

A4, Appendix 4

RBKC Dedicated Service: Data Sharing protocol with the rest of RBKC and other third-party organisations

Background, rationale and principles of the protocol

1. The Dedicated Service provides advice, support, and informal advocacy to the bereaved and survivors to support their individual journeys towards recovery. This includes emotional support, direct and specific service provision, the provision of personal budgets through Individual Services, signposting and support planning.
2. The support provided is personalised to the individual's needs and wishes and can cover anything from health and well-being to support with education, employment and housing.
3. The Council made a commitment to provide this support to the bereaved and survivors back in 2018 because of its special and unique obligations to this cohort. Specifically, it was provided because the Council wanted to do whatever it could to ensure the bereaved and survivors were supported and had access to the help they need, irrespective of any questions of blame or responsibility.
4. In this way, the support provided by the Dedicated Service has no bearing on the legal process. It is a service provided voluntarily, from an ethical and moral perspective, rather than because of a statutory duty or legal process. It is, in this way, separate from the legal and insurance processes and provision in the aftermath of the tragedy and it is vital it is considered as such.
5. Bereaved and survivors must be able to access the support without fear or concern that the information they share with the service will be shared with other parts of RBKC or other external organisations and subsequently be used against them in the legal and/ or insurance processes that follow. It is strange enough for bereaved and survivors that an organisation who is implicated in the cause of the tragedy is involved in facilitating their recovery; it is therefore a prerequisite that concerns around data sharing of this form must be allayed for people to feel comfortable accessing the service.
6. Since the launch of the Dedicated Service back in 2019, the Dedicated Service has adopted a clear position that it would not share any information about bereaved and survivors with the RBKC Insurance and Legal teams. As the wider insurance and legal cases progress, it is important to clarify this position accordingly.
7. The Dedicated Service does not and will not share any information with other parts of the Council or other organisations involved in the insurance and legal proceedings without the expressed written consent of the relevant individual bereaved and survivor or their legal teams.

Operational implications

8. The Dedicated Service is not a separate legal organisation; it is part of RBKC (the Council). From a legal perspective therefore, the Council would in certain cases be considered the information "owner". In these cases, for example under Freedom of Information legislation, should a third-party organisation request personal information about a bereaved or survivor, the Council would refuse relying on the exemption for personal data.
9. Should the Council receive requests for information - that is held by the Dedicated Service and about a specific bereaved or survivor - from a third party involved in the insurance or legal proceedings, wider Council departments outside of the Dedicated Service would respect the principles of this protocol. In effect this would mean that the Council would

advise the third party about this protocol and refer them to the relevant bereaved or survivor's solicitor and advise them to request the information from this source instead.

10. To ensure data is not shared accidentally, the Dedicated Service has put in place its own separate IT infrastructure where information about the care and support provided to bereaved and survivors is stored. This specific case management system is hosted outside of the normal Council systems and requires unique log-in details to gain access. Log-ins are managed directly by the Dedicated Service management and only provided to Dedicated Service staff.
11. The only exceptions where the Dedicated Service might need to share information with other parts of the Council or third parties are as follows:
 - i. In some circumstances to deliver care and support for a bereaved and survivor the Dedicated Service team may need to discuss case details with other parts of the Council who are involved in providing the care. For example, this could include statutory adults or children services, education or housing. Information would only be shared in these cases following conversations with the relevant bereaved and survivor during the support planning process. As set out in the service's broader consent forms, only relevant information would be shared in these instances and this would never include mental or physical health records unless this was specifically requested by the bereaved or survivor.
 - ii. Should there be a safeguarding concern or a need for some form of investigation to ensure the Dedicated Service's practice is safe.
 - iii. It is possible that as part of legal proceedings a third party could make an application to the court to require the Council to share data. Should this occur, the Council would endeavour to resist such an application and deliver on this protocol. It is recognised however that the Council could lose such an application and be directed to share by a Court Order. Should any third party submit an application to the court along these lines, the Council commits to alerting bereaved and survivor legal representatives immediately in order to provide everyone with as much notice as possible so they can plan how to mitigate this potential risk.

Mitigations should the protocol not be followed

12. If the Dedicated Service becomes aware that information it holds about a bereaved or survivor has been shared by a member of the team with another relevant party in a way that contravenes this protocol, the Dedicated Service will alert the relevant bereaved or survivor and their legal representative immediately, providing details of the information that has been shared. The Dedicated Service would also follow the Council's processes for reporting a data breach. ([Responding to Data Breaches \(sharepoint.com\)](https://sharepoint.com))
13. The Dedicated Service will also let the recipient of the information know that the information was shared inappropriately, alerting them to this protocol, and requesting that they do not make use of the information but rather destroy it.
14. If there is a breach of this kind, an urgent review will be undertaken to identify any lessons that can be learnt and what steps can be taken to prevent further breaches. Any amendments to ways of working will be set out in an updated version of this protocol.

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