

GWYNEDD COMMON HOUSING REGISTER PARTNERSHIP

INFORMATION SHARING PROTOCOL



Grŵp
Cynefin



TÎM OPSIYNAU TAI CYNGOR GWYNEDD

Sydd yn rheoli'r Gofrestr Tai Gyffredin ar ran Tai Gogledd Cymru,
Grŵp Cynefin a Cartrefi Cymunedol Gwynedd.

GWYNEDD COUNCIL'S HOUSING OPTIONS TEAM

Manage the Common Housing Register on behalf of North Wales Housing,
Grŵp Cynefin and Cartrefi Cymunedol Gwynedd.

Version: February 2018

**Housing Options Team
Gwynedd Council
Penrallt
Caernarfon
Gwynedd
LL55 1BN
01286 685100
opsiynautai@gwynedd.llyw.cymru
www.gwynedd.llyw.cymru/socialhousing**

Content

| | | |
|---------------|---|-----------|
| Part A | Introduction to this Information Sharing Protocol (ISP) | 1 |
| 1 | Scope and purpose of this ISP | 1 |
| 2 | High level functions of this ISP | 1 |
| 3 | Service Users included in this ISP | 1 |
| 4 | Benefits to Service Users | 1 |
| 5 | Details of personal information being shared | 2 |
| 6 | Key identifying information | 2 |
| 7 | The information sharing partner organisations | 2 |
| Part B | Justification for sharing personal information | 4 |
| 8 | Legislative/statutory powers | 4 |
| 9 | Consent | 4 |
| Part C | Operational procedures for this ISP | 6 |
| 10 | Summary | 6 |
| 11 | Fair processing information | 6 |
| 12 | Obtaining consent | 6 |
| 13 | Refused and withdrawn consent | 7 |
| 14 | Recording consent | 7 |
| 15 | Sharing information without consent | 7 |
| 16 | Action to be taken where subject lacks mental capacity | 8 |
| 17 | Temporary impairment of capacity | 8 |
| 18 | Information collection | 8 |
| 19 | Frequency of information sharing | 8 |
| 20 | Information security | 8 |
| 21 | Complaints | 9 |
| 22 | Review of this ISP | 9 |
| Part D | Methods and controls for the sharing of personal information to support this ISP | 10 |
| 23 | Information flow reference table | 10 |

Part A – Introduction to this ISP

1. Scope and purpose of this ISP

- 1.1 This Information Sharing Protocol (ISP) is based on the principles of the Wales Accord on the Sharing of Personal Information (WASPI), and has been agreed between the participating partner organisations. Partners have given consideration to its contents when drawing up this document.
- 1.2 This ISP has been prepared to support the regular sharing of personal information for the provision of housing services across the county of Gwynedd; including the application of the common housing register.
- 1.3 It supports the information sharing partner organisations involved and the groups of Service Users it impacts upon. It details the specific purposes for sharing and the personal information being shared, the required operational procedures, consent processes, and legal justification.
- 1.4 The aim of the sharing is to enable partners to work together to identify and allocate housing and achieve greater person centred accommodation allocation, in a process that individuals and organisations experience as seamless and timely. The service will improve housing allocation with increased independence for the individual through on-going support and review.
- 1.5 This Information Sharing Protocol covers the exchange of information between Gwynedd Council, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin and North Wales Housing.
- 1.6 This information may also be shared to support the effective administration, audit, monitoring, inspection of services and reporting requirements. Partners may only use the information disclosed to them under this ISP for the specific purpose(s) set out in this document.

2. High level functions of this ISP

- 2.1 The functions which this information sharing protocol community are seeking to support involve:
 - Providing housing options advice including homeless prevention
 - Processing applications for accommodation
 - Assessing the needs of the service user and agreeing service provision
 - Allocation of accommodation and subsequent tenancy management
 - Review of the accommodation provision in line with on-going or changing needsPersonal information shared to support functions other than those detailed above are not supported by this ISP.

3. Service Users included in this ISP

- 3.1 The Service Users which this ISP relates to include:
 - Any individual over 16 years old who is seeking social accommodation within Gwynedd.
 - Any individual included, or previously included on an application for social housing in Gwynedd.

4. Benefits to Service Users

- 4.1 Benefits to the Service Users include:

- Enabling the co-ordinated assessment of need across the agencies individually which avoids duplication and the need for the service user to present information to different agencies
- Facilitating the provision of appropriate accommodation
- Reducing the assessment timescales through joint meetings and case conferences
- Facilitating the provision of timely and comprehensive housing options advice

5. Details of personal information being shared

5.1 Personal information shared for the purpose of this ISP includes a range of information regarding the Service Users needs and personal circumstances.

5.2 The information shared might therefore include (but not restricted to):

- Name
- Current address
- Previous address(es)
- Date of birth
- National insurance number
- Details of family members
- Mental health status and risk assessment
- Diagnosis and medication
- Health and welfare issues including those related to a disability or impairment
- Social factors including matters relating to social care
- Homelessness status
- Involvement with other agencies
- Financial, employment and benefit information
- Details of disclosed criminal convictions
- Contact details
- Staff Safety Information (Warning Note)
- Landlord's reference information
- Current and previous tenancy details (including rent arrears)

5.3 The information is used to assess housing needs whilst also allowing potential accommodation providers to assess accommodation provision against the current and future needs of the Service User. On-going review as circumstances change will ensure appropriate support is provided to assist the person to remain in suitable accommodation.

5.4 Only the minimum necessary personal information consistent with the purposes set out in this document will be shared.

6. Key identifying information

6.1 When sharing information, the following identifiers will be used where available, to ensure that all partner organisations are referring to the same Service User:

- Name (all known)
- Date of birth
- Addresses
- National insurance number
- Service provision number (for example application reference number)

7. The information sharing partner organisations

- 7.1 This ISP covers the exchange of information between staff of the following organisations that are engaged in delivering the service outlined in this document:

| Information Sharing Partner Organisations | Responsible Manager* |
|---|--|
| Gwynedd Council | Housing Options Team Leader |
| Cartrefi Cymunedol Gwynedd | Assistant Director Customers and Communities |
| Grŵp Cynefin | Tenancy Manager / Senior Housing Officer |
| North Wales Housing | Area Housing Team Leader |

* Or another responsible officer to be appointed by the relevant organisation

- 7.2 The responsible managers detailed above have overall responsibility for this ISP within their own organisations, and must therefore ensure the ISP is disseminated, understood and acted upon by relevant staff.
- 7.3 Staff of these partner organisations who work directly with Service Users in order to carry out the functions described in this ISP, are bound by this document.
- 7.4 The term 'staff' encompasses paid workers, volunteers, students and other temporary workers approved by the employing / hosting organisation, whose duties include those relating to the functions outlined in this ISP.
- 7.5 Partner organisations will ensure that all current and newly-appointed staff receive the appropriate training in the application of this ISP.

Part B – Justification for sharing personal information

Please note: Staff should not hesitate to share personal information in order to prevent abuse or serious harm, in an emergency or in life-or-death situations. If there are concerns relating to child or adult protection issues, the relevant organisational procedures must be followed.

8. Legislative / Statutory Powers

- 8.1 Disclosure of information will be conducted within the legal framework of the Data Protection Act 1998 (DPA), the Human Rights Act 1998 and in compliance with the common law duty of confidence.
- 8.2 Local authorities are required to operate an allocations scheme under Section 167 of the Housing Act 1996 that determines the priorities and procedure to be followed in allocating housing based upon the assessment of need within the area. This provides an implied power to share information. Furthermore Section 170 of the Act contains further provisions for cooperation in the allocation of housing.
- 8.3 Local authorities also have wider powers under the Social Services and Well-being Act (Wales) 2014 to promote or improve the social wellbeing of their area. This provides an implied power to share information with other statutory services and the independent sector.
- 8.4 Section 62 of the Housing (Wales) Act 2014 provides for appropriate enquiries to be made to satisfy that the person is eligible for assistance and whether a duty is owed under homelessness legislation. This gives an implied power to share information
- 8.5 Section 47 of the NHS and Community Care Act 1990 provides for social services authorities to involve staff of health and housing agencies in order to prepare comprehensive assessments of need. It can be implied from this duty that there is a power to share information with health bodies or housing authorities
- 8.6 Section 115 of the Crime and Disorder Act 1998 gives power to disclose information to specified relevant authorities where the disclosure is necessary or expedient for the purposes of the Act. This gives an implied power to share information.
- 8.7 Members of the Gwynedd Common Housing Register Partnership will be required to share personal information as part of their involvement in multi agency meetings, for example MARAC (Multi Agency Risk Assessment Conferences), MAPPA (Multi Agency Public Protection Arrangements), Case Conferences, Serious Case Reviews.
- 8.8 Section 95 of the Housing (Wales) Act 2014 contains provision for cooperation between the local authority, registered social landlords (and other providers of social housing) in the exercise of any of the functions of Part 2 of the Act (Homelessness provisions). This gives an implied power to share information.

9. Consent

- 9.1 Consent is normally required to share information between different partner organisations. To provide valid informed consent the Service Users or their lawful representatives must be provided with appropriate information to enable them make an informed decision.

- 9.2 Implied consent is given when a Service User takes some action in the knowledge that in doing so he or she has incidentally agreed to a particular use or disclosure of information.
- 9.3 Explicit consent is given by a Service User agreeing actively, either verbally or in writing, to a particular use or disclosure of information. It can be expressed either verbally or in writing, although written consent is preferable since that reduces the scope for subsequent dispute.
- 9.4 Consent must not be secured through coercion or inferred from a lack of response to a request for consent. The Practitioner must be satisfied that the Service User has understood the information sharing arrangements and the consequences of providing or withholding consent.
- 9.5 Consent should not be regarded as a permanent state. Opportunities to review the Service User's continuing consent to information sharing should arise during the course of the service provision. The Practitioners should exercise professional judgement in determining whether it would be appropriate to re-visit a Service User's continued consent at any given juncture. Ideally it should take place in the context of a review or re-assessment.

Part C – Operational procedures for this ISP

10. Summary

- 10.1 Only the minimum necessary personal information will be shared on a need-to-know basis and only when it supports the delivery of the purposes and functions set out in this ISP.
- 10.2 Personal information will only be collected using the approved collection methods, ensuring the required information is complete and up-to-date.
- 10.3 All reasonable steps must be taken to ensure that anyone who has received information is notified of any relevant changes and if any inaccuracies are found the necessary amendments will be made.
- 10.4 Decisions about Service Users should never be made by referring to inaccurate, incomplete or out-of-date information.
- 10.5 Information provided by partner organisations will not be released to any third party without the permission of the owning partner organisation.
- 10.6 Staff must also follow their own organisation's procedures relating to the handling of personal information.

Please note: Staff should not hesitate to share personal information in order to prevent abuse or serious harm, in an emergency or in life-or-death situations. If there are concerns relating to child or adult protection issues, the relevant organisational procedures must be followed.

11. Fair processing information

- 11.1 It is necessary to communicate with the Service User or their lawful representatives about the need for information sharing at the earliest appropriate opportunity, preferably at first contact.
- 11.2 Being clear and open with Service Users about how their personal information will be used, will allow them to make an informed decision regarding consent for the sharing of their information.
- 11.3 Gwynedd Housing Options will clearly inform the Service Users about what personal information is to be shared, who the information will be shared between, why it needs to be shared and for what purposes it will be used for.
- 11.4 Agreed methods of providing this information are:
 - Verbally
 - Websites
 - Advice booklets
 - General posters and leaflets
 - Application form for housing

12. Obtaining consent

- 12.1 The approach to obtaining consent should be transparent and respect the Service User.
- 12.2 For the purposes of this ISP, explicit consent will be required from Service Users.

- 12.3 Partner organisations should be prepared to be open with their Service Users about the role that their consent plays in the information sharing process and indeed be clear about the type of circumstances in which they may share personal information without their knowledge or consent.
- 12.4 If there is a significant change in the use to which the information will be used compared to that which had previously been explained, or a change in the relationship between a partner organisation and the Service User, then consent will be sought again.
- 12.5 Consent obtained from Service Users for the purposes of this ISP will only be used to support the delivery of the purposes and functions set out in this document. Once the service provision of this specific ISP concludes, then consent obtained will also end. In the event of a similar or subsequent service provision undertaken in the future, new consent will be obtained.
- 12.6 Staff should use opportunities such as reviews or assessments to reaffirm the Service User's consent to the sharing of information outlined in this ISP.

13. Refused and withdrawn consent

- 13.1 A Service User has the right to refuse their consent to have information about them shared. They also have the right to withdraw previously granted consent at any point, to the sharing of their information. Further personal information should not then be shared.
- 13.2 Where the Service User has refused or withdrawn consent, the implications of withholding consent will be clearly explained to them and this dialogue will be recorded in the service user's case record. If a Service User withdraws consent to share personal information it will also be explained that information already shared cannot be recalled. See section 16 below, for further information.

14. Recording consent

- 14.1 Decisions regarding Service Users' consent of how and when it was obtained and whether it was provided in verbal or in written form, must be recorded in the service user's case record.
- 14.2 Details of refused or withdrawn consent should also be recorded together with any subsequent reviews of consent.

15. Sharing information without consent

- 15.1 Staff are permitted to disclose personal information without consent in order to prevent abuse or serious harm to the Service User or to others. If there are concerns relating to child or adult protection issues, staff must follow the relevant local procedures of their partner organisation.
- 15.2 Personal information can be lawfully shared without consent where there is a legal requirement or where an appropriate professional of sufficient seniority within the partner organisation, has taken the view that the duty of confidentiality can be breached in exceptional circumstances and where there is a substantial over-riding 'public interest'. Such situations where information might be shared without consent include:
- 'Life and death' situations, for example, where information is shared in an emergency in order to preserve life;
 - where a person's condition indicates they may be a risk to the public or may inflict self-harm;
 - in order to prevent abuse or serious harm to others;
 - on a case-by-case basis, to prevent serious crime and support detection, investigation and punishment of serious crime.

This is not an exhaustive list.

15.3 If a claim of substantial public interest is made, justification will be clearly stated and any decision to share information with another party without the consent of the Service User will be fully documented in the service user's case record. This note will include details of the legal requirement used or details of the relevant senior professional who authorised the sharing.

15.4 The Service User will usually be informed of this decision and of the information which has been shared; unless by doing so it would risk harm to others or hinder any investigation or legal proceedings.

16. Actions to be taken where Service User's lack mental capacity

16.1 The Mental Capacity Act 2005 Code of Practice defines the term 'a person who lacks capacity' as a person who lacks capacity to make a particular decision or take a particular action for themselves, at the time the decision or action needs to be taken.

16.2 Whenever dealing with issues of capacity to consent, local rules and procedures should be followed and these must be compatible with the Mental Capacity Act 2005 and its Code of Practice.

17. Temporary impairment of capacity

17.1 Where a person has a temporary loss of capacity, consent will be deferred, if appropriate, until such time as consent can be obtained. Consent to share information will be sought when capacity is regained.

17.2 Where it is not appropriate to defer the sharing of information, then it will not be appropriate to defer consent, as consent cannot be obtained retrospectively. Therefore, only where deemed necessary may information be shared without consent, see Section 15 above for further information.

18. Information collection

18.1 The approved collection tools for partner organisations to gather the personal information detailed in this ISP are:

- Service providers' ICT systems (see Part D)
- Application Form for Housing (paper form which may be scanned and stored electronically)
- Home Visit Form (paper form which may be scanned and stored electronically)
- Email and email attachments (including electronic documents and scanned paper documents)

19. Frequency of information sharing

19.1 The personal information outlined within section 5, will be only be shared on a need-to-know basis to support the functions of this ISP.

19.2 Partner organisations will share relevant personal information as and when needed.

19.3 Should changes be made to a record, all reasonable efforts must be taken to ensure that anyone who has received a copy of the record is also alerted to the change.

20. Information security

20.1 Breaches of security, confidentiality and other violations of this ISP must be reported in line with each partner organisations' incident reporting procedures.

21. Complaints

21.1 Each partner organisation has a formal procedure by which Service Users can direct their complaints regarding the application of this ISP.

22. Review of this ISP

22.1 This ISP will be reviewed one year after agreement and every two years thereafter or sooner if appropriate, including changes in legislation or good practice or other relevant policies, or significant change in any of the Partners' information technology systems.

Part D – Methods and controls for the sharing of personal information to support this ISP

23. Information flow reference table

- 23.1 The following table provides a list of the personal information to be shared between the partner organisations, with whom in each partner organisation it will be shared with, when it will be shared, why it will be shared and the methods of how it will be shared.
- 23.2 The table will be reviewed and updated as necessary, to reflect any changes in the processing of personal information detailed in this ISP.

Information Flow Reference Table

The sharing of personal information to support the provision of Housing (Common Housing Register)

| | Description | Information Exchange 1 | Information Exchange 2 | Information Exchange 3 | Information Exchange 4 |
|---------------|--|--|--|--|--|
| 1 a | Information Flow Reference Reference number allocated to any information flow processes to which each set of information relates | CHR001 | CHR002 | CHR003 | CHR004 |
| 2 a | High Level Function(s) General description of the function(s) or service(s) to which the information relates | Application Request / Referral Client seeks social housing either personally or via partner agency | Assessment Assessment of suitability of need against property availability | Allocation and onward referral Allocation of housing Discharge | On-going review Case conferences Ad-hoc review |
| 3 a | What information will be shared Describe the information to be provided Please note: only the minimum and relevant personal information is to be shared and strictly on a case by case basis | Name Current address Previous address(es) Date of birth National insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefit information Disclosed criminal convictions | Name Current address Previous address(es) Date of birth National insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefit information Disclosed criminal convictions | Name Current address Previous address(es) Date of birth National insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefit information Disclosed criminal convictions | Name Current address Previous address(es) Date of birth National insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefit information Disclosed criminal convictions |

| | | | | | |
|----------|---|---|---|---|---|
| 4 | Personal Identifiers included in the above | Surname First Name Date of Birth Addresses Reference No Post code National Insurance number | Surname First Name Date of Birth Addresses Reference No Post code National Insurance number | Surname First Name Date of Birth Addresses Reference No Post code National Insurance number | Surname First Name Date of Birth Addresses Reference No Post code National Insurance number |
| a | Main identifiers being used to identify the Service User | | | | |
| 5 | Provider organisation(s) (Who from) | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing | Gwynedd Council | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing |
| a | Provider organisation(s) | | | | |
| b | Directorate(s) or department(s) responsible for providing the information | | | | |
| c | Roles of staff responsible for providing the information | Housing Officer / Member of the Housing Options Team | Member of the Housing Options Team | Housing Officer | Housing Officer / Member of the Housing Options Team |
| 6 | Destination organisation(s) (Who to) | Gwynedd Council | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing | Gwynedd Council Cartrefi Cymunedol Gwynedd Grŵp Cynefin North Wales Housing |
| a | Recipient organisation(s) with whom this information will be shared | | | | |
| b | Directorate(s) or department(s) responsible for receiving the information | Housing Options Team | RSL Partners Lettings Departments Gwynedd Council Homelessness Department | RSL Partners Lettings Departments | RSL Partners Lettings Departments / Housing Options Team |
| c | Roles of staff responsible for receiving the information | Member of the Housing Options Team | Housing Officer / Member of the Housing Options Team | Housing Officer | Housing Officer / Member of the Housing Options Team |

| | | | | | |
|----------------|--|--|--|---|--|
| 7 a | Reason(s) for use of the information (Why / Purpose) Description of why the information is required e.g. law, WAG directive, care of individual (more than one reason may apply) | To initiate the application process | To gather relevant and appropriate information to inform the assessment of needs against the property availability | To facilitate appropriate on-going support in the most appropriate accommodation | To gather relevant and appropriate information to inform the assessment of on-going needs and to address issues arising during tenancies |
| 8 a | Source of data (What system) Identify from what information system(s), from which the information to be exchanged, is obtained | n/a | Case files Capita Housing | Case files Capita Housing OPEN HOUSING MIS | Case files Capita Housing OPEN HOUSING MIS |
| b | Identify the module or fields accessed when using another organisations IT system to shared data. Detail of other non-relevant is data which is also available, including any necessary risk assessment undertaken | n/a | Capita Housing hosted by Gwynedd Council and accesses through citrix software by the Partner RSLs. | Capita Housing hosted by Gwynedd Council and accesses through citrix software by the Partner RSLs. | n/a |
| 9 a | Form title and reference number (What form) The title and reference number of any form or letter used to convey and / or collect the information | Application Form for Housing Home Visit Form | Application for Housing Form Home Visit Form | n/a | n/a |
| 10 a | Destination record(s) / system(s) (Where to) The information system(s), record(s) or other destination of the information shared | Capita Housing Information Sharing Folders Application Files | Capita Housing Information Sharing Folders / I- Gwynedd Application Files | Capita Housing Information Sharing Folders / I- Gwynedd Application Files RSL Partners' ICT systems | RSL Partners' ICT systems |

| | | | | | |
|-----------|---|---|---|---|---|
| 11 | When exchanged / shared (When) | As and when | As and when | As and when | As and when |
| a | Detail when the information needs to be exchanged / shared e.g. daily, weekly, monthly, yearly, as and when | | | | |
| 12 | Communication media (How) | Verbal Phone Meeting Fax Email Letters Access to Capita Housing Access to Information Sharing Folders / I-Gwynedd Access to Application Documentation | Verbal Phone Meeting Fax Email Letters Access to Capita Housing Access to Information Sharing Folders / I-Gwynedd Access to Application Documentation | Verbal Phone Meeting Fax Email Letters Access to Capita Housing Access to Information Sharing Folders / I-Gwynedd Access to Application Documentation | Verbal Phone Meeting Fax Email Letters Access to Capita Housing Access to Information Sharing Folders / I-Gwynedd Access to Application Documentation |
| a | Detail all formats in which the information is to be transferred to the recipient e.g. fax, direct feed from system, verbal transfer at team meeting, telephone call, e-mail. | | | | |
| 13 | Communication media controls (How) | Meetings to be held in confidential environment Secure email to be used where available ICT controls – password access, backup routines | Meetings to be held in confidential environment Secure email to be used where available ICT controls – password access, backup routines | Meetings to be held in confidential environment Secure email to be used where available ICT controls – password access, backup routines | Meetings to be held in confidential environment Secure email to be used where available ICT controls – password access, backup routines |
| a | Details how all security controls are applied e.g. password protected files, encryption of files, and encryption of media, including any risk assessment undertaken | | | | |
| 14 | Issues or comments not included in the above | None | None | None | None |