

Information Sharing Briefing Paper

We know that a common theme in Safeguarding Reviews (Child and Adult) is communication between agencies and the issue of sharing information. Darlington Safeguarding Partnership has implemented an [Information Sharing Protocol](#), which aims to support and enable improved communication and information sharing between partner agencies across Darlington in line with the legal framework and best practice guidance.

The most important principle to remember is that the Data Protection Act 2018 and General Data Protection Regulation (GDPR) and the Human Rights Act 1998 are not barriers to justified information sharing but provide a framework to ensure that information is shared appropriately.

Effective information-sharing underpins multi-agency working and is a vital element of both early intervention and safeguarding. Often, it is only when information from a number of sources has been shared and is then put together, that it becomes clear that a child or vulnerable adult has suffered, or is likely to suffer, significant harm.

Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children and adults with needs for care and support. This includes when problems first emerge, or where a child/adult is already known to local authority children's social care. Practitioners should also be alert to sharing important information about any adults with whom that child/adult has contact, which may impact on safety or welfare.

Why it is important to share information with relevant agencies

Information sharing is vital to safeguarding and promoting the welfare of children, young people and adults.

- The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives.
- It could ensure that an individual receives the right services at the right time.
- It can prevent any identified needs from becoming more acute and difficult to meet.
- It could be the difference between life and death. Poor or non-existent information sharing is a factor repeatedly flagged up as an issue in Safeguarding Reviews
- Individuals in receipt of care are vulnerable and therefore at heightened risk from being sexually exploited for money, power or status.
- Where there are concerns about the safety of an adult/child, the sharing of information in a timely and effective manner between



Information Sharing and Consent in Safeguarding:

Information may be shared without consent, if a practitioner has reason to believe that there are grounds to do so and that the sharing of the information will enhance the safeguarding of the child or adult with needs for care and support in a timely manner.

In most cases it will be lawful to share information without consent. Consent does not need to be sought where the processing of people's personal data is based on any UK GDPR, Article 6 condition other than 6) 1. (a) consent - for example the public interest condition or the health and social care condition and any GDPR, Article 9 other 9) 2. (a) explicit consent. All Article 6 conditions provide an equal legitimate basis for processing personal data. Where there is special category information being shared Article 9 conditions must also be considered and justified.

Consent should **not** be sought if doing so would:

- place a person (the individual, family member, staff or a third party) at increased risk of significant harm (child) or serious harm (adult) or
- prejudice the prevention, detection or prosecution of a serious crime
- lead to an unjustified delay in making enquiries about allegations of significant harm to a child or serious harm to an adult
- demonstrate an imbalance of power

The Principles of Information Sharing

These are the key principles of the UK GDPR and Data Protection Act 2018 and must be adhered to

Adequate - information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

Relevant - only information that is relevant to the purpose should be shared with those who need it. This should be processed lawfully, fairly and in a transparent manner.

Limited- when taking decisions about what information to share practitioners should first consider how much information needs to be released (minimisation principle). Only sharing data that is adequate, relevant and limited to what is necessary is a key principle of the GDPR and Data Protection Act 2018 and practitioners should consider the impact of disclosing information about the data subject and any third parties. Information must be proportionate to the need and level of risk.

Accurate - information should be accurate and kept up to date and clearly distinguish between fact and opinion. Information can be requested to be erased or rectified as part of the processing.

Timely- information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protect children and adults at risk. The information must not be stored for longer period than is necessary, retention periods must be applied to all information.

Secure - information should be shared securely and practitioners must always follow their organisation's policy on security for handling personal information. The information should be securely managed to prevent from any accidental loss, destruction or damage and protected against any unauthorised access.

Record - information sharing decisions should be recorded regardless of whether the decision is made to share or not. This record should include the rationale for the decision what information has been shared and with whom in line with organisational procedures. If the decision is not to share the reasons should be recorded. In line with each organisation's retention policy, the information should not be kept any longer than necessary. In some cases, this may be indefinitely.

The Seven Golden Rules of Sharing Information

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and upto-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose