

Common myths that hinder effective information sharing

Data protection legislation is a barrier to sharing information

No. The Data Protection Act 2018 and UK GDPR do not prohibit the collection and sharing of personal information, but rather 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.

Consent is needed to share personal information

No, you do not need consent to share personal information. It is one way to comply with the data protection legislation but not the only way. UK GDPR provides a number of bases for sharing personal information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child provided that there is a lawful basis to process any personal information required. The legal bases that may be appropriate for sharing data in these circumstances could be 'legal obligation', or 'public task' which includes the performance of a task in the public interest or the exercise of official authority. Each of the lawful bases under UK GDPR has different requirements. It is good practice to be transparent and inform parents/carers that you are sharing information for these purposes and seek to work cooperatively with them, where it is safe to do so.

Personal information collected by one organisation/agency cannot be disclosed to another

No, this is not the case unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners¹⁵.

¹⁵ 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 Data Protection Act 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information

IT systems are often a barrier to effective information sharing

There are many IT systems that support the sharing of information, such as the Child Protection Information Sharing project (CP-IS). It is important that the sector continues to work with IT suppliers to ensure that their user needs around information sharing are factored into priorities for system enhancement.