

Croydon Council

Information Sharing Agreement: Insourcing of Octavo Services

Between

London Borough of Croydon

And

Octavo Partnership Limited

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1. Introduction

Parties to this Information Sharing Agreement

THIS INFORMATION SHARING AGREEMENT is made between:

London Borough of Croydon, Bernard Weatherill House, Croydon CRO 1EA.

And

Octavo Partnership Limited, 4th Floor, Croydon Clocktower Katharine Street Croydon CR9 1ET

Company Registered in England and Wales: 09140379

General

In order to share appropriate information between partners there must be lawful, defined and justifiable purpose(s) which not only supports the effective delivery of a policy or service that respects people's expectations about the privacy and confidentiality of their personal information but also considers the consequences of a failure to act. This in turn must be supported by robust business processes which includes an Information Sharing Protocol (ISP).

Parties may use the information disclosed to them under an Information Sharing Agreement only for the specified purpose(s) set out in the Agreement. They may not regard shared information as intelligence for the general use of their organisation unless they have defined and agreed this purpose within the Information Sharing Agreement and have informed their respective service users of this use.

This Agreement is a free-standing document that does not incorporate commercial business terms (such as charges, database rights).

Any purported breaches of, or other complaints about, this Agreement will be dealt with in accordance with Croydon Council's Policies and Protocols.

Definitions

Data Controller: The controller determines the purposes and means of processing Personal Data.

Data Protection Legislation includes Data Protection Act 2018, General Data Protection Regulation and Law Enforcement Directive.

Council: London Borough of Croydon

Shared Personal Information: The personal data and special category personal data shared between the parties for the purpose agreed in clause 4.

2. Privacy Impact Assessment for this activity

See Annex 1.

3. The information to be shared is “Personal Data” under the General Data Protection Regulation.

Yes

4. Nature and purpose of the information sharing

4.1 The Parties consider that it is necessary for Octavo to provide the Council with information in order for the Council to in-source all Octavo delivered services, this includes both commissioned and commercial services and related staff. The aim of the information sharing initiative is to implement a smooth transfer of service delivery and effect the dissolving of the Octavo Partnership which is due on 1 April 2020. It will serve to benefit individuals and society by ensuring that the services which Octavo provided and the Council are bringing in house continue.

The services are:

- Educational psychology (commissioned and commercial)
- School improvement (commissioned and commercial)
- HR for schools (commercial)
- IT for schools (commercial)
- Finance for schools (commercial)
- School Governance services (commissioned and commercial)
- NQT services to schools (commissioned and commercial)
- Professional Development
- Erasmus Programme

4.2 The Parties agree to only process shared personal information for the following purposes:

- (a) To deliver the services which are being brought in-house.
- (b) To fulfil Octavo’s retention of information obligations given that it is dissolving.
- (c) To fulfil employer responsibilities for those staff transferring from Octavo Partnership Ltd to Croydon Council

4.3 The Parties shall not process shared personal information in a way that is incompatible with the purposes described in this clause.

5. Who will the information sharing be about (i.e. type of service users)

- Service users (past and current)
- Family members / parents / carers of service users
- Emergency contact details of service users.
- Octavo staff, including HR records
- Pupils (educational psychology services for children with Special Educational Needs (SEN))
- School staff, including governors and prospective governors

6. Personal Information to be shared.

See Annex 2

The processing is carried out to comply with a legal obligation (GDPR Article 6(1)(c)) or (GDPR Article 6(b) the processing is necessary for the performance of a contract to which the data subject is party or it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (GDPR Article 6(1)(e)).

7. Special Category Personal Data or Criminal Offence Data to be shared.

Category of Special Category Personal Data or Criminal Offence Data to be shared	Reason why it is necessary to share this information
Information about marital status, next of kin, dependants	HR records
Information about nationality and entitlement to work in the UK and information from related documents such as passport or other identification information	HR records
Information about criminal records	<ul style="list-style-type: none"> - As part of DBS checking for staff for whom it is appropriate - Within HR advice to customers about issues related to safeguarding/child protection - Other situations where Octavo was asked for guidance about a particular situation
Details of periods of leave taken, including holiday, sickness absence, family and maternity leave and unpaid leave, and the reasons for the leave	HR records Provision of advice to customers
Details of any allegations regarding children and vulnerable adults	HR Records or records where staff are asked to provide guidance about a particular situation.
Information about medical or health conditions, including disability Details of fit notes, return to work meetings and OH reports	HR records Provision of advice to customers
Details of trade union membership where subscriptions are deducted from salary	HR records

Equal opportunities monitoring information, including information about ethnic origin, sexual orientation, health and religion or belief; gender re-assignment, marital status, caring commitments status	All services
Health and Safety Records	Health and Safety at work legislation
Children, young people and their families EPS referral details, including names, DOB, addresses, parental contacts, attainment and SEN information. Assessment data, EP reports, referrals to other agencies, medical reports, EHCP details including annual reviews	Delivery of the Education Psychology Service
Safeguarding concerns	HR Records or records where staff are asked to provide guidance about a particular situation.
Passport details	HR records Delivery of the Erasmus programme
DBS certificate details	Employer duties Provided to company by customers seeking advice

Ethnicity information is collected and shared appropriately in order to enable the identification of, or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with a view to enabling equality to be promoted or maintained. This is in accordance with Data Protection Act 2018 Schedule 1 Part 2 paragraph 8(1).

The lawful basis of processing is GDPR Article 9(2)(a), (g) or (h) and Data Protection Act 2018 Schedule 1 paragraphs:

1 – Employment, social security and social protection

2(2) – Health or social care purposes

6(2)(a).- statutory ect and government purposes

17 – Counselling ect

18(1) Safeguarding of children and individuals at risk

17 – Counselling ect

8. The relevant Statutory Service being provided

All services which enable us to carry out statutory educational duties under relevant legislation and associated statutory functions for which we are responsible, including:

- promoting the education or wellbeing of Croydon’s children/young people

- safeguarding and promoting the welfare of Croydon’s children including those children placed out of authority
- assessment of any Special Educational Needs
- ensuring fair access to educational opportunity, including school admissions, attendance and exclusions matters
- promoting the educational achievement of Croydon’s Looked After Children including those children/young people placed out of authority
- encouraging post-16 education/training participation.

All services which enable us to carry out our statutory employer duties under relevant legislation and associated statutory functions for which we are responsible.

9. Consent

The legal basis for processing is not consent.

10. What we are telling Service Users about this information sharing.

Once data has been transferred from Octavo Partnership and received by the Council the Council will contact individuals in accordance with Article 14 to provide them with the information to be provided when personal data has not been obtained from the data subject.

11. How and when information will be shared

- 11.1 Information will be provided by Octavo Partnership and received by the Council. The information will be shared by giving the Council’s SharePoint Team admin rights to the Octavo OFFICE365 environment. Shared Personal Information will be stored within the EU Economic Region; specifically in the Microsoft’s Netherlands data centre. Over the next 2 years MS will be transitioning our entire Office365 to the UK. The data will only be shared between Octavo and the Council, and only during the interim period of in-sourcing Octavo back into the Council.
- 11.2 Personal data shall only be shared between the parties using secure methods.
- 11.2 The Parties undertake to have in place appropriate technical and organisational security measures to (a) prevent unauthorised or unlawful processing, or accidental loss or destruction of the shared personal information and (b) ensure a level of security appropriate to the harm that might result and the nature of the information to be protected.

12. How the Shared Personal Information will be recorded and held after transfer

Migration of the Shared Personal Information will take 2 weeks to complete. The data stored on the Octavo SharePoint will be transferred using the ShareGate migration tool to The LBC Office365 environment.

Once received by the Council Shared Personal Information will be stored in SharePoint and will be indexed. There will be recorded log file using the Migration tool ShareGate. The information will be held on the LBC office365 SharePoint environment.

13. Who can access the Shared Personal Information

- 13.1 The Shared Personal Information will be accessible when needed, by only approved staff in the Education, Children's Social Care and HR Services at the Council, unless we have a statutory duty to permit access (for example for health, safeguarding reasons or legal/court procedures). It will be held securely on Capita One, Servelec, CRS, Sharepoint or My Resources (Oracle Cloud).
- 13.2 The officers who have access to Shared Personal Information will be adequately training and made aware of this Agreement.
- 13.3 No other officers will access the Shared Personal Information unless required under the law.
- 13.4 There will be no further disclosures of the Shared Personal Information.

14. Retention and deletion

- 14.1 Octavo's Retention Schedule is at Annex 3.
- 14.2 The Council's will not retain shared personal information for longer than is necessary to carry out the agreed purpose, clause 4.2. This will be identified in the Council's Retention Schedule.
- 14.2 After Octavo has received confirmation that Shared Personal Information has been successfully transferred it will ensure and provide written confirmation that all copies of Shared Personal Information has been destroyed.
- 14.3 In relation to payslips and pay information this will be available to individuals via the Edupay portal.

15. Handling formal information requests from third parties

- 15.1 The Parties agree to provide such assistance as is reasonably required to enable the each other to comply with (a) requests from Data Subjects to exercise their legal rights and (b) Freedom of Information Act requests.
- 15.2 Requests involving Shared Personal Information will be coordinated by the Council contact details if the Council SAR@croydon.gov.uk
- 15.3 Freedom of Information request responses will be coordinated by the Council contact details, if the Council FOI@croydon.gov.uk

16. Information breach

- 16.1 The Parties undertake to have in place the appropriate technical and organisational security measures to:

A) prevent the unauthorised or unlawful processing of the Shared Personal Information and the accidental loss or destruction of, or damage to the Shared Personal Information.

B) ensure a level of security appropriate to the nature of the Shared Personal Information and the harm that may result from unauthorised or unlawful processing, accidental loss, destruction or damage.

- 16.2 The Parties shall each comply with its obligations to report a personal data breach to the Information Commissioner when appropriate and shall inform the other party of any personal data breach involving shared information irrespective of whether there is a requirement to notify the Information Commissioner.

The Council should be contacted at data.breach@croydon.gov.uk.

Octavo Partnership should be contacted at enquiries@octavopartnership.org and state 'FAO Data Protection Officer'

- 16.3 The Parties agree to provide reasonable assistance as is necessary to each other to facilitate the handling of any personal data breach in an expeditious and compliant manner.

17. Review and performance monitoring of this agreement

- 17.1 This Agreement is focused on the data transfer necessary in order for the Council to in-source Octavo services. It is not anticipated that this Agreement will need reviewing as Octavo will be dissolving.
- 17.2 The Council reserves the right, upon reasonable notice, to check the other Parties compliance with this Agreement.

Croydon Council Information Sharing Agreement

With regards to:
Insourcing of Octavo Services

Declaration of Acceptance and Participation

By signing this document the parties agree to accept and implement this Information Sharing Agreement and to adopt the statements and procedures contained within it. Any communication in connection with this Agreement shall use these contact details.

Organisation	Octavo Partnership Limited
Name	Claire Potter
Job Title	Interim Chief Executive Officer
Contact Details	
Address	4 th floor, Croydon Clocktower, Katharine Street, Croydon, CR9 1ET
Telephone Number	020 8241 5462
Email Address	Claire.potter@octavopartnership.org
Signature	
Date	30 March 2020
Confirmation of registration with the ICO	ICO Registration number: ZA110259

Name	Robert Henderson
Job Title	Executive Director Children, Families and Education
Contact Details	
Address	4 th Floor, Zone C, Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
Telephone Number	020 8760 5787
Email Address	Robert.henderson@croydon.gov.uk
Signature	
Date	30 March 2020
Authorised by Data Protection Officer	Nicola Thoday, Senior Corporate Lawyer on behalf of Sandra Herbert, DPO and Head of Corporate Law and Litigation
Date and Signature	28 March 2020

Once complete a scanned copy should be emailed to dpo@croydon.gov.uk and information.management@croydon.gov.uk