

## Sharing and Protecting Personal Information

### 1. The purpose of this section

The purpose of this document is to provide guidance to ensure that the **SAP Information Sharing Protocol** is effectively put into practice and adhered to.

The SAP information sharing protocol is a framework for the secure and confidential obtaining, holding, sharing and storing of information for the Single Assessment Process and can be obtained from the SAP website [www.devon.gov.uk/sap-pro](http://www.devon.gov.uk/sap-pro).

The agreement on information sharing has two focuses:

- The communication between the professional disciplines within joint teams or other service providers contributing to the delivery of the Single Assessment Process.
- The sharing of information gained from the Single Assessment Process with those agencies who are not SAP Participating Organisations, such as housing, education, police and independent providers who represent the wider context of delivering co-ordinated and holistic services.

### 2. What does the SAP information-sharing protocol contain?

The SAP protocol replaces the separate protocols for Devon & Cornwall entitled “Information sharing for SAP”. It contains sections on:

- Reasons for sharing SAP information
- The type of information that can be shared
- The legal basis for sharing confidential and personal-identifiable information
- Disclosures outside the scope of the agreement
- Responsibilities and standards for participating organisations
- Complaints
- Monitoring and review

### 3. What information can be shared?



The components of the Single Assessment Process cover basic personal information, needs and health, and an integrated care plan. This information will be recorded in the current versions of the FACE SAP assessment tools and will be shared between the parties to this protocol for the purpose of assessment and care planning.

The type of service user information to share will cover:

- Statistical information
- Depersonalized /Anonymous Information
- Personal Identifiable Information

#### **4. Legal responsibilities**

The legal framework for the information sharing aspects of Single Assessment are primarily covered by:

- Common Law Duty of Confidentiality
- Data Protection Act
- Caldicott principles
- Human Rights Act

The specific legislation for NHS and Local Authority organisations to share information is set out in the SAP Implementation Guidelines: Section 2 “The Legal and Policy Framework, together with other specialist legislation on health and social care as listed. This is supplemented by a range of Governmental guidance on information sharing, all of which have been used to establish best practice in information sharing.

You should be familiar with the specific guidelines, policies and their application regarding the legislation mentioned above for your organisation.

#### **5. When and how should the “Consent to share and protect your information” form be completed?**

As soon as is practically possible, you should ensure that the person being assessed is asked to consent to information sharing across agencies or staff members by signing the "Consent to Share and Protect Your Personal Information" form.

Service users and carers should be advised about what will happen to their information and how it will be shared with all those relevant to the provision of their care. The SAP user/carer leaflet gives details about information sharing as well as the whole process.

The service user should complete the “Consent to Share and Protect Your Personal Information” form at the time of **first** contact or assessment. This is then refreshed each time a new assessment is completed by asking if the consent still stands as the assessment tools are completed (each of the FACE

tools (as listed in SAP implementation guidelines 5- Tools) has some questions about consent to share information. If the Consent to Share and Protect Your Information form has already been completed by one agency then the simple check questions on the SAP assessment tools are all that is required. **The more detailed consent to share and protect your information form must initially be completed once and held on file or recorded on eSAP.**

Once electronic SAP (eSAP) is in place, records will be shared with relevant staff through a robust and secure method. However, until that time interim arrangements have to be put in place to ensure that best practice is followed with the sharing of information under the Single Assessment.

## 6. Why do we have to have secure methods for transferring information?

The reasons for having secure methods for transferring information are two fold:

- To safeguard the service user's legal right to confidentiality and privacy in the exchange of their personal information.
- To safeguard professional staff by providing measures that allow only appropriate and controlled access to service users' personal information to:
  - Ensure they have enough information to form professional judgements and to inform care planning under the Single Assessment Process.
  - Ensure they are informed about known and potential risks.
  - Ensure that a commonly understood framework is available to manage access to information and to protect professional staff.

## 7. Who can access information and be shared with?

Once a service user has given their informed consent for information to be shared with SAP partner organisations, (as listed in SAP implementation guidelines 1) it is acceptable to share that information based on the "need to know" principle. If a service user is known and has already completed a consent form, there is still a requirement to check that the person still agrees to this consent and fully understands what information they have consented to share. For example, someone may consent to share a contact assessment, then go on to have an overview but may not be in agreement for that detail to be shared so this will need checking.

## 8. What if the person is unable to give consent?

If a person is unconscious or unable, due to a mental or physical condition, to give consent or to communicate a decision, the professionals concerned must take decisions about the use of information. This needs to take into account the person's best interests and any previously expressed wishes, informed by

the views of relatives or carers as to the likely wishes of the patient. If a patient has made his or her preferences about information disclosures known in advance, this should be respected. There is a SAP FACE Mental Capacity Assessment tool, which can be used to assess someone's mental capacity if required.

## **9. How should information be transferred between agencies?**

Until an electronic version is available, you should follow your own organisation's safe-haven procedures for transfer of SAP forms, by fax or email. Where email is being used, care must be taken to ensure that the information is encrypted and sent securely.

A care plan, which includes a summary of needs, should be offered to the service user and carer, together with any part of the assessment form which the service user, carer and professional consider useful. The option of a person held record file is available to be kept in the person's home (see SAP Implementation Guidelines: Section 6 - Person Held Record). Assessment co-ordinators should keep a copy of all documents along with a record of what has been sent, to whom and when.

## **10. What about "vulnerable adult" situations?**

In cases of vulnerable adults where adult protection is an issue, care must be taken about information that may be seen by a variety of people in the person's home. For further advice, see your organisation's adult protection policy.

## **11. Complaints**

Any complaint received from or on behalf of a service user or carer, containing allegations of inappropriate disclosure of information, will be dealt with through the internal complaints procedure of the organisation receiving the original complaint.

## **12. Are there separate guidelines for the transfer of information electronically?**

Separate guidelines will be given as part of the training on the electronic SAP system by your organisation.