



Information Sharing - Question & Answers

Q – Is the Data Protection Act 1998 (or new GDPR) a barrier to sharing information?

A- No - the Data Protection Act 1998 (or GDPR) does not prohibit the collection and sharing of personal information. It does, however, provide a framework to ensure that personal information about a living individual is shared appropriately.

Q – Does the common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information?

A - No - this is not the case. In addition to considering the Data Protection Act 1998 (or new GDPR) local responders need to balance the common law duty of confidence and the rights within the Human Rights Act 1998 against the effect on individuals or others of not sharing the information.

Q – Is consent always needed to share information?

A - You do not necessarily need the consent of the information subject to share information. Wherever possible, you should seek consent or be open and honest with the individual (and/or their family, where appropriate) from the outset as to why, what, how and with whom, their information will be shared. You can share information without consent, if in your judgement there is a good reason to do so, such as safety may be at risk

Q – Can consent be verbal?

A - Consent can be verbal. But ensure you make a written record of the discussion. However if you can get it in writing then this is advantageous.

Q – A Solicitor from the Local Authority has requested information from you, Can you give it?

Yes you can safely assume you should disclose it. However with any request, particularly if via the telephone, you must also be confident the person on the other end of the phone line are who they say they are. If unsure, do not share any information until clarified.

Q - Is record keeping important in relation to Information Sharing?

A - Yes very important. Always 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. *It's not so much what you share – its why you shared it that's important.*

Q - Is this statement correct - Personal information collected by one organisation cannot be disclosed to another organisation?

This is not the case, unless the information is to be used for a purpose incompatible with the purpose that it was originally collected for. In the case of a child at risk of significant harm, it is difficult to foresee circumstances where sharing personal information with other practitioners would be incompatible with the purpose for which it was originally collected. *The most important consideration is whether sharing information is likely to safeguard and protect a child.*

Please see below some examples of when YES you could share information:

- **A GP receives a letter from a children's litigation solicitor asking for information/details about an appointment they recently had with child 'X' – there are concerns of abuse. Can the Dr share that information with the solicitor?**
- **A GP receives a phone call from a children's social worker asking for information/details about an appointment they recently had with child 'X' – there are concerns of abuse. Can the Dr share that information with the social worker?**
- **A Teacher is told by a Pupil that their father hit their little sister last night, can the teacher share the information with a social worker or do they need father or mother's consent first?**
- **A health visitor receives a call from a social worker, the social worker asks when the last time the HV saw child 'X' – and did she notice anything concerning – did mum mention that she felt depressed during the meeting as there's a concern Mother has been self-harming with the child present. The SW would like the HV records. Can the HV share them?**
- **A child psychologist is talking to a child in a counselling session, the child shows the psychologist a 'strap shaped' bruise and reports their mother hit them with a belt last night. Can the counsellor share / report to social care without the child's consent**
- **A nurse notices unusual bruising on a toddler at a routine check-up. The mother is present at the consultation. Can the nurse share these concerns? Does she need the consent of the mother first?**

Information taken from NSCB Information Sharing Training & HM Government Document:- Information sharing. Advice for practitioners providing safeguarding services to children, young people, and carers (March 2015).

Trish Jordan
NSCB Training Coordinator
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