

## Spotlight on Information Sharing about adults and children at risk of harm

### A complex landscape?

Information sharing can sometimes feel like complex landscape. Sharing relevant information is an essential part of protecting children and adults at risk of harm. When there is an Adult Support and Protection or Child Protection concern, relevant information should be shared without delay, provided that it is necessary, proportionate and lawful to do so. This involves a concern about an adult or child in any place or setting.

### What does the law say about information sharing?

The Data Protection Act 2018 and GDPR (The UK Data Protection Regulation) provide the legal frameworks for setting out how services must manage personal data (information).

The [Information Commissioner's Office](#) (ICO) is an independent organisation that ensures that information rights are protected. Where the concerns relate to an adult or child who may be at risk or harm, there is nothing in the Data Protection Act 2018 or GDPR that prevents someone from sharing personal data where it is appropriate to do so.

Within East Lothian and Midlothian, an information sharing protocol and operational protocol support the sharing of information in Multi-agency Risk Assessment Conferences, the meetings that take place about victims at the highest risk of harm from domestic abuse. Agencies involved in Marac are signed up to these protocols which set out the basis for information sharing.

You will not get in trouble with the ICO for doing the right thing. You can hear this message in this short video from the [UK Information Commissioner: data sharing to safeguard children on Vimeo](#). Although he speaks specifically about children and young people, this message equally applies to adults at risk of harm.

### What is personal data?

Information sharing between professionals and agencies involves the processing of personal data. Personal data is information that can identify a particular individual. The ICO website has a list of examples of [Personal data](#).

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Special category data is data that needs more protection because it is sensitive. It includes things like someone's sexual orientation, religious beliefs and racial or ethnic origin. There are specific rules about how and when special category data can be asked for and used. You can read more about this here [What is special category data?](#)

### Where can I get support to understand my responsibilities?

Practitioners must be supported to work within the law and apply the law through their own organisational and supervisory processes and guidance. Reference should be made to the [East Lothian and Midlothian Multi-agency Adult Support and Protection Procedures](#) and [Edinburgh and Lothians Multi-agency Child Protection Procedures](#) and both include sections on information sharing. You should also be familiar with what the National Guidance says:

[Adult Support and Protection \(Scotland\) Act 2007 Code of Practice](#) at page 32

[National Guidance for Child Protection in Scotland](#) at page 27.

You should also be familiar with your own organisation's whistleblowing and staff code of conduct policies, so that you know what to do if your concern relates to a member of staff.

Always seek advice from your line manager or designated information governance lead if you are not clear about the law on information sharing.

The ICO has a helpful online interactive guidance tool that supports you to identify what lawful basis is likely to be appropriate for your data processing activities. It takes you through a series of questions including about what your task is and the extent to which you are protecting their life and gives you a summary assessment report to help guide you. You can access the tool here:

[Lawful basis interactive guidance tool | ICO](#)

The ICO has produced a 10-step guide on data protection considerations when sharing personal information for Child Protection. It includes practical examples that relate to each step. This aims to help people feel confident about sharing information.

[A 10-step guide to sharing information to safeguard children | ICO](#)

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### What rights do people have about their information?

Individuals do not automatically have any right to consent to the sharing of information about them. Consent requires people to have real choice about and control over the sharing of their personal data. In most situations where there is an Adult Support and Protection or Child Protection concern, the person and their parents/carers will not have that choice or control. Seeking consent may place someone at increased risk.

You do not need to be certain that a child or adult has been harmed or is at immediate risk before sharing – the test is ‘know or **believe**’.

There is a number of personal data rights around the use of data. Everyone needs to know what they are, as these rights apply to all of us. We all have a right to know what personal data is being used by an organisation and to have data corrected where that information is inaccurate or incomplete. For more information about the rights of individuals and duties of organisations, click on the link to read the section on the ICO website [For the public](#) .

### What are the concerns about information sharing?

Case reviews where a child or adult has died or been seriously harmed often highlight missed opportunities to share information that may have contributed to a different outcome. Sometimes professionals find it hard or feel unable to share information due to:

- Forms and templates not having enough space to record all the information
- Professionals do not always know where to refer
- Electronic systems between and within agencies can hinder communication
- Misinterpretation or lack of understanding in data protection legislation
- Mistakenly thinking that consent is needed.

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### What are the key messages for effective information sharing?

- Data protection law does not prevent people from sharing information to safeguard children and adults at risk of harm – it simply helps you to share information in a way that is fair, proportionate and lawful.
- Electronic forms should never be a barrier to sharing information – use secure email or telephone.
- Make sure you know where to refer your concerns - the relevant Council Contact Centre, Police or Health professionals.
- Everyone has a responsibility to know about data protection legislation – about GDPR, the data protection principles and why they are important.
- Where there may be an Adult Support and Protection or Child Protection concern information may be lawfully shared without the need for consent to be obtained from the individual to whom the information relates.
- The ‘test’ for making a referral in Adult Support and Protection is when you ‘know or believe’ that a person is an adult at risk of harm. There are certain roles/agencies that have a duty to share information in Adult Support and Protection. However, everyone has a responsibility to protect children and adults at risk of harm. Everyone therefore has a responsibility to share their concerns and provide information to assist professionals in assessing risk and protecting a child or adult who is at risk of harm.
- Information sharing should be timely in relation to the concern, secure in the manner in which it is shared and recorded in writing.
- When you share information in good faith to help identify and protect a child or adult whom you believe to be at risk of harm you will not get into trouble with the ICO. The role of the ICO is uphold information rights in the public interest.