

7 GOLDEN RULES

for sharing information (including personal information)

Rule 1

All children have a right to be protected from abuse and neglect.

Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them. The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) provide a framework to support information sharing where practitioners have reason to believe failure to share information may result in the child being at risk of harm.

Rule 2

When you have a safeguarding concern, wherever it is practicable and safe to do so, engage with the child and/or their carer(s), and explain who you intend to share information with, what information you will be sharing and why.

You are not required to inform them, if you have reason to believe that doing so may put the child at increased risk of harm (for example, because their carer(s) may harm the child, or react violently to anyone seeking to intervene, or because the child might withhold information or withdraw from services).

Rule 3

You do not need consent to share personal information about a child and/or members of their family if a child is at risk or there is a perceived risk of harm.

You need a lawful basis to share information under data protection law, but when you intend to share information as part of action to safeguard a child at possible risk of harm, consent may not be an appropriate basis for sharing. It is good practice to ensure transparency about your decisions and seek to work cooperatively with a child and their carer(s) wherever possible. This means you should consider any objection the child or their carers may have to proposed information sharing, but you should consider overriding their objections if you believe sharing the information is necessary to protect the child from harm.

Rule 4

Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case.

Do not leave a child at risk of harm because you have concerns you might be criticised for sharing information. Instead, find out who in your organisation/agency can provide advice about what information to share and with whom. This may be your manager/supervisor, the designated safeguarding children professional, the data protection/information governance lead (for example, data protection officer), Caldicott Guardian, or relevant policy or legal team. If you work for a small charity or voluntary organisation, follow the NSPCC's safeguarding guidance.

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Rule 5

When sharing information, ensure you and the person or agency/organisation that receives the information take steps to protect the identities of any individuals (for example, the child, a carer, a neighbour, or a colleague) who might suffer harm if their details became known to an abuser or one of their associates.

Rule 6

Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the child and/or providing their family with support, and only share the information they need to support the provision of their services. Sharing information with a third party rarely requires you to share an entire record or case-file – you must only share information that is necessary, proportionate for the intended purpose, relevant, adequate and accurate.

Rule 7

Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information.

When another practitioner or organisation requests information from you, and you decide not to share it, be prepared to explain why you chose not to do so. Be willing to reconsider your decision if the requestor shares new information that might cause you to regard information you hold in a new light. When recording any decision, clearly set out the rationale and be prepared to explain your reasons if you are asked.