

# Data sharing in multi-agency meetings

## Case studies from Webinar 7/12/21

Two case study example scenarios were shared in this webinar and participants were invited to suggest answers to several questions on issues relating to data sharing from multiple choice answers. The following provides some additional information to help participants consider the most appropriate answers to the questions raised.

### 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.

Q1 *What is personal data?*

- *All of this could be personal data*
- *Only information which identifies the individual is personal data*

### Answer:

Only the information which relates to the female rough sleeper is personal data. If it includes medical and health information (to help explain her support needs) then it is also special category data.

The information about the work of the outreach service and the support needs of others (that is not specific to any individual) and trends generally/overall client numbers etc is not personal information and not subject to conditions and rules about sharing.

Q2 *What might be a lawful basis for sharing information about the individual?*

- *Consent*
- *Vital Interest*
- *Public task*

### Answer:

These could all potentially be an appropriate lawful basis. The service may have asked the female rough sleeper for **consent** to share information about her and communicated privacy information to her. If so, this is the most likely. **Vital interest** is less likely to be an appropriate basis as it's not clear if there are any urgent risks to her health or well-being where sharing the information would help protect her life. You cannot rely on vital interests for health data or other special category data if the individual is capable of giving consent, even if they refuse their consent. **Public task** is also a possible (but again less likely). It would depend on the nature of the service contract with the LA and whether the service being carried out was 'in the exercise of official authority' (This covers public functions and powers that are set out in law) or to perform a specific task in the public interest that is set out in law. It is most relevant to local authorities, but it can apply to any organisation that exercise official authority or carry out tasks in the public interest. Although not one of the options listed another appropriate basis could be **legitimate interest**. This is the most flexible of the six lawful bases - it's not focused on a particular purpose and therefore gives you more scope to potentially rely on it in many different circumstances. It may be the most appropriate basis when sharing is of clear benefit to you or others (so in working to meet the client's needs or to resolve their homelessness and there's limited privacy impact on the individual and they might reasonably expect you to share their data in that way).

Q3 *What documents might be relevant to consult?*

- *The organisation's privacy notice*
- *The LA contract for the outreach service*

## Homeless Link

- *The multi-agency data sharing agreement*

### Answer:

Potentially all three of these documents would be relevant to consult. You might want to check the **privacy notice** (that should be shared with/communicated to the client properly and clearly explains that sharing with the specific other agencies at the meeting may take place and the lawful basis conditions you would be relying on). It should tell you what clients have been told – anything outside of the scope of the privacy notice must be carefully assessed. If the client consented – check the consent form to ensure they consented to this particular processing. If you are relying on **public task** the contract with the LA would be relevant and you could check what it says about the nature of the services you are providing and whether they cover the 'exercise of official authority'. Finally we do not know in this case whether there is a **multi-agency data sharing agreement**, but it would be good practice for there to be one. If there was, it would be very useful to consult this document to understand what it says about the sharing of personal information by the various agencies and whether this request for information falls within its scope.

### 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.

Q1 *Is the client consent likely to cover sharing of his offending history?*

- Yes
- No
- *Don't know*

### Answer:

This question is not intended to require us to have decided whether it is appropriate to share the information, more it is to get us thinking about the consent issue. It is likely to be appropriate to share the information in order to safeguard female residents of the hostel but in terms of the consent issue, probably the safest answer here would be don't know. This could depend on a number of things - such as when the consent was obtained and whether the consent was updated after the offending disclosure and if it was informed consent, freely given and the purpose of sharing was explained (and the lawful basis being relied on).

More generally, data regarding criminal offences (and allegations) is subject to additional conditions (similar to special category data) If you do not have official authority, you can only share criminal offence data if you can identify a specific condition for processing in Schedule 1 of the DPA 2018. In many cases, you also need an 'appropriate policy document' in place. You need to complete a data protection impact assessment (DPIA) for any type of processing or sharing which is likely to be high risk.

The need to share information to safeguard or protect others is likely to be paramount here though. But one for seeking further help on.

Q2 *Where could the Day Centre seek advice on what to share?*

- The Information Commissioner's Office
- The Chair of the multi-agency meeting
- Their own organisation's Data Protection Officer or Data Protection lead

### Answer:

*The first place to go for advice and guidance in this situation would be to your organisations DPO or DP lead (or your line Manager initially). They would be able to draw on previous experience and also your own internal policies. The ICO website would also be a resource and if necessary general enquiries could be made of them. They would be unlikely to advice on specific individual cases though. If there was still some uncertainty, then it may be useful to consider initiating a confidential discussion with Chair of the Meeting.*