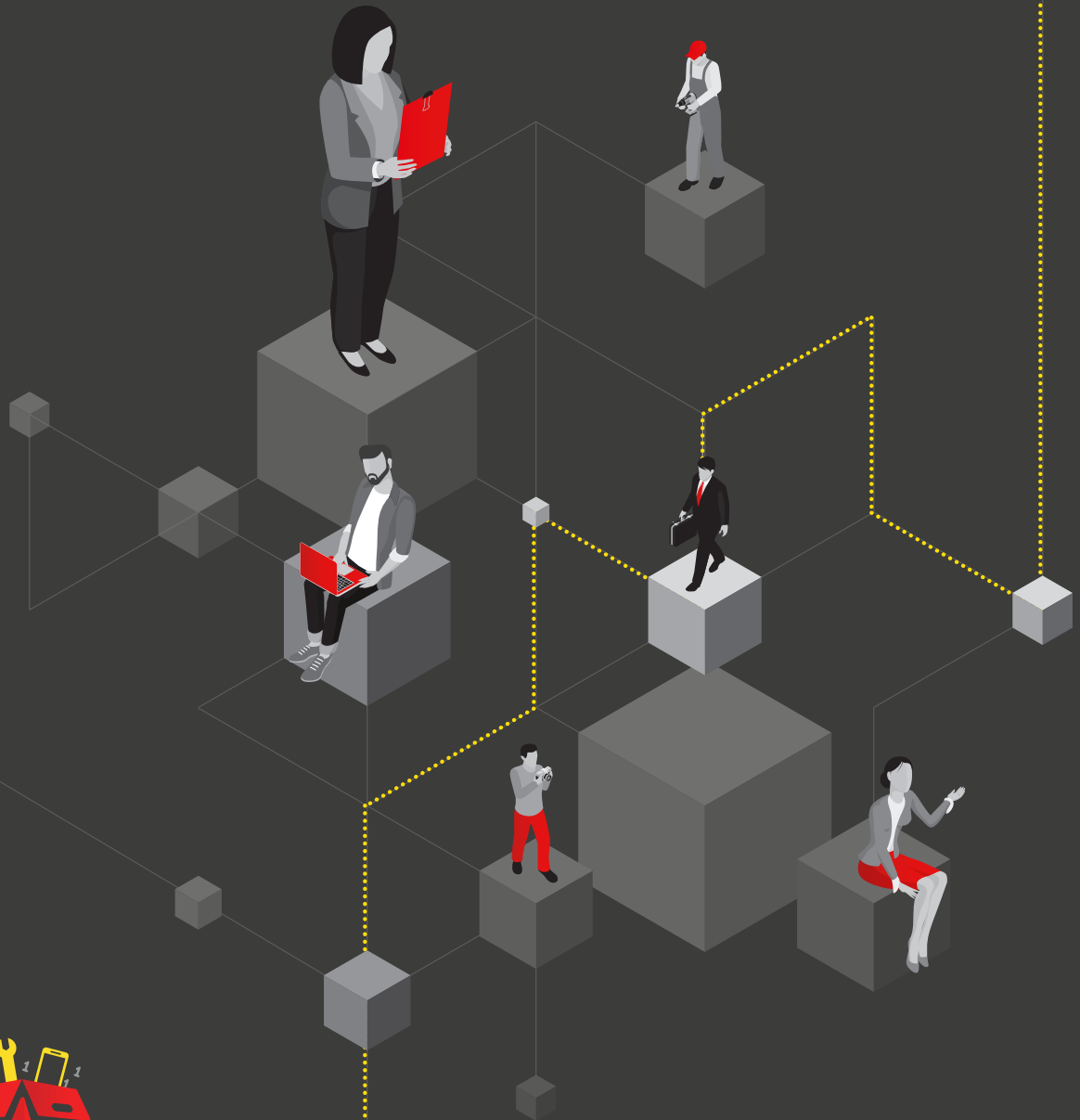




DATA SHARING CHECKLISTS



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TOOLKIT

Guidance for Organisations

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.



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Data Sharing Checklists

These two checklists (the '**Checklists**') provide a handy step-by-step guide through the process of deciding whether it is appropriate for your organisation to share personal data.

1. Systematic data sharing;
2. One off requests.

The Checklists are designed to be considered alongside the other JOIC data sharing guidance which is available on the JOIC website. The checklists highlight the relevant considerations to ensure that the sharing complies with relevant requirements of the Data Protection (Jersey) Law 2018 (the '**DPJL**') and meets individuals' expectations.

1. Data sharing checklist – systematic data sharing

Scenario:

You want to enter into an agreement to share personal data (including special category data) on an ongoing basis.

Is the sharing justified?

Key points to consider:

- What is the sharing meant to achieve?
- What is the lawful basis for sharing the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing, and will it fulfil those purposes?
- Could the objective be achieved without sharing personal data?
- Could you use anonymised data instead?
- Is the information going to be shared with organisations outside Jersey? Are there any additional considerations that apply?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for;
- Any relevant functions or powers of your organisation. (This is relevant as depending on those functions/powers you may need/be obliged to share personal data with certain other organisations and you may need to do so in a particular way.);
- The nature of the information you have been asked to share (for example was it given in confidence?). If yes, you may need to reconsider your activity;
- Any legal obligation to share information (for example a statutory requirement or a court order).



If you decide to share

It is good practice to have a data sharing agreement in place.

As well as considering the key points above, your data sharing agreement should cover the following issues:

- Is there a start date, a review date and any termination date?
- What information needs to be shared?
- The organisations that will be involved. Are the roles of the entities clearly defined?
- What you need to tell people about the data sharing and how you will communicate that information;
- Who will have responsibility for giving out that information?
- Do staff know what they should/should not share?
- Does your organisation provide adequate training on an ongoing basis for staff that regularly make decisions about whether to share personal data with third parties?
- Measures to ensure adequate security is in place to protect the data;
- What arrangements need to be in place to provide individuals with access to their personal data if they request it?
- Agreed common retention periods for the data;
- Processes to ensure secure deletion takes place.

2. Data sharing checklist – one off requests

Scenario:

You are asked to share personal data relating to an individual in 'one off' circumstances.

Is the sharing justified?

Key points to consider:

- Do you think you should share the information? How would you feel if it was your personal information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPJL to share?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for;
- Any relevant functions or powers of your organisation;
- The nature of the information you have been asked to share (for example was it given in confidence?);
- Any legal obligation to share information (for example a statutory requirement or a court order).



If you decide to share

Key points to consider:

- What information do you need to share?
 - » Only share what is necessary;
 - » Distinguish fact from opinion.
- How should the information be shared?
 - » Information must be shared securely;
 - » Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.

Record your decision

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information, you should record:

- What information was shared and for what purpose?
- Who it was shared with?
- When it was shared?
- Your justification for sharing;
- Whether the information was shared with or without consent.