

# Myth-busting guide to Information Sharing

Sharing of information between practitioners and organisations is essential for effective identification, assessment, risk management and service provision. Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect. Below are common myths that can act as a barrier to sharing information effectively:

## **The GDPR and Data Protection Act 2018 are barriers to sharing information**

**No** – the GDPR and Data Protection Act 2018 do not prohibit the collection and sharing of personal information. They provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them. Never assume sharing is prohibited – it is essential to consider this balance in every case. You should always keep a record of what you have shared.

## **Consent is always needed to share personal information**

**No** you do not necessarily need the consent of the information subject to share their personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to seek consent, either because the individual cannot give consent, it is not reasonable to obtain consent, or because to gain consent would put a child's safety or well-being at risk. Where a decision to share information without consent is made, a record of what has been shared should be kept.

## **Personal information collected by one organisation cannot be disclosed to another organisation**

**No** this is not the case, unless the information is to be used for a purpose incompatible with the purpose it was originally collected for. In the case of children in need or at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners. Practitioners looking to share information should consider which processing condition in the Data Protection Act 2018 is most appropriate for use in the particular circumstances of the case. This may be the safeguarding processing condition or another relevant provision.

## **The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information**

**No**, this is not the case. In addition to the GDPR and Data Protection Act 2018, practitioners need to balance the common law duty of confidence, and the rights within the Human Rights Act 1998, against the effect on children or individuals at risk, if they do not share the information. If information collection and sharing is to take place with the consent of the individuals involved, providing they are clearly informed about the purpose of the sharing, there should be no breach of confidentiality or breach of the Human Rights Act 1998. If the information is confidential, and the consent of the information subject is not gained, then practitioners need to decide whether there are grounds to share the information without consent. This can be because it is overwhelmingly in the information subject's interests for this information to be disclosed. It is also possible that a public interest would justify disclosure of the information (or that sharing is required by a court order, other legal obligation or statutory exemption). In the context of safeguarding a child where their welfare is paramount, it is possible that the common law duty of confidence can be overcome. Practitioners must consider this on a case-by-case basis. As is the case for all information processing, initial thought needs to be given as to whether the objective can be achieved by limiting the amount of information shared – does all of the personal information need to be shared to achieve the objective?

## **IT Systems are often a barrier to effective information sharing**

**No**, IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful in supporting information sharing. IT systems are most valuable when practitioners use the data that has been shared to make more informed decisions about how to support and safeguard a child. Professional judgment is the most essential aspect of multi-agency work, which could be put at risk if organisations rely too heavily on IT systems.