

Data Sharing Protocol Annex to Sector Led Improvement in London Memorandum of Understanding 2018-20.

1. Introduction and scope

- 1.1. This Annex to the Sector Led Improvement in London Memorandum of Understanding 2018-20 covers all 32 London boroughs and the City of London. It sets out the limits of usage and publication of operational and unaudited performance data which is routinely collected and shared every quarter. It also sets out responsibilities under GDPR legislation.
- 1.2. The Data Sharing Protocol has been designed by the London Innovation and Improvement Alliance and is endorsed by the London data benchmarking group.
- 1.3. The Protocol (apart from being good practice) has become necessary because of the increased activity by the programme in peer review and data benchmarking activity, involving the sharing between authorities (and third-party partner agencies) of unaudited and unpublished data and information which is not in the public domain. It has also become necessary because of the Ofsted requirements to provide evidence of benchmarking and peer review activity.
- 1.4. The Protocol has also become necessary due to the implementation of a Website focused on the dissemination of information and data via public and password-protected webpages. This data includes personally identifiable company contact details such as email addresses.
- 1.5. The data sharing protocol will apply to all staff in the authority who are involved in producing, using and sharing data and unpublished information.
- 1.6. There is a provision for sharing anonymised benchmarking data with local service delivery partners and with Ofsted. In this case the local authority sharing the data identifies its own performance but conceals the identity of the authorities in the benchmarking group.
- 1.7. Subject to appropriate quality assurance checks, summary benchmarking reports (including the nationally agreed list of indicators) will be shared with the DfE and may be shared with others such as Ofsted.

2. Undertakings and responsibilities

In signing this memorandum, the ALDCS agree the following:

- 2.1 To designate the LIIA London benchmarking quarterly reports (as published and distributed by the SLI Data Analyst & London Councils for the LIIA programme), thematic data packs, briefings & other information produced to support the work on the LIIA priority themes and any peer group review reports as being for internal and limited use only. Such documents will only be shared in their published form with

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key staff within the authority, unless express permission has been received from the other authority(s) (or ALDCS on their behalf) before it is shared wider.

- 2.1. To ensure that the data/reports are not shared in their published form outside the authority, for use by partner agencies or as part of an inspection process or Freedom of Information request, unless express permission has been received from the other authority(s) (or ALDCS on their behalf).
- 2.2. To ensure that where it is necessary to show such reports to partners or as part of an inspection that all third-party data is suitably anonymised so that authorities cannot be recognised in the report, even by inference.
- 2.3. The exception to this is where benchmarking reports contain only data which is already verified and in the public domain (i.e. already published by the DfE), where there is no requirement to anonymise before circulation.
- 2.4. To ensure that all staff whose name and contact details appear on the online Directories do so in line with Council corporate policy.
- 2.5. To ensure that staff are aware of the existence of this protocol and adhere to it at all times.
- 2.6. GDPR Responsibilities
 - 2.6.1. In providing data processing services to facilitate benchmarking it is agreed that LBWF will be the data processor and that the relevant authority will be the data controller. In this regard, both LBWF and the relevant authority agree to observe all their obligations which arise under the data protection legislation, including (without limitation) acknowledging and complying with the wishes of individuals exercising rights under the GDPR to give consent to the use of their personal data or to withdraw or make such consent conditional and to have their personal data transferred or erased. LBWF and the relevant authority will put in place specific procedures for this purpose and will ensure that all personal data is processed lawfully, fairly and transparently and is kept secure at all times. LBWF and the relevant authority will perform their obligations in such a way as to ensure that it does not cause the other party to breach any of its applicable obligations under the data protection legislation.
3. The continued operation and effectiveness of this protocol will be monitored by the London Information Exchange Group and SLI Intelligence Analyst and any issues reported back to ALDCS via the LIIA Programme

We agree to abide by the above protocol



Martin Pratt
Chair of ALDCS, on behalf of the 32 London Boroughs and City of London

20th September 2019