



## Confidentiality and Information Sharing Policy (England)

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### 1. Purpose

Staff and children understand:

- The requirements of confidentiality and what information can and will be shared.
- What is meant by personal data and the conditions in which personal data must be stored.

## 2. Legal duties of confidence

- The organisation fully complies with the principles of the General Data Protection Regulation (GDPR) to safeguard any information related to children/young people/adults in their care. Personal information held about children is subject to a legal duty of confidence as adults and should not normally be disclosed without the consent of the subject child. However, this must be balanced with the overall needs of the young person and in particular the principals of safeguarding. If there is a risk of harm to the child or others, then the law permits the disclosure of confidential information necessary to safeguard a child or children.
- The legal framework for confidentiality is contained in common law, the Human Rights Act 1998 and the GDPR.
- If the information is to be disclosed, this should be justifiable. An example is disclosure of information to professionals from other agencies working with the child. Where possible and appropriate, the agreement of the person concerned should be obtained.
- Those working with children must make it clear to them, that confidentiality may not be maintained if the disclosure of information is necessary in the interests of the child.
- Even in these circumstances, disclosure will be appropriate for the purpose and only to the extent necessary to achieve that purpose. There may also be situations where third parties have a statutory right of access to the information or where a Court Order requires that access be given.
- In other cases, where third parties such as advocates, solicitors or external researchers request access to information, this should only be given if the person concerned gives written consent.

## 3. Seven golden rules of information sharing

Government guidance on information sharing for practitioners outlines a common-sense approach to information sharing and confidentiality in its seven golden rules.

1. Remember that the GDPR and human rights law are not barriers to justified information sharing but provide a framework to ensure 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 if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is a good reason 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 certain of the basis upon which you are doing so. Where you 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 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 up-to-date, is shared in a timely fashion and securely.

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.

#### 4. The principals of information sharing

- Sharing information is an intrinsic part of any frontline practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. It could ensure an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet.
- At the other end of the spectrum, 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 Serious Case Reviews carried out following the death of, or serious injury to, a child. 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. No practitioner should assume that someone else will pass on information which may be critical to keeping a child safe.
- The following principals should inform your decision to share information about an individual and are regarded as the principals of information sharing.
- The principles are intended to help practitioners working with children, young people, parents, and carers share information between organisations. Practitioners should use their judgement when making decisions on what information to share and when and should follow organisation procedures or consult with their manager if in doubt.
- The most important consideration is whether sharing information is likely to safeguard and protect a child.

##### 4.1 Necessary and proportionate

When making decisions about what information to share, you should consider how much information you need to release. The GDPR requires you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.

##### 4.2 Relevant

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.

##### 4.3 Adequate

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

#### 4.4 Accurate

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical, then this should be explained.

#### 4.5 Timely

Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations, and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure sufficient information is shared and consider the urgency with which to share it.

#### 4.6 Secure

Wherever possible, information should be shared in an appropriate and secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

#### 4.7 Record

Information sharing decisions should be recorded whether the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances, this may be indefinitely. but if this is the case, there should be a review process.

## 5. Maintaining confidentiality

The manager must ensure:

- Children can look at any information that is kept about them. Staff must treat such information as confidential.
- Children should be informed of the circumstances in which information about them will be shared with other professionals. This may be provided in the form of a service user/children's guide or in other ways, and it will be made clear that in each case the information passed on will only be what is relevant and on a 'need to know' basis.
- To maintain confidentiality, staff should not normally allow children/young people into the staff office. If it is necessary for a child/young person to enter the office, staff should move the items that would compromise confidentiality.
- Confidential information in the form of either printed paper or digital data is kept securely to which only authorised staff have access.
- Sensitive personal data is not retained without the express consent of the individual concerned.
- Sensitive personal data is processed in accordance with the GDPR.
- Confidential information is anonymised.
- Confidential information is securely protected when it is emailed.

## 6. Non-compliance with data protection

Staff must ensure they have regard to the GDPR when accessing, using, or disposing of personal information. Any breach of confidentiality is a disciplinary offence, which could result in dismissal or termination of the employment contract. Staff must consult their line manager if they are unclear about confidentiality.

## 7. Further information

[Confidentiality and Information Sharing for Direct Care, Guidance for health and care professionals](#)

## 8. Revision history

Name	Document Owner:	Reviewed by	Version:	Review Date:
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