

Do you regularly share personal information with the third party? if you do not share personal information, you will not need to consider your data protection obligations.

Consider what data you will be sharing.

Ensure you are only sharing what is necessary to fulfil the purpose. This will be important to know when you come to review your legal act or written agreement.

What is your lawful basis for sharing information?

- Public task
- Contract
- Legal obligation
- Consent

You will need to consider both personal information and special category data. Remember, special category data will require you to identify an additional lawful basis.

- Consent
- Public Health
- Reasons for substantial public interests (with a basis in law)
- Health & Social Care (with a basis in law)
- Archiving, research and statistics (with a basis in law).

Once you have determined what you will be sharing and identified your lawful basis, consider if there are **any further actions?**

E.g. Have we implemented a process to seek consent? Do we need to complete a DPIA?

Is the third party a Data Processor or a Data Controller?

(Your school will have control over how a **Data Processor** uses your school's data. The data is only processed in accordance with your instructions. e.g. Parent Pay/ education apps. A **Data Controller** has control over how that data is processed – e.g. Local Authority)

Data Controller

Data Processor

Consider a data sharing agreement. If you are routinely sharing lots of data, it is good practice to adopt a written agreement to set out your obligations. However, this is not a requirement of the GDPR.

You should ensure you have a written agreement (legal act) in place with the third party processor.

Article 28 of the GDPR requires all organisations to have a written agreement in place with their data processors. A written agreement may be a standalone agreement (such as a data processing agreement) or it may be incorporated into any existing contract terms. The written agreement must also meet the requirements set out in Article 28.

Review the content of any written agreement or legal act. You can use the advice note for guidance or forward to the DPO service for review

Record actions taken on your data sharing log.

Update your Data Map and Privacy Notice with the processing activity.