

# Fingal Data Hub: Fair Use Data Sharing Protocol

## 1 Purpose

This protocol is intended to facilitate implementation of recommendations by the Fingal Data Sharing Initiative report as agreed in 2006.

The issue of data sharing is a key strategic goal of the Fingal Development Board. The need for configurations of local statutory and other state funded bodies to seek and share data is reflected in the statutory functions of County Development Boards which are described in the Local Government Act 2001.

The 2001 Act sets out the responsibilities of members of the Board as follows:

Part 13, Sect. 6 “ *A public authority that is a member of the Board shall (i) co-operate with the Board, **and** (ii) endeavour to comply with a request from the Board in respect of information relevant to its function*”

By signing this protocol all parties declare our commitment to the lawful exchange of information and the development of information sharing procedures specific to the needs agreed in the report of the Fingal Data Sharing Initiative 2006.

## 2 Fundamental Principles

- a) Having worked together on this issue for 2 years the partners to this projects agree to apply the “why not” principle. This shall apply to the participation of all partners - rather than justification being sought at every point it is the responsibility of each organisation to deliver on their commitments to participate
- b) As signatories to this Protocol, all parties recognise the importance of sharing information with each-other, in line with the aims of the Local Government Act 2001, for the purpose of improving co-ordination on a local basis. Information Sharing can be understood to exist (a) on a bi-lateral and (b) a multi-lateral basis.
- c) Parties in this Protocol undertake to co-operate fully with each-other, within the parameters of the Data Protection Act 1988 (and as amended 2003). For this purpose data may not be transferred between parties that: (a) contains personal information or unique identifiers such as PPSN (b) Is reported on an individual basis or (c) is not in line with the agreed geo-privacy standard (see page 33 of Fingal Data Sharing Initiative report)

- d) All parties undertake to periodically consult with each other upon matters of policy and strategy in relation to data, research and service planning.
- e) Each partner undertakes that all personal data remains the property of the disclosing agency, cannot be disclosed by the data controller as defined by the Data Protection Act 1988. Any partner inadvertently receiving raw data must declare the breach of this protocol the data will be destroyed immediately.
- f) The data will not be used it for any purpose other than that set-out in the (published) Fingal Development Board strategy
- g) The recipients of data will not share it with any third party, without the disclosing partner's written permission. Third parties are (a) organisations who are not members of the Fingal Development Board (b) media and press organisations (c) Private individuals
- h) The disclosing partner has a responsibility to define the level of sensitivity of information shared under this protocol. This should be simply classified as low, medium and high. Unless otherwise stated all data will be regarded as high sensitivity.
- i) Each party will be encouraged to check its data notification to ensure that it is appropriately registered for sharing and receiving personal information for the purpose of local co-ordination. Typically the following statement will suffice "Non personal data and and other details quantifying the uptake of services will be stored and used by this organisation for statistical and service improvement purposes."
- j) Each party also pledges to ensure that the data it holds is as accurate and up to date as possible.
- k) All parties agree when handling Media queries to follow these protocols,
- to be fair to our fellow partners, and maintain their integrity
  - when providing information to the public, to do so efficiently honestly and fairly
  - statements must reflect the inter-agency nature of this process and media will be referred to the data owner at every juncture
  - consent of the data owner will be sought prior to release to the media. The views of other partners may also be sought
  - where practical, individual data subjects will be consulted if the media coverage was such that it may identify the individuals
  - The data owner has the final right of interpretation of how service uptake data exists in local areas. This should include the contextual information like limitations of Government Funding, statutory entitlements etc.

### **3 DISPUTES AND BREACHES**

There are different possible origins for complaints, disputes and breaches:

- 1) From third parties as a result of non-disclosure of data - While it is unlikely the matter should be referred to the Fingal Data Hub and the Hub shall make a non-binding recommendation to the data owner.
- 2) From data owners as a result of non-compliance with privacy, analysis or sharing protocols – This should be discussed by the Data Hub committee. If a consensus is reached that a breach has occurred the matter should be reported to the Data Protection Commissioner with undertakings of how the breach will be avoided in future. If no consensus is reached the matter should be referred to the Fingal Development Board.
- 3) For non participation of a data owner in line with 1) and 2) above. The Chairperson of the Data Committee will report this matter to the Board who will reserve the right to seek advice, mediation etc. as appropriate

### **4 SIGNATORIES**

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