

Regional Health and Social Care Information Sharing Agreement

Information Governance Steering Group 8th November 2022

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It is recognised that from time to time Childrens Social Care staff may from time to time want access to joint processing and sharing systems under the Regional Health and Social Care Information Sharing Agreement for the purposes of accessing the records of the parents and siblings of children on their caseload.

For the purposes of this policy and all agreements, procedures and technical solutions within the scope of the policy, the term “parent” includes without limitation:

- A. Adoptive and foster parents and legal guardians;
- B. Biological parents, step parents, aunts, uncles and grandparents;
- C. Carers;
- D. Next of kin; and
- E. Siblings and other members of extended, shared and multigenerational households.

Having due regard to the Regional Health and Social Care Information Sharing Agreement term 18.6 “Ensure that no restrictions are placed on sharing personal confidential data other than those specified in the agreement and in continuing agreements in effect at the commencement of the agreement” and the requirement to comply with expectations of confidentiality as set out in paragraph 4(2) of Part 2 of Schedule 3 of the Data Protection Act 2018¹, the policy for access to the records of the parents of data subjects is as follows:

1. Access to the records of the parents of data subjects is only permitted with the prior approval of the data controller for the data of the parent concerned. For example:
 - a. Acute secondary care data relating to the parent concerned may only be accessed with the express and prior permission of the acute healthcare provider that originally shared the parent’s data
 - b. Adult social care data relating to the parent concerned may only be accessed with the express and prior permission of the adult social care provider that originally shared the parent’s data
 - c. Community secondary data relating to the parent concerned may only be accessed with the express and prior permission of the community healthcare provider that originally shared the parent’s data
 - d. GP data relating to the parent concerned may only be accessed with the express and prior permission of the general practice that originally shared the parent’s data
 - e. Mental health data relating to the parent concerned may only be accessed with the express and prior permission of the mental health provider that originally shared the parent’s data;
2. When reviewing the information in a data subject’s record:
 - a. Where users are not certain they understand the context for a specific record the users concerned must seek context from the service the information was shared by before acting on the information
 - b. Where users are not certain that information in the record has been disclosed to the data subject the users concerned must seek confirmation from the service the information was shared by prior to disclosing or discussing the information with the data subject;
3. Wherever possible system suppliers are to be encouraged to provide or develop technical methods that prevent such access without the prior approval of the source data controller for the data of the parent concerned;
4. Wherever possible role based access controls are to be used to prevent such access without the prior approval of the source data controller for the data concerned;
5. Wherever possible audit controls are to be used to detect and discourage such access without the prior approval of the source data controller for the data concerned; and
6. Where such access occurs without the required prior approval the lead controller for the joint processing and sharing system concerned:
 - a. Disables the user’s access to the joint processing and sharing system concerned
 - b. Records the access as a data breach
 - c. Notifies the Regional ISA Administrator of the breach
 - d. Notifies the Data Protection Officer of the user’s employing or host organisation.

¹ Controllers must not disclose information:

- (a) “which was provided by the data subject in the expectation that it would not be disclosed to the person making the request,
- (b) “which was obtained as a result of any examination or investigation to which the data subject consented in the expectation that the information would not be so disclosed, or
- (c) “which the data subject has expressly indicated should not be so disclosed.”

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For the purposes of this policy and all agreements, procedures and technical solutions within the scope of the policy, examples of the shared care records that may fall within the scope of the above policy includes without limitation:

1. Connected Care;
2. My Care Record;
3. Surrey Care Record; and
4. Thames Valley and Surrey LHCR.

This policy takes effect from 8th November 2022 and expires on the 30th April 2028.

Version 2 (final).