
Information Sharing Agreement

This agreement sets out the arrangements for sharing information between each of the organisations below. It will detail why information is shared, how it will be done and helps to ensure that is completed in a lawful and safe manner; and in line with the General Data Protection Regulation and the Data Protection Act 2018.

Sharing of pupils' Information between Sheffield City Council and Schools who have bought into the School Swimming Service

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Version History	Date
0.1 - Initial Draft	02/03/2022

1.0 – Agreement comes into force	16/03/2022

Reason / Purpose for Sharing Information

The School Swimming Service are using 'Swimphony' software to enhance their service to schools, improve communication with schools and keep data more secure.

The School Swimming Service require schools to provide pupils' details to enable the School Swimming Service to:

- Deliver safe swimming lessons
- Be able to respond in an emergency
- Ensure ratios of pupils to swimming teachers are in line with National Governing Body guidelines
- To put in place additional access requirements e.g. a hoist on pool side (where possible)
- Track pupils' attendance
- Continually assess the attainment of pupils in line with the National Curriculum standards
- Provide schools with the attainment data for each pupil including the data on the National Curriculum standards, enabling schools to report the data on their website (a condition of the PE and sport premium grant)

The School Swimming Service and Schools are joint data controllers. Schools will be responsible for inputting their pupil's required data into an online system called 'Swimphony' and keeping the data up to date. The School Swimming Service will be responsible for adding attendance and attainment data to each pupil's record.

Kinetic which is the company that licenses 'Swimphony' is the data processor.

Organisations/Bodies Party to this Agreement

The signatories to this agreement will represent the following organisations/bodies:

Organisation/Body	Service/Team
Sheffield City Council Data Controller Registration Number - Z6548192	Children & Young People/PE, Swimming & Outdoor Learning (PESOL)/School Swimming Service
Named School which has bought into the School Swimming Service	

Information to be Shared

The information is the minimum necessary to achieve the purpose of the sharing and is considered personal data under Article 4(1) and 'Special Category Data' under Article 9(1) of the UK GDPR.

which The School Swimming Service would need to be aware of any medical condition and medication, as the service is responsible for the care of the child and needs to:

- Assess if learning to swim is safe for a pupil in line with National Governing Body and PE Subject Association guidelines
- To ensure the School and pupils have brought all appropriate medication to the swimming lesson e.g. asthma inhaler
- To be able to respond quickly in an emergency in conjunction with School and venue staff

The School Swimming Service need to be aware of any SEND status as adaptations would be needed to facilitate the swimming lesson such as:

- Putting reasonable adjustments in place within the boundary of the School Swimming Service risk assessments e.g. using specific flotation devices
- Putting in place additional access requirements e.g. a hoist on pool side (where possible), disabled changing room (where possible)

Any EAL information (English as an Additional Language) in order to adapt teaching.

The category of data that is being collected is listed below.

Any gender identity information to support with appropriate dignity and respect.

- First name
- Legal Surname
- Gender
- Current NC Year
- Reg Group
- Unique Pupil Number
- English as Additional Language
- SEND status
- Medical conditions including medication information
- Which pupils are swimming in specific class allocations

Optional (use of these fields is decided by individual schools):

- DOB
- Ethnicity
- Pupil Premium Indicator

This data is not available to the School Swimming Service Teachers

Data Protection Legal Basis for Sharing the Information

The information being shared under this agreement is being done so under the UK General Data Protection Regulation and Data Protection Act 2018.

To share “personal data” as defined in the General Data Protection Regulation, there must be at least one lawful basis under Article 6 for doing so. The lawful basis applicable to this Information Sharing and this Agreement is:

Article 6	Lawfulness of processing	Explanatory text
Article 6 (1) (a)	<i>Consent</i>	Parents/carers have read the information and agreed, by signing a form returned to the School. It is the School’s responsibility to obtain consent and this can be done at the same time when consent is required in relation to other National Curriculum subjects.

To share “Special Category” personal data as defined in the General Data Protection Regulation, there must be at least one lawful basis under Article 9 for doing so. The lawful basis applicable to this Information Sharing and this Agreement is:

Article 9	Lawfulness of processing	Explanatory text
9(2)(a)	<i>Explicit Consent</i>	Parents/Carers will have a consent form to complete to agree to sharing their child’s personal data, including personal sensitive data. The data collected will be clearly stated on the form. It is the School’s responsibility to obtain consent and to respond immediately to any withdrawing of consent. It is the school’s responsibility to accurately record consent.

Article 8 Human Rights Act 1998

Article 8 of the Human Rights Act 1998 gives people the right to a private life, family life, home and correspondence. This right means that public authorities are not allowed to interfere with a person's privacy, for example, by disclosing their personal information, unless it is **lawful, necessary** (in the public interest) and is for a **legitimate purpose** such as public safety; protection of health or morals; rights and freedoms of others and prevention of disorder or crime. In such cases the Public interest in making the disclosure must outweigh the individual's right to a private life.

Any sharing of information under this agreement will only be done where it is lawful, proportionate, relevant and necessary to do so in line with Article 8 – Human Rights Act 1998.

Other Legislation

The following legislation is also applicable to the sharing of this information to assist with compliance with:

Legislation	How this agreement helps compliance

Privacy Notices

Any Data Controller sharing information with, or receiving information from, a third party must make this clear to the Data Subjects within their Privacy Notices (or by other means) as required under Articles 13 & 14 of the General Data Protection Regulation; unless there is an exemption under the General Data Protection Regulation / Data Protection Act 2018 which applies.

Sharing of the Information

Schools will register on 'Swimphony' using their general school email address (e.g. enquiries@) and have access to their own Swimphony School web portal which will have a 2-step verification login. Schools will use a web browser to login and input their pupil's data into the 'Swimphony' system and allocate them to a timetabled lesson. The School is responsible for keeping the data up to date and which pupils will be attending swimming lessons each week; some schools will have more than one class allocation each week. This web portal is safeguarded by SSL (Secure Sockets Layer) which is the standard security technology for establishing an encrypted link between a web server and a browser. This link ensures that all data passed between the web server and browsers remain private

and integral. Schools will be responsible for keeping their 'Swimphony' login and registered email address account safe.

The School Swimming Service Swimming Teachers will use tablets with the Swimphony Teacher App installed which syncs data between the School's web portal and the tablets, although the Swimphony Teacher App will only sync the data of Schools that are swimming at the specific allocated venue (not every school registered with the Schools Swimming Service). At the start of the week the tablets are synced to download the most up to date data. During and after each swimming lesson the School Swimming Service Swimming Teachers will enter pupils' attendance and attainment data into the Swimphony Teacher App. Each day the lessons are synced, and the pupil's updated attendance and attainment data will be available for Schools to view in their web portal. The Swimphony Teacher App limits what data the School Swimming Service Swimming Teachers have access to as not all data is needed to be able to deliver a safe swimming lesson in line with the School Swimming Service Risk Assessments:

- First name
- Surname
- English as an Additional Language
- SEND status
- Medical conditions including medication information
- Which pupils are swimming in which class allocation
- Pupils' attendance data
- Pupils' attainment data

At the end of the last lesson of the week, the tablets are cleared of data. The tablets themselves run the Android operating system which is encrypted by default, are password protected and the cameras are disabled. All 'Swimphony' data is encrypted to Advanced Encryption Standard (AES) 256-bit. This standard of encryption is used when the pupil data is in transit between the 'Swimphony' database and the Swimphony Swimming Teacher App.

The School Swimming Service management team have access to an administration web portal which also has 2-step verification login. The School Swimming Service management team and specific employees of 'Swimphony' will have access to the following data of all pupils to provide support to a School in the event of a problem:

- First name
- Legal Surname
- Gender
- Current NC Year
- Reg Group
- Unique Pupil Number
- Which pupils are swimming in which class allocation
- Pupils' attendance data
- Pupils' attainment data
- Ethnicity (if provided by the School)
- Pupil Premium Indicator (if provided by the School)

The School Swimming Service will be responsible for keeping the tablets and their registered email addresses accounts safe.

Storage, Retention and Destruction of the Information

All personal and special categories personal information is encrypted to Advanced Encryption Standard (AES) 256-bit. This standard of encryption is used when pupil and user data is stored at rest within 'Swimphony's' databases. AES 256-bit is one of the most secure encryption methods, and is used in most modern encryption algorithms, protocols and technologies including AES and SSL.

All personal and special categories personal information is stored and processed within Europe (Dublin) using Amazon Web Services (AWS) to ensure compliance with GDPR.

The tablets will either be stored in a code lock safe at the venue, a filing cabinet in the Duty Manager's office at the venue, or kept by School Swimming Service Swimming Teachers.

'Swimphony' will automatically delete the personal and attainment data of all pupils 12 months after they have left Year 6. Schools can also login and delete pupils' data should they wish to do so.

Data Subject Rights

Data Subject Requests under Articles 15 – 22 of the General Data Protection Regulation will be processed by the Data Controller that receives it.

Data Controllers may choose to liaise with other parties for any type of Data Subject request, however, to comply with Article 19 (Notification obligation regarding rectification or erasure of personal data or restriction of processing), they must inform all parties when receiving one of the following requests:

- Article 16 – Right to Rectification
- Article 17 – Right to Erasure
- Article 18 – Right to Restriction

Organisation	Key Contact
Sheffield City Council	Information Management Team – subjectaccess@sheffield.gov.uk
Named School who has bought into the School Swimming Service	

Personal Data Breaches

Where an organisation becomes aware of a personal data breach relating to this agreement, that organisation will notify all other parties privy to this agreement without undue delay. Similarly, where an organisation becomes aware of a Security Incident which could adversely affect another other party; for example, malware or system failure, then prompt notification should be made.

Where notification the Information Commissioner’s Office and or Data Subjects affected by a personal data breach is required under Articles 33 and 34 of the General Data Protection Regulation, all parties will agree who is responsible for the method and content of the notification.

Organisation	Key Contact
Sheffield City Council	Information Management Team – informationmanagement@sheffield.gov.uk
Named School who has bought into the School Swimming Service	

Review of this Agreement

The School Swimming Service will review this agreement in September 2022.

This agreement can be terminated at any time before this date by providing notice in writing to all parties privy to the agreement.

Signatories/Key Contacts

This agreement must be formally approved and signed by all parties before any information sharing takes place. All parties will ensure that the Information Sharing Agreement and any associated documents are known and understood by all staff involved in the process.

Organisation	Authorising Officer	Key Contact	Date Agreed
Sheffield City Council	Andrew Jones	Rachel Jones	16/03/2022
Named School who has bought into the School Swimming Service			

Appendices

Swimphony Legal & GDPR Information - <https://swimphony.com/swimphony-legal-and-gdpr/>

Swimphony Schools Guide How To Upload Pupils -
<https://www.youtube.com/watch?v=mCNjQufWlw>