

Birmingham Children's Collaborative Working Information Sharing Framework / Policy

For the purpose of safeguarding and promoting the welfare of
children, young people and their families

Document Control

Key individuals consulted or involved in developing the document

Name	Designation
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Subhasree De	Data Protection Officer, Birmingham Children's Trust
Baljinder Sidhu	Solicitor Birmingham City Council
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Claire Graham	Birmingham Children's Trust
Clare Edwards	Birmingham Community Healthcare NHS Foundation Trust
Alan Lowe	Birmingham Community Healthcare NHS Foundation Trust
Bridget Francis	Birmingham Women's and Children's NHS Foundation Trust
Roma Mcloughlin	West Midlands Police
Tony Diaram	Birmingham Safeguarding Children Partnership
Tom Joyce	West Midlands Police
Tim Crane	Solicitor, West Midlands Police
Claire Nankivell	Birmingham City Council
Alison Joyce	NHS Birmingham and Solihull Clinical Commissioning Group
Angeline Hayles-Henderson	Solicitor Birmingham Safeguarding Children Partnership

The document sets out;

- How we will comply with the data protection principles to process special category data
- How we will handle special category data that we process, our lawful bases , purpose of processing and the relevant condition for processing under data protection law
- It explains the Parties' policies for the retention and erasure of personal data processed.

This policy document will be retained, reviewed and (if appropriate) updated by the Principle Parties, and (if requested) made available to the Information Commissioner.

Date: 22/03/2019
Version: 1.1 Final
Author: Tony Elliott
Page: 2

Birmingham Children's Collaborative Working Information Sharing Framework/Policy

1 Parties to the framework

1.1 Principal Parties: are as follows:

- Birmingham Children's Trust
- NHS Birmingham and Solihull Clinical Commissioning Group (CCG)
- Birmingham City Council
- The Chief Constable of West Midlands Police ("the Chief Constable")
- Birmingham Community Health Care NHS Foundation Trust
- Birmingham Women's and Children's NHS Foundation Trust
- Birmingham Safeguarding Children Partnership

The Principal Parties have defined and signed off this agreement.

1.2 Adhering Parties: Parties that have signed up to this agreement and its terms by duly executing a Deed of Adherence.

2 Definitions

- **Agreement:** means this Information Sharing Framework / Policy between the Parties as section 1 above.
- **Data Subject:** has the meaning given in the Data Protection Legislation
- **Parties:** means both Principal Parties and Adhering Parties
- **Personal Data:** has the meaning given in the Data Protection Legislation and means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified directly or indirectly in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Shared Personal Data:** means Personal Data shared between the Parties to this Agreement.
- **Special Category Data:** means Personal Data which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, or genetic data, or biometric data which is processed for the purpose of uniquely identifying a natural person, or data concerning health or data concerning a natural person's sex life or sexual orientation.
- **Criminal Offence Data:** means Personal Data relating to criminal convictions and offences, or related security measures.

3 Legal Bases for Processing Personal Data

3.1 In line with Article 6(1) of the General Data Protection Regulation 2016/679 (GDPR) the lawful conditions which allow us to process Personal Data will depend on the circumstances but are likely to include:

- Public Task
- Legal Obligations

Date: 22/03/2019
Version: 1.1 Final
Author: Tony Elliott
Page: 3

In the case of the Chief Constable, Personal Data may also be processed for any of the law enforcement purposes outlined under the Data Protection Directive ((EU) 2016/680) and/or under Part 3 of the Data Protection Act 2018 (“DPA”) and in the event that the Chief Constable processes Personal Data for these purposes, he shall do so lawfully and fairly in accordance with the data protection principles contained within Part 3 of the DPA.

3.2 **Under Art. 9 of the GDPR 9(2)(h)** the lawful condition which will allow us to process Special Category Data will be “for health or social care”. Special Category Data is referred to in the legislation as data which could include the following.

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- Health
- sex life; or
- sexual orientation

3.3 **Under Art. 10 of GDPR** the processing of Criminal Offence Data has additional safeguards. We will process any criminal convictions or criminal offences data under the control of official authority or under a relevant law to do so. Criminal Offence Data includes information about criminal allegations, offences, criminal proceedings and criminal convictions

3.4 This Framework / ‘Policy’ meets the following requirements of the Data Protection Act 2018(DPA)

- **Paragraph 1 & 2 of Schedule 1** - requiring that an appropriate policy document be in place where the processing of special category personal information necessary for the purposes of performing or exercising obligations or rights which are conferred by law on controllers or the data subject in connection with employment, social security or social protection;
- **Paragraphs 1 & 2 of Schedule 1** requiring that an appropriate policy document be in place where the processing of criminal convictions, criminal offences is carried out under official authority or when the processing is authorised by Union or Member State Law;
- Additionally, in the case of the Chief Constable, insofar as he processes Special Category Data under Part 3 of the DPA, the requirement that he has an appropriate policy document in place under **section 42 of the DPA** and he has met a relevant condition under **Schedule 8 of the DPA**, which sets out the relevant conditions for processing Special Category Data under Part 3 of the DPA.

4 Social Care, Health and Police Processing of Personal Data

Date: 22/03/2019
Version: 1.1 Final
Author: Tony Elliott
Page: 4

4.1 Performance of a Task Carried out In the Public Interest – Art.6 (e) legal basis of the GDPR

This is the condition most likely to be the basis under which we carry out the majority of our processing. Section 8 of the DPA 2018 extends our grounds for processing Personal Data under the performance of a task carried out in the public Interest. The processing of the data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority invested in us, and the task has a clear basis in law as follows:

- Children Act 1989 and subsequent amendments (including section 11 and 175 statutory compliance around safeguarding children) and Working Together 2018 guidance.
- NHS Act 2006
- Health and Social Care Act 2015 and subsequent amendments
- Welfare Reform Act 2016
- Working Together to safeguard children 2018

(Please note this is not an exhaustive list).

4.2 Processing is Necessary for Compliance with a Legal Obligation to which we as Controllers are subject- Art 6 (c) legal basis of the GDPR

This legal basis allows us to process data to meet legal obligations to which we are subject and have a clear basis in law which includes but is not limited to:

- To provide Social Care for children and adults
- Provision of Health Services
- To provide support and protection and safeguarding for vulnerable children, young people and adults

4.3 Retention period or criteria used to determine the retention period

Parties will retain and erase personal data in accordance with their organisation's records management policy and retention schedules. Retention schedules for organisation are published on their respective websites. They contain a list of the records, the length of time the records are kept and what happens to them.

4.4 Privacy Notices

Privacy statements can be found on each organisations website. Key ones are listed here:

<https://www.birminghamchildrenstrust.co.uk/privacy>

https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement

<https://www.west-midlands.police.uk/about-us/privacy-notice>

<https://bwc.nhs.uk/privacy-policy>

<http://www.bhamcommunity.nhs.uk/about-us/corporate-information/privacy-notices-and-data-protection/>

<https://www.birminghamandsolihullccg.nhs.uk/privacy-policy>

<http://www.lscbbirmingham.org.uk/> (Birmingham Safeguarding Children Partnership web site)


4.5 **Specific Data Sharing Arrangements**

Specific details of data sharing arrangements between the Parties to this Agreement are documented in the “Birmingham Children’s Collaborative Working Data Sharing Agreement”.

Principal Party Signatures

For and On behalf of;

Birmingham Children's Trust


Signature		Signature	
Print Name	<u>LYALE-HELMS</u>	Print Name	
Position	<u>DIRECTOR OF FINANCE & RESOURCES</u>	Position	
Date	<u>25/3/19</u>	Date	

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For and On behalf of;

Birmingham City Council

Signature



Print Name

Dr. T. H. Elliott

Position

DS

Date

10/04/19

Signature

Print Name

Position

Date

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For and On behalf of;

**The Chief Constable of West Midlands
Police**

Signature



Print Name

Superintendent

Position

Tom Joyce

Date

26/3/19

Signature

Print Name

Position

Date

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For and On behalf of;

Birmingham Safeguarding Children
Partnership

Signature

Simon Cross

Print Name

SIMON CROSS

Position

BUSINESS MANAGER

Date

22/3/2019

Signature

[Signature]

Print Name

INDEPENDENT CHAIR

Position

PENNY THOMPSON

Date

25.3.19

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For and On behalf of;

Birmingham Community Healthcare NHS
Foundation Trust

Signature



Print Name

DOUG SIMKISS

Position

ACTING MEDICAL DIRECTOR

Date

22/3/19

Signature

Print Name

Position

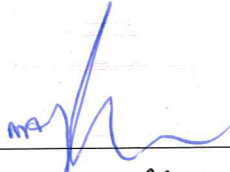
Date

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For and On behalf of;

Birmingham Women's and Children's NHS
Foundation Trust

Signature



Print Name

Michelle McLoughlin

Position

Chief Nurse

Date

Signature



Print Name

CARON EYRE

Position

DEPUTY CHIEF NURSE

Date

28/3/19.

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For and On behalf of;

NHS Birmingham and Solihull Clinical
Commissioning Group

Signature

Aislin Joyce

Print Name

Aislin Joyce

Position

CCG Solicitor

Date

3.4.2019

Signature

Print Name

Position

Date