

This checklist is designed to assist organisations to ask the right questions when considering both systematic and ad-hoc requests for information sharing. Information sharing refers to the practice of disclosing information to a third party. There are a number of parties with whom information might be shared, including another organisation, an individual, or a different section of the same organisation. A third party could also be a data processor, who processes information on behalf of an organisation but who does not retain the information once the arrangement has expired.

Information sharing can occur on a systematic or an ad-hoc basis. Systematic or routine information sharing is often undertaken between organisations for an agreed upon purpose and may be reciprocal. Typically an information sharing arrangement will be in place to document the terms and conditions of the exchange and clearly articulate the expectations, roles and responsibilities of the parties. Sometimes information sharing may occur on an ad-hoc basis as a result of an urgent need for information. These types of information sharing will not be covered by established agreements or procedures. Specific and non-regular requests for personal information should be handled on a case-by-case basis. Ad-hoc sharing still requires proper legislative authority to share and should be documented accordingly.

A Privacy Impact Assessment should always be undertaken to assess legislative authority and identify and mitigate privacy risks prior to sharing any personal information.

## Ask the right questions first

### **Do you have the legal authority to share?**

Organisations need to consider their own enabling legislation, as well as any other legislation they are required to comply with, including the Privacy and Data Protection Act 2014.

Key points to consider:

- The types of organisations involved
- Any relevant functions or powers of your organisation
- The nature of the information you have been asked to share (for example was it given in confidence or protected by confidentiality provisions in legislation, is it sensitive information?)
- Any legal obligation to share information (for example a statutory requirement or a court order)
- Is the purpose of sharing the information in accordance with Information Privacy Principle (IPP) 2?

### **Is the sharing justified?**

Key points to consider:

- What is the purpose of the sharing?
- Could the objective be achieved without sharing personal information?
- Does the program share the least amount of personal information necessary to achieve the purpose?
- Is it feasible for the data to be de-identified prior to being shared?
- Is the sharing proportionate to the issue you are addressing?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?

## If you decide to share

### **Key points to consider:**

- Only share the necessary information that you have legal authority to share
- Ensure information is shared securely
- Ensure appropriate documentation of your sharing
- If you decide to share personal information and the proposed sharing will modify one or more of the IPPs (except IPP 4 and 6) it may be appropriate to consider an *information usage arrangement*, *public interest determination*, or *temporary public interest determination*.

## Record your decision

### **For ongoing systematic sharing of personal information:**

It is good practice to have an information sharing agreement in place for routine information sharing arrangements. As well as considering the key points above, your information sharing agreement should cover the following issues:

- The parties that will be involved
- The specific purpose of the information sharing arrangement
- A specific description of the personal information covered by the agreement
- A description of how the personal information will be collected, used and disclosed
- Measures to ensure adequate security is in place to protect the data
- The arrangements that are in place to provide individuals access to their personal information upon request
- Agreed common retention periods for the information
- Processes to ensure secure deletion of the information takes place
- Any restrictions on the receiving party sharing the information further, or using it for additional purposes
- Mechanism for reviewing the agreement periodically

### **For one off requests for personal information:**

Record your information sharing decision and your reasoning, whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose
- Who it was shared with
- When it was shared
- Your justification for sharing
- Whether the information was shared with or without the consent of individuals