

## Scottish National Standards for Information and Advice Providers

### Lawful Basis for Sharing Data for Peer Review

1. The new model of accreditation under the Scottish National Standards for Information and Advice Providers (SNSIAP) introduces independent peer review based on the competences defined in the SNSIAP, for organisations providing Type II and III advice (those undertaking casework). The purpose of peer review is to encourage and support advice providers to continuously improve by providing a means of evidencing how effectively technical quality is assured within their advice service.
2. Organisations wishing to have their agency's work peer reviewed will be asked to submit a selection of client case files to SLAB for this purpose. To collect, process, store or share personal information for the purpose of Scottish National Standards you must have a lawful basis for processing the client information. Information about what constitutes a lawful basis for processing can be found on the ICO website. SLAB will ask for confirmation of this when you are providing your first Case Selection Grid.
3. If your lawful basis for processing is client consent, you must obtain consent from your client to collect, process, store and share personal information for the purpose of Scottish National Standards.
  - a. If you do not already obtain your clients' consent to sharing their files for quality assurance purposes you should consider using the following, or similar, statement:

*"I agree to the disclosure of my case file held by [insert your agency's name] to external auditors for the purpose of quality assurance and continuous improvement of the advice service provided by [insert your agency's name]."*

YES/NO

- b. If your client tells you that they do not wish their information to be shared, please make a record of this and **ensure that their file is excluded from the peer review assessments.**
- c. Please note that it not necessary for SLAB to be explicitly named on the mandate for consent. The ICO GDPR material advises that those with whom data is shared who rely on consent as the lawful basis of processing of shared personal information must be named on the mandate for consent. This does not apply to SLAB – SLAB does not rely on client consent. SLAB's administration of SNSIAP is carried out as part of our statutory functions and our lawful basis for processing is

that the processing is necessary for the performance of a task carried out in the public interest.

4. As a data controller you must comply with the data protection legislation. You can read more about how this applies to you on the Information Commissioners website at [www.ico.org.uk](http://www.ico.org.uk) .
5. Please note that this guidance does not constitute legal advice and you are advised to seek your own independent legal advice in relation to your organisation's obligations under data protection legislation.

**Updated 22<sup>nd</sup> May 2018**