



EMMAUS

CATHOLIC MAC

Data Sharing Code of Practice

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Post holder responsible	Chief Finance and Operations Officer



Commitment to Equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Data Sharing Code of Practice has been approved and adopted by Emmaus Catholic Multi Academy Company on 14th August 2025 and will be reviewed in September 2026.

Signed by Director of Emmaus Catholic MAC: *J Griffin*

Signed by CSEL for Central Team: *S Horan*

This Policy relates to all Emmaus Schools.

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DEFINITIONS

The Company's standard set of definitions is contained at [Definition of Terms](#) – please refer to this for the latest definitions.

1. Aims

- 1.1 Emmaus Catholic Multi Academy Company (“the MAC”) aims to ensure that all personal data collected about staff, pupils, parents, directors, governors, visitors and other individuals is collected, stored and processed in accordance with UK data protection law.
- 1.2 The Data Sharing Code of Practice is a statutory code of practice made under section 121 of the Data Protection Act 2018.
- 1.3 It is a practical guide explaining how to share personal data in compliance with data protection law. It aims to give the MAC confidence to share data fairly and proportionately.

2. Rationale

- 2.1 Data protection law facilitates data sharing when schools approach it in a fair and proportionate way. It provides a framework to help schools make decisions about sharing data. The code helps schools to balance the benefits and risks and implement data sharing.
- 2.2 When considering sharing data, schools must follow the key principles in data protection legislation. These are as follows:
 - The accountability principle means that schools have a responsibility for compliance, and it must be able to demonstrate that compliance.
 - Schools must share personal data fairly and transparently.
 - Schools must identify at least one lawful basis for sharing data before they start any sharing.
 - Schools must process personal data securely, with appropriate organisational and technical measures in place.

3. Data Sharing Agreement

- 3.1 Data sharing agreements set out the purpose of the data sharing, cover what happens to the data at each stage, set standards and help all the parties involved in sharing to be clear about their roles and responsibilities.
- 3.2 Having a data sharing agreement in place helps the MAC to demonstrate it is meeting the accountability principle under the UK GDPR.
- 3.3 Schools and Local Authorities may use a different title for a data sharing agreement, for example:

- an information sharing agreement;
- a data or information sharing protocol or contract; or
- a personal information sharing agreement.

3.4 It is good practice to have a data sharing agreement in place for all schools within the MAC.

4. What is the purpose of the Data Sharing Code of Practice

- 4.1 The code is mainly aimed at data controllers sharing personal data. Under Article 4 of the UK GDPR and section 32 of the Data Protection Act 2018 schools are defined as data controllers since they have responsibility for deciding the “purposes and means of the processing of personal data.”
- 4.2 Reading and understanding the Data Sharing Code of Practice and adopting its practical recommendations will give the school confidence to collect and share personal data in a way that is fair, transparent and in line with the rights and expectations of the people whose information it is sharing.
- 4.3 The code will help schools identify what it needs to consider before it shares personal data and clarify when it is appropriate for it to do so.

5. Why schools should use the Data Sharing Code of Practice

- 5.1 The benefits for schools in adopting the recommendations in the code may include:
- greater trust in the school by the pupils, parents, teachers, governors and other key stakeholders, whose data the school may want to share;
 - an improved understanding of whether and when it is appropriate to share personal data;
 - greater confidence within the school in that it is sharing data appropriately and correctly;
 - the confidence to share data in a one-off situation or in an emergency;
 - a reduced reputational risk when sharing data;
 - more robust, demonstrable compliance with the law; and
 - better protection for individuals whose data the school is sharing.

6. What are the benefits of a Data Sharing Agreement

- 6.1 A data sharing agreement:
- helps all the parties be clear about their roles;

- sets out the purpose of the data sharing;
- covers what happens to the data at each stage; and
- sets standards.

6.2 It should help the school to justify its data sharing and demonstrate that it has been mindful of, and have documented, the relevant compliance issues. A data sharing agreement provides a framework to help a school meet the requirements of the data protection principles.

6.3 There is no set format for a data sharing agreement; it can take a variety of forms, depending on the scale and complexity of the data sharing. Since a data sharing agreement is a set of common rules that binds all the organisations involved, the school should draft it in clear, concise language that is easy to understand.

7. Data Sharing Code of Practice and what should be included

7.1 The Data Sharing Code of Practice recommends that the data sharing agreement includes the following:

- **Who are the parties to the agreement?** – The agreement should state who the data controllers are at every stage, including after the sharing has taken place.
- **What is the purpose of the data sharing initiative?** – What are the specific aims;
- **Why the data sharing is necessary to achieve those aims;** and the benefits such an agreement will have.
- **Which other organisations will be involved in the data sharing?** – It should clearly identify all the organisations that will be involved in the data sharing and should include contact details for their data protection officer (DPO). It should also contain procedures for including additional organisations in the data sharing arrangement and for dealing with cases where an organisation needs to be excluded from the data sharing.
- **Are we sharing data along with another controller?** – There is a legal obligation to set out responsibilities in a joint control arrangement, under both the UK GDPR/Part 2 of the Data Protection Act 2018 and under Part 3 of the Data Protection Act 2018.

- **What data items are we going to share?** – What types of data are being shared. This is sometimes known as a data specification.
- **What is our lawful basis for sharing?** – The lawful basis for sharing data should be clear. If the school is using consent as a lawful basis for disclosure, then the agreement should provide a model consent form.
- **Is there any special category data, sensitive data or criminal offence data?** The school must document the relevant conditions for processing, as appropriate under the UK GDPR or the Data Protection Act 2018, if the data being shared contains special category data or criminal offence data under the UK GDPR, or there is sensitive processing within the meaning of Part 3 of the Data Protection Act 2018.
- **What about access and individual rights?** – Procedures for compliance with individual rights should be documented. This includes the right of access to information as well as the right to object and requests for rectification and erasure.
- **What information governance arrangements should we have?** – The agreement should have detailed advice about which datasets all parties to the agreement can share; that this data is accurate, have common rules for the retention and deletion of shared data items, have common technical and organisational security arrangements in place, including the transmission of the data and procedures for dealing with any breach of the agreement in a timely manner; ensuring their staff are properly trained; have procedures for dealing with access requests, and have procedures for dealing with the termination of the data sharing initiative, including the deletion of shared data or its return to the organisation that supplied it originally.

8. Data Protection Impact Assessment

- 8.1 The Data Sharing Code of Practice recommends being clear on what data is being shared and to do this a Data Protection Impact Assessment is recommended as a first step.
- 8.2 This is because data sharing must be done in a fair and proportionate way. A data protection impact assessment will help determine whether the school can share the data at all; and whether the school can share the data, but with steps to mitigate the risks.

- 8.3 It will also help the school to assess those considerations and document them. This will help to provide a level of reassurance to those whose data the school plans to share.

9. Post Brexit

- 9.1 Other considerations include being able to understand the position following the UK's exit from the EU. The EU GDPR may still apply to the school if its services operate in the European Economic Area (EEA), e.g. personal data from the school is hosted on servers in the EU. Rules on international transfers now apply to the flow of data to and from the EEA.
- 9.2 There may be further changes to the details of the future UK regime, and in this instance the ICO will publicise changes on the ICO website.

10. Data Sharing Checklist

- 10.1 Check whether the sharing is justified. Key points to consider:
- What is the sharing meant to achieve?
 - Has the school assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
 - Is it fair to share data in this way?
 - Is the sharing necessary and proportionate to the issue being addressed?
 - What is the minimum data the school can share to achieve the aim?
 - Could the objective be achieved without sharing personal data, or by sharing less personal data?
 - What safeguards can be put in place to minimise the risks or potential adverse effects of the sharing?
 - Is there any applicable exemption in the DPA 2018?
- 10.2 Consider doing a Data Protection Impact Assessment
- 10.3 Decide whether the school needs to carry out a DPIA:
- The school must do a DPIA for data sharing that is likely to result in a high risk to individuals
 - The DPIA process is a useful tool to highlight issues, risks and mitigating actions

10.4 If the school decides to share

It is good practice to have a data sharing agreement. As well as considering the key points above, the data sharing agreement should cover the following points.

- What information will the school share?
- Is any of it special category data?
- How should the information be shared giving consideration to security issues?
- What is to happen to the data at every stage?
- Who in each organisation can access the shared data?
- What organisations will be involved?
- How will the school comply with its transparency obligations? How will this be communicated in a concise, transparent way, which is easily accessible and uses clear and plain language?
- Consider whether the personal data has been obtained from a source other than the individual
- To ensure compliance with individuals information rights
- What quality checks are appropriate to ensure the shared data is accurate and up to date
- What technical and organisational measures are appropriate to ensure the security of the data?
- What common retention periods for data have been agreed?
- What processes are in place to ensure secure deletion takes place?
- When should regularly scheduled reviews of the data sharing agreement take place?

10.5 Accountability Principle

The school must comply with the data protection act principles; and this point focuses on the accountability principle:

- The school must be able to demonstrate compliance against the accountability principle
- It must maintain documentation for all its data sharing operations
- The obligation encompasses the requirement to carry out a DPIA when appropriate
- The school must implement a “data protection by design and default” approach
- Staff have received the right training

10.6 **Decide what the school's lawful basis is for sharing data**

Key points to consider:

- What is the nature of the data and the purpose for sharing it, as well as the scope and context?
- Is the school relying on legitimate interests as a lawful basis? Has a legitimate interest assessment been carried out?
- Is any of the data either special category or criminal offence data?

10.7 **Check whether the school has the authority to share**

Key points to consider:

- The type of organisation the school is, i.e. The MAC may need to share
- Any relevant functions or powers relevant to the school
- The nature of the information that the school has been asked to share
- Whether there are any legal requirements that need to be met when sharing the data
- Whether there is a legal obligation or legal requirement about sharing information, e.g. statutory requirement, a court order or common law

10.8 **Document your decision**

Document the data sharing decision and the reasoning – whether or not to share the information. If the school shared information the school should document:

- The justification for sharing
- What information was shared and for what purpose
- Who it was shared with
- When and how it was shared
- Whether the information was shared with or without consent, and how that was recorded
- The lawful basis for processing and any additional conditions applicable.
- Individuals' rights
- Data Protection Impact Assessment reports
- Compliance with any DPO advice given (where applicable):
- Evidence of steps taken to comply with the UK GDPR and the Data Protection Act 2018 as appropriate
- Where the school has reviewed and updated its accountability measures at appropriate intervals

11. Further information

11.1 YourIG Data Protection Officer Service
Dudley MBC, The Council House, Dudley, DY1 1HF

Email: YourIGDPOService@dudley.gov.uk tel: 01384 815607

12. Additional guidance

12.1 The ICO provide further information which can be found via the following links:

ICO guide to Data Sharing Code of Practice

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/>

Annex B Data sharing request form template

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/annex-b-data-sharing-request-form-template/>

Annex B Data sharing decision form template

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/annex-b-data-sharing-request-form-template/data-sharing-template/>