is 'better' than the others – which basis is most appropriate will depend on your purpose for sharing and your relationship with the individual.



Lawful basis

There are six available lawful bases under Article 6 of the UK GDPR. ICO website has detailed guidance on these and a [lawful basis interactive guidance tool to help you](#)

- Consent
- Contract
- Legal Obligation
- Vital Interests
- Public Task
- Legitimate interests



Lawful basis: public task

I've been asked to talk about public task. Other lawful bases might also be relevant for your work.

You can rely on this lawful basis to share data if you're doing so in the exercise of official authority or in the public interest. You must have a clear duty or function set out in law (doesn't have to be by statute – eg it might be in common law). Often this is relevant to a public authority.

But you can also use it if you're an organisation that exercises official authority or carries out tasks in the public interest with a clear basis in law.

Lawful basis: public task

The sharing must be **necessary**. If you can achieve your result in a way that's less intrusive you can't use the public task lawful basis.

NB if you are handling special category data (eg health data) you need to meet a condition under Article 9 UK GDPR and in some cases additional conditions and safeguards under Schedule 1 of the DPA 2018.

> Please look at our detailed website guidance for more information.

Sharing special category data

I mentioned special category data in the last slide on public task.

Special category data is personal data that needs more protection because it is sensitive – eg health data, or data about someone's religion or political views.

Before sharing special category data you need to identify:

- a lawful basis and
- any additional conditions under Article 9 of the UK GDPR, and where relevant under Schedule 1 DPA 2018.

Can you share data in emergencies or urgent situations?

Yes. you should do whatever is necessary and proportionate to save someone's life and prevent harm. Data protection law is not a barrier to this.

Where possible, you should plan ahead for different situations with other organisations you work with and put procedures in place about the personal data you hold and whether, and how, you should share any of this information.

As part of your accountability duty, you should document the action you took after the event, if you can't do it at the time.



Keep in touch

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Data sharing in multi-agency meetings

Things to consider in advance:

- Is the data being shared personal data (and is it special category data)?
- Who is the data controller?
- What is the purpose of sharing?
- What is the lawful basis?
- If necessary, what are the special conditions for sharing special category data?
- Is it fair to share data in this way?
- Is the sharing necessary and proportionate?
- Where you are relying on consent – how far have you ensured this is informed consent?
How have you recorded this consent?
- What safeguards can you put in place to minimise the risks or potential adverse effects of the sharing?
- Is there a data sharing agreement with the organisations involved?

Data rights and people experiencing homelessness.

Improving trust and empowerment.

Ewa Kapica

The Connection at St Martin's

About the research project

- Commissioned by the ICO
- Co-produced with people who used our services
- Exploratory study

Research aim:

To improve how we communicate with people who use our services about how their information is being used.

How to achieve this:

- understand the main concerns of clients relating to personal data and/or any significant misunderstandings that threatened trust;
- understand what communication methods are most effective and acceptable to clients;
- develop, test and eventually deploy suitable materials

Results – client attitudes, expectations and understanding (1)

Data sharing:

- The most worrisome area for people we've spoken to
- People want to be asked before sharing takes place but don't like signing consent forms
- Sharing of risk information is uncontroversial – it helps keep people safe
- Some people didn't know about internal sharing

Right to delete:

- People expect you will delete upon request
- Importance of good, upfront communication about purposes of retention

Right of access:

- “Most important right”
- ID requirements may be a barrier

Results – client attitudes, expectations and understanding (2)

Transparency

- Right to be informed as a way of earning trust, showing respect and redressing power imbalance
- People will go to their case workers for information, not your website
- Barriers: communication needs including languages, outreach setting, conflicting priorities at first contact
- The things people want to know about are: internal and external sharing of data, purposes for processing, retention, how to access data, explain consent if used

Security

- Data revealing housing status is sensitive and has the potential to cause distress if breached
- Caution when sharing data with non-support agencies

Communication

- Offer choice in the amount and format of information (mind the legal requirements!)
- Check how readable your notice is (test, test, test!)
- Easy read notices – avoid abstract symbols
- What about people who cannot read?
- Languages
- Work with teams to check what they do in practice and help them work out how to introduce the topic
- Be reassuring around rights
- Make notices available in public areas

The full report:

<https://www.connection-at-stmartins.org.uk/wp-content/uploads/2021/03/Data-rights-and-people-facing-homelessness.pdf>

Contact:

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Q&A



Top tips

Organisations:

- Have clear policies and procedures relating to data protection and data sharing.
- Provide training on data protection and the scenarios which may occur in relation to data sharing.
- Consider Multi-agency Data Sharing Agreements
- Consider using Data Protection Impact Assessments to help capture risks and benefits of sharing personal data to inform their approach.

Individual staff:

- Be clear of the purpose of any multi-agency meetings you attend and the purpose of data sharing - question the purpose if it is not clear.
- Be able to make decisions relating to how you participate in data sharing ahead of meetings, informed by your internal policies and procedures relating to data protection.
- Know who in your organisation is the Data Protection Officer (or data protection lead) and how to contact them for advice and guidance on data sharing.

Further resources



Homeless Link

Data Sharing in multi-agency meetings – guidance for homelessness services

<https://www.homeless.org.uk/our-work/resources/effective-partnerships>

Information Commissioners Office

Data sharing information hub and Data Sharing Code [https://ico.org.uk/for-](https://ico.org.uk/for-organisations/data-sharing-information-hub/)

[organisations/data-sharing-information-hub/](https://ico.org.uk/for-organisations/data-sharing-information-hub/)

Connection at St Martin's

Data Rights and People Experiencing Homelessness [https://www.connection-at-](https://www.connection-at-stmartins.org.uk/wp-content/uploads/2021/03/Data-rights-and-people-facing-homelessness.pdf)

[stmartins.org.uk/wp-content/uploads/2021/03/Data-rights-and-people-facing-homelessness.pdf](https://www.connection-at-stmartins.org.uk/wp-content/uploads/2021/03/Data-rights-and-people-facing-homelessness.pdf)