ISLINGTON

Primary School to London Borough of Islington Information Sharing Agreement
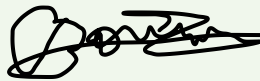
Name of School

Version 1.2

Document history

Version	Date	Author	Released to	Comments
1.1	June 2021	Head of School Improvement and People Directorate IGO	Head of School Improvement, Head of School Admissions, QPMU Service Manager, IG Review Panel	Initial draft
1.2	June 2021	Head of School Improvement and People Directorate IGO	Schools	Minor changes made following IG Review Panel approval

This document requires the following approvals

Agency/Organisation	Post Held	Name	Signature
			[signature]
Islington Council	Assistant Director, School Improvement and Pupil Progression	Sue Imbriano	*[signature]*

Copyright Notification

Contents

1. Specific purpose for sharing information

This Information Sharing Agreement (the "Agreement") is designed to cover the sharing of data in relation to all pupils on the roll of the school named on page 1. This Agreement is made under the Islington Information Sharing Protocol and is intended to cover specific information sharing.

The objective of the Agreement is to set out an agreed framework for the exchange of information and data between the school named on page 1 (the "School") and Islington Council (the "Council"). The Agreement sets out what data is being provided, why the provision of data is taking place and the rules under which such provision is allowed.

The purpose of this Agreement is to:

- enable data sharing between the School and the Council for the purposes of primary reception and secondary transfer and in-year admissions;

- enable the Council to fulfil its statutory duties for safeguarding children and tracking children missing education;

- to enable the Council to fulfil its duty and obligations to promote the education of children with a social worker;

- enable the delivery of the Council's statutory attendance functions and the monitoring of actions for all persistent absentees;

- assist the Council in meeting its statutory responsibilities in relation to children with SEND;

- monitor fixed period exclusions and meet statutory responsibilities for permanent exclusions;

- provide the Council with a copy of the School's termly DfE census return to support the local authority in meeting its statutory duties; produce the budget based on the Islington funding model in order for the Department for Education (DfE) to calculate the Islington Dedicated Schools Grant (DSG) accordingly;

- enable the calculation of borough level statistics of vulnerable groups so the Council can fulfil its statutory obligations to these groups;

- plan provision and enable funding for 2-10 year olds to be calculated and paid on a termly basis by the Council;

- to plan school place provision;

- to enable the Council to meet its obligations under the Supporting Families programme; and

- to match data against other datasets in order to produce a single 'golden record' to aid the Council in meeting its statutory responsibilities and to identify any errors so that these can be corrected.

2. Roles and responsibilities

The agencies signing this agreement accept that the procedures laid down in this document provide a secure framework for the sharing of information between their agencies in a manner compliant with their statutory and professional responsibilities. The Council and School are identified as independent Controllers for the purposes of this Information Sharing Agreement.

As such they undertake to:

- implement and adhere to the procedures and structures set out in this agreement;

- ensure that where these procedures are complied with, then no restriction will be placed on the sharing of information other than those specified within this agreement;

- engage in a review of this agreement annually, or as agreed.

3. What information will be shared?

Data type	Will this be shared? (Yes/No)
Full name	**Yes**
Address	**Yes**
Date of Birth	**Yes**
Children's data	**Yes**
Financial data	**Yes**
Data about: • Ethnicity • Religion • Health • Sexuality • Commission or alleged commission of a crime • Political opinions • Trade union membership	**Ethnicity - Yes** **Religion - Yes** **Health (SEND) – Yes** **Sexuality – No** **Commission or alleged commission of a crime – No** **Political opinions – No** **Trade union membership - No**
Other - specify	**See Appendix A for full details**

4. Legal basis for sharing

4.1 Data must be processed lawfully and fairly.

This Agreement is conducted under the legal framework contained in the:

- Children Acts 1989 and 2004;
- Children and Families Act 2014;
- Children, Schools and Families Act 2010;
- Education Acts 1996, 2002 and 2011;
- School Standards and Framework Act 1998;
- Data Protection Act 2018;
- UK General Data Protection Regulation 2018;
- Freedom of Information Act 2000;
- Human Rights Act 1998 (Article 8);
- Localism Act 2011;
- Common law duty of confidence;
- the Protocol on Data Sharing and Rationalisation in the Schools Sector (DfES, rev. 2005);
- School Admissions Code 202;
- Statutory Guidance on Exclusion from maintained schools, academies and pupil referral units in England; and
- SEND code of practice: 0 to 25 years.

The School will rely on Article 6(1)(e) of the UK GDPR as a lawful basis to process and share Personal Data and in addition will also rely on the condition under Article 9(2)(g) of the UK GDPR to process and share Special Category Data of individuals and families with the Council. Condition 6 (statutory etc and government purposes) of Part 2, Schedule 1 of the Data Protection Act 2018 also applies.

4.2   Duty of Confidence

Information received in confidence will be held in accordance to the Data Protection Act, the General Data Protection Regulation and any other associated legislation. Information will only be disclosed if the public interest for disclosure outweighs that of non-disclosure, and where there is a legal basis for doing so. This can be in situations where, for example, a child is at risk of significant harm.

4.3   Fair Processing

The School has a privacy notice published on its website which makes clear to pupils and parents how it will use their data and whom it will share data with. The privacy notice can be found in the following link (school to insert link to document on school website in box below):

The council's privacy notice makes it clear as to what will happen with data that is collected and processed for the function of council services. This can be found in the following link:

https://www.islington.gov.uk/about-the-council/information-governance/data-protection/privacy-notice/children-employment-and-skills-privacy-notice/school-improvement-and-pupil-services-privacy-notice

4.4 Legitimate Expectation

This Agreement is for the sharing of information that is governed by legislation specified under section 4a. Data will be collected and processed solely for the purposes identified in section 1 of this Agreement. The only exception to this would be where there is an express legal gateway that requires data to be processed for a purpose different to those identified in this Agreement.

The School should communicate privacy notices to pupils and parents and include the data sharing arrangement between the School and the Local Authority, so as to keep them fully informed as to what will happen with their data.

4.5 Human Rights - Article 8: The Right To Respect For Private And Family Life, Home And Correspondence

- **In pursuit of a legitimate aim**

  The aim of this information sharing is to ensure that the Council is meeting its statutory obligations for children in its area.

- **Proportionate**
  It is proportionate to share only the necessary information with the Council as governed by various legislation cited in section 4a and other government guidance.

- **Appropriate and necessary to a democratic society**
  Sharing information relating to pupils that are within the Council's area is both appropriate and necessary in a democratic society.

4.6 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Data will be collected and processed solely for the purposes identified in section 1 of this Agreement. The only exception to this would be where there is an express legal gateway that requires data to be processed for a purpose different to those identified in this Agreement.

4.7 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Only relevant and not excessive data is to be shared between the School and the Council. A list of the types of data that will be shared is included in Appendix A of this Agreement.

4.8 Personal data shall be accurate and, where necessary, kept up to date.

The School will have responsibility for ensuring accurate and up to date data is held. Where the Council becomes aware of any errors, it will take reasonable steps to notify the School so that data can be corrected.

4.9 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

Data held by the School will be in in accordance with the School's records retention policy. Data held by the council will be subject to the Islington Council's Records Retention Schedule, and will vary depending on the type of data and the reasons for processing.

4.10 Personal data shall be processed in accordance with the rights of data subjects under this Act.

Parties to this arrangement will respond to any notices from the Information Commissioner that impose requirements to cease or change the way in which data is processed.

Both organisations will handle their own Subject Access Requests (SARs) in line with relevant legislations, and will only transfer requests with prior written consent from the data subject. Both organisations will also fully comply with data subject rights as required by the General Data Protection Regulation.

4.11 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

The School will need to notify data subjects (pupils and adults) of which organisations their personal data and sensitive personal data may be shared with using the privacy notices recommended by the DfE. The School shall ensure that the privacy notice cites the Council as a data recipient.

To enable the sharing of Fischer Family Trust ("FFT") data between the Council and the School, the School shall sign the FFT Academy LA Permission form giving permission for its data to be included in the Local Authority database and used only for the purpose of creating FFT analyses.

The Council and the School agree to comply with the sixth principle of the General Data Protection Regulation regarding security and to ensure that adequate security arrangements are in place, in order to protect the integrity and confidentiality of the information held. All personal data and sensitive personal data will be held electronically in a secured area on the council's network Confidential paper copies will be stored in secure storage facilities.

Both parties agree not to transfer personal information and sensitive personal information by unsecure email and only to use secure electronic mechanisms.

When processing shared data, the Council and the School shall take appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Organisational security

Security measure	Description of measures planned/in place	Owner
Data owners identified and understand their responsibilities	Information is held by the School and the Council, which are both Controllers.	The School and the Council
Appropriate written guidance is in place	Appropriate written guidance around data protection is in place.	The School and the Council
Relevant staff have been trained and are familiar with the written guidance	Staff have received adequate data protection training	The School and the Council
Physical security measures have been identified (e.g. building access, locked down areas controlled by ID card, lockable cupboards for sensitive data, secure printing, secure shredding)	Secure building access, locked down areas controlled by ID cards, lockable cupboards for personal sensitive, secure printing and disposal exists within premises.	The School and the Council
Where a third party is engaged, a written, signed contract is in place	Written contracts are in place for any third parties that are engaged and the Council's third party network access processes are followed.	The School and the Council

Security measure	Description of measures planned/in place	Owner
Auditing of organisational measures is planned, to ensure compliance and efficacy	Audits of organisational measures are conducted by Islington Council's Internal Audit team for ensuring compliance and efficacy. The School will have responsibility for auditing its functions to ensure compliance and efficacy.	The School and the Council

Technical security

Technical security measures 'must have regard to the state of technical development and the cost of implementing any measures'

Security measure	Description of measures planned/in place	Owner
Access control – only appropriate individuals may access the data. Access to the data is controlled, written procedures are in place	Access to the data is controlled, with written procedures in place	The School and the Council
Password control – complex passwords used, changed every 90 days	Access to the council's network is secure and relevant systems require complex passwords to be used where available. The School also uses secure systems that use complex passwords.	The School and the Council
Data encrypted in transit – whether this is by email, or on removable media	Provision of secure email is used between the School and Islington Council.	The School and the Council
Data encrypted at rest – where data is stored on laptops, these are encrypted	Data is held on systems and also on secure drives on the council network. The School also has secure systems that encrypt data at rest.	The School and the Council
Where data can be accessed from outside a secure network, appropriate controls (e.g. two-factor authentication) have been considered	The council's third party network process is engaged when any access is granted outside of its network.	Islington Council

Security measure	Description of measures planned/in place	Owner
Where Benefits (or 'DWP') data has been identified, compliance with Cabinet Office requirements has been reviewed.	N/A	Not applicable
Auditing of technical measures is planned, to ensure compliance and efficacy	Audits of technical measures are conducted by Islington Council's Internal Audit team for ensuring compliance and efficacy.	Islington Council

4.12 Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection of the rights and freedoms of data subjects in relation to the processing of personal data

Data will not be transferred outside the U.K. or the European Economic Area.

5. Description of arrangements for sharing

Process for sharing information

Data is to be shared using secure encrypted email such as Egress or through relevant systems.

Source of information

The information is held by (enter name of school below):

Intended recipients of the data

The recipients of the data will be services in the council's People Directorate.

Security incidents

Security incidents will be managed in-line with the council's data security arrangements and processes. The School will need to notify the council as soon as it is aware of a data security incident relating to a pupil.

Indemnity

Disclosure of personal information without consent must be justifiable on statutory grounds, or meet one or more of the criteria for claiming an exemption under the Data Protection Act. Without such justification, both the agency and the member of staff expose themselves to the risk of prosecution and liability to a compensation

order under the Data Protection Act or damages for a breach of the Human Rights Act.

Where a disclosing agency provides information to a requesting agency both parties shall assume that both the request and the disclosure are compliant with the requirements of the Data Protection Act 2018.

If subsequently it is found that the disclosure of information is in contravention of the requirements of the Data Protection Act 2018, the agency that originally breached the requirements of the Data Protection Act 2018, by disclosing information, shall indemnify the other agency against any liability, cost or expense arising directly therefrom, provided that this indemnity shall not apply unless the agency intending to rely on this indemnity notifies the other agency as soon as reasonably practical of any action, claim or demand against itself to which it considers this indemnity may apply, permits that other agency to deal with the action, claim or demand by settlement or otherwise, and renders it all reasonable assistance in doing so.

Training and Awareness

Staff processing data are adequately trained in the use of systems and data protection.

Confidentiality and Vetting Arrangement

Council staff with access to this data will be enhanced DBS checked. The data will be treated with the strictest of confidence.

System security arrangement

The data will be securely held on the council's network and systems. User security roles will be clearly defined and access limited.

Data Transit and Retention

All data will be shared using secure encrypted email (Egress) or relevant systems and retained in-line with the council's Retention Schedule.

Review Arrangements

This Information Sharing Agreement will be reviewed annually.

6. Appendix A

Description	How	Data Fields	Cycle	Purpose	Safeguards
To set up the secure connection between the School's management information system (SIMS) and the Local Authority central pupil database (Capita ONE) to provide a daily update on any pupil data changes.	Automated daily updates of changes on SIMS transferred to one using B2B module from Capita.	Demographics including pupil characteristics, exclusions and attendance	Daily (changes only)	• To enable the Council to fulfil its statutory duties in relation to safeguarding and tracking new starters/leavers children missing education • To enable the delivery of local authority statutory attendance functions and the monitoring of actions for all persistent absentees. • To monitor fixed period and permanent exclusions and related statutory duties • To ensure consistency of records held for all pupils • To support the safeguarding of children	Only Enhanced DBS checked staff trained in the management and handling of pupil data will have access. Use of Capita secure system that meets encryption standards for transfer of records.
Termly pupil level School Census return as submitted to DfE	Secure submission of file using Egress.	All Census items as set out in DfE specification	One week after School submission to DfE: • January • May • October	• Aggregation of the pupil data will be used to produce the budget based on the Islington funding model and for DfE to calculate the Islington DSG accordingly. The data will be aggregated	As above with the exception of Egress; a secure email solution.

Description	How	Data Fields	Cycle	Purpose	Safeguards
				to calculate pupil numbers by age, EAL, prior attainment, IDACI, FSM eligibility and pupil mobility. The October Census will be used for actuals. The January census will be used to derive Early Years budget funding and each census thereafter to determine termly adjustments • Data aggregated for the purpose of planning school places across the area • Key fields of the pupil data from this file will then be used to verify the records held in the central LA pupil database • Contextual pupil level data from the Census would be used to produce the School Management Information File if requested (see below).	
Child level data for 0-4 year olds	The LA uses the ONE Portal which allows	Demographic data for each	Termly headcount	• To enable funding for all early years and childcare places to be calculated	As above with the exception of

Description	How	Data Fields	Cycle	Purpose	Safeguards
and for priority place children – individual parents' data, including services provided.	settings to provide data on 0-4 year olds. Other secure methods as above.	child as specified by DfE guidance.		• To plan provision for 0-4 year olds and support school place planning • To enable monitoring of children's progress where in priority referral (this could be for a range of reasons – child in need; disability or disadvantage) • To enable monitoring of outcomes for parents of priority place children • To enable DfE to calculate Early Years Place Planning/Eligibility/Sufficiency	Egress; a secure email solution.
Admissions of pupils with SEND via SEN statutory consultation and naming process	Data exchange via secure email using Egress	• Name • Address • Sex • DoB • Parent/Carer details • Telephone number • Email address • UPN • Current school • SEN needs	On an individual case basis	• To enable the Local Authority to carry out its statutory duties in relation to the allocation of school places for children with SEND	As above with the exception of Egress; a secure email solution.

Description	How	Data Fields	Cycle	Purpose	Safeguards
There is a statutory requirement for schools to inform the LA of any joiners /leavers in all year groups. This includes pupils being educated off-site e.g. Alternative Provision or those excluded for a fixed period of six days or more.	Automated daily updates of joiners and leavers on SIMS transferred to ONE using B2B module from Capita. Schools to provide Admissions with the appropriate LA Pupil Deletion Notification. Secure submission of file using Egress	• Name • Address (if changed) • DoB • Named destination school • Start date at new school	On an individual case basis	• To enable the Local Authority to carry out its statutory duties in relation to Keeping Children Safe in Education and Children Missing Education	As above with the exception of Egress; a secure email solution.
Pupil level Early Years Foundation Stage profile results (plus contextual data as not provided through Census for early years pupils)	Secure submission of file using Egress.	• Surname • Forename • Date of Birth • UPN • EYFS assessment results	1st week in July	• To calculate the aggregate performance of Islington pupils overall in the Foundation Stage as School results are included in borough level performance	Pupil level Early Years Foundation Stage profile results (plus contextual data as not provided through Census

Description	How	Data Fields	Cycle	Purpose	Safeguards
					for early years pupils) As above with the exception of Egress; a secure email solution.
Pupil level Key Stage 1 results	Secure submission of file using Egress.	• Surname • Forename • UPN • Date of Birth • KS1 assessment results	1st week of July	• To calculate the aggregate performance of Islington pupils overall at Key Stage 1 as School results are included in borough level performance	As above with the exception of Egress; a secure email solution.
Pupil level Key Stage 2 results in the event they are not supplied to LA through the Department of Education's "Key to Success" system.	Secure submission of file using Egress.	• Surname • Forename • UPN • Date of Birth • KS2 Assessment results	1st week in July	• To calculate the aggregate performance of Islington pupils overall at Key Stage 2 as School results are included in borough level performance *(please note at time of writing Key Stage 2 results for schools are supplied to LAs together with those for community schools but this may change)*	Pupil level Key Stage 2 results in the event they are no longer supplied to LA through National "Keys to Success" system

Description	How	Data Fields	Cycle	Purpose	Safeguards
					As above with the exception of Egress; a secure email solution.
Pupil level Year 4 Multiplication Tables Check in the event they are not supplied to LA through the Department of Education's "Key to Success" system.	Secure submission of file using Egress.	• Surname • Forename • UPN • Date of Birth • Test results	1st week in July	• To calculate the aggregate performance of Islington pupils overall at Year 4 as School results are included in borough level performance (Please note at time of writing Key Stage 2 results for Schools are supplied to LAs together with those for community schools but this may change)	Pupil level Year 4 Multiplication Tables Check in the event they are no longer supplied to LA through national "Keys to Success" system. As above with the exception of Egress; a secure email solution.
Other performance data that may be required in future to reflect national changes		To be defined and agreed as and when need arises			As above with the exception of Egress; a secure email solution.
Information on pupils being removed from the performance table dataset	Secure submission via Egress.	• Name • UPN • Date of Birth • Reason	Annually	• To enable the local authority to maintain accurate records of eligible pupils entered for statutory assessments, in	As above with the exception of Egress; a secure email solution.

Description	How	Data Fields	Cycle	Purpose	Safeguards
				order to monitor borough-wide performance.	
Pupil level data for permanently excluded pupils as set out in statutory guidance and Islington's Exclusion Notification Procedures and Guidance. Permanent exclusion letter to be sent to Exclusions Officer on Day 1 of exclusion	Information transferred via SIMS through the B2B module on Capita ONE Secure submission of file using Egress. Permanent exclusion letter to be sent to Exclusions Officer on Day 1 of exclusion Completion of Pupil Summary and Risk Assessment with copy of	• Surname • Forename • UPN • Name of parent/carer • Contact numbers • Home language • Medical needs • Key school contact • Translator required yes/no • Agency involvement • Last Key Stage results • Attendance History • Date of exclusion • Reason for exclusion	On an individual case basis	• To enable the Local Authority to carry out its statutory duties in relation to permanent exclusions, including Day 6 provision arrangements.	As above with the exception of Egress; a secure email solution.

Description	How	Data Fields	Cycle	Purpose	Safeguards
	last school report and attendance certificate to support Day 6 provision planning.	• Length of exclusion • Identification of risk factors • Attainment and progress • Behaviour management strategies			
Fixed period exclusions: Schools have a duty to put in place full-time, supervised provision from Day 6 of any fixed period exclusion.	Information transferred via SIMS through the B2B module on Capita ONE Notification of Day 6 provision via secure submission of file using Egress.	• Surname • Forename • UPN • Date of Birth • Date of exclusion • Length of exclusion • Reason • Named provision (for exclusions of 6 Days or more)	On an individual case basis	• To enable the Local Authority to carry out its statutory duties in relation to children missing education.	As above with the exception of Egress; a secure email solution.
Missing Pupils – statutory duty for schools to notify the LA of any pupil absent without	Secure submission of	All data fields on Missing Pupil Alert including date of last	On an individual case basis	• To enable the Local Authority to carry out its statutory duties in relation to children	As above with the exception of

Description	How	Data Fields	Cycle	Purpose	Safeguards
permission for 10 consecutive days. To be notified using the LA notification - Missing Pupil Alert.	file using Egress.	attendance, risk assessment and photograph of pupil.		missing from education and for safeguarding purposes.	Egress; a secure email solution.
Collection of key contact details of relevant leads at the school	Annual submission via MS Forms and/or Egress	• Name • Email Address • Subject	Annual - beginning of academic year	• Important communication with subject leads and those with responsibility for pastoral matters (e.g. behaviour, transition)	Secure submission via MS Forms and/or Egress