



Quick guide to Information Sharing

Share the right information, at the right time with the right people

Information sharing and data protection is the **responsibility of everyone** who works with children and families or adults with care and support needs.

Professionals and agencies should follow the [BSAB multi-agency information sharing guidance](#) which provides full guidance on this issue.

[The Data Protection Act 1998](#) enables the lawful sharing of information. This Act and Human Rights laws are not barriers to information sharing but a framework to ensure it is shared appropriately.

[The Care Act 2014](#) emphasises the need to empower people, to balance choice and control for individuals against preventing harm and reducing risk, and to respond proportionately to safeguarding concerns.

It is important that organisations and professionals understand their roles and responsibilities, cooperate to share information for safeguarding purposes including sharing information with the Bristol Safeguarding Adult's Board when requested.

Sharing Safeguarding Information without Consent

Adults have a general right to independence, choice and self-determination including control over information about themselves. However these rights can reasonably be overridden and information shared without their consent in certain circumstances including when:

- the individual lacks the mental capacity to make that decision – this must be assessed and recorded in line with the Mental Capacity Act
- other people are, or may be, at risk of harm, including children
- sharing the information could prevent a crime
- the alleged abuser has care and support needs and may also be at risk
- a serious crime has been committed
- professional are implicated in safeguarding concerns
- the person has the mental capacity to make that decision but there is evidence to suggest they may be under duress or being coerced
- the risk is unreasonably high and meets the criteria for a multi-agency risk assessment conference (MARAC) referral
- a court order or other legal authority has requested the information.
- emergency or life-threatening situation warrants the sharing of relevant information with the relevant emergency services.

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The law **does not** prevent the sharing of sensitive, personal information within organisations. If the information is confidential, but there is a safeguarding concern, sharing it may be justified.

The law **does not** prevent the sharing of sensitive, personal information between organisations where the public interest served by sharing outweighs the public interest served by protecting confidentiality.

Practitioners should **try to gain the person's consent** to share information.

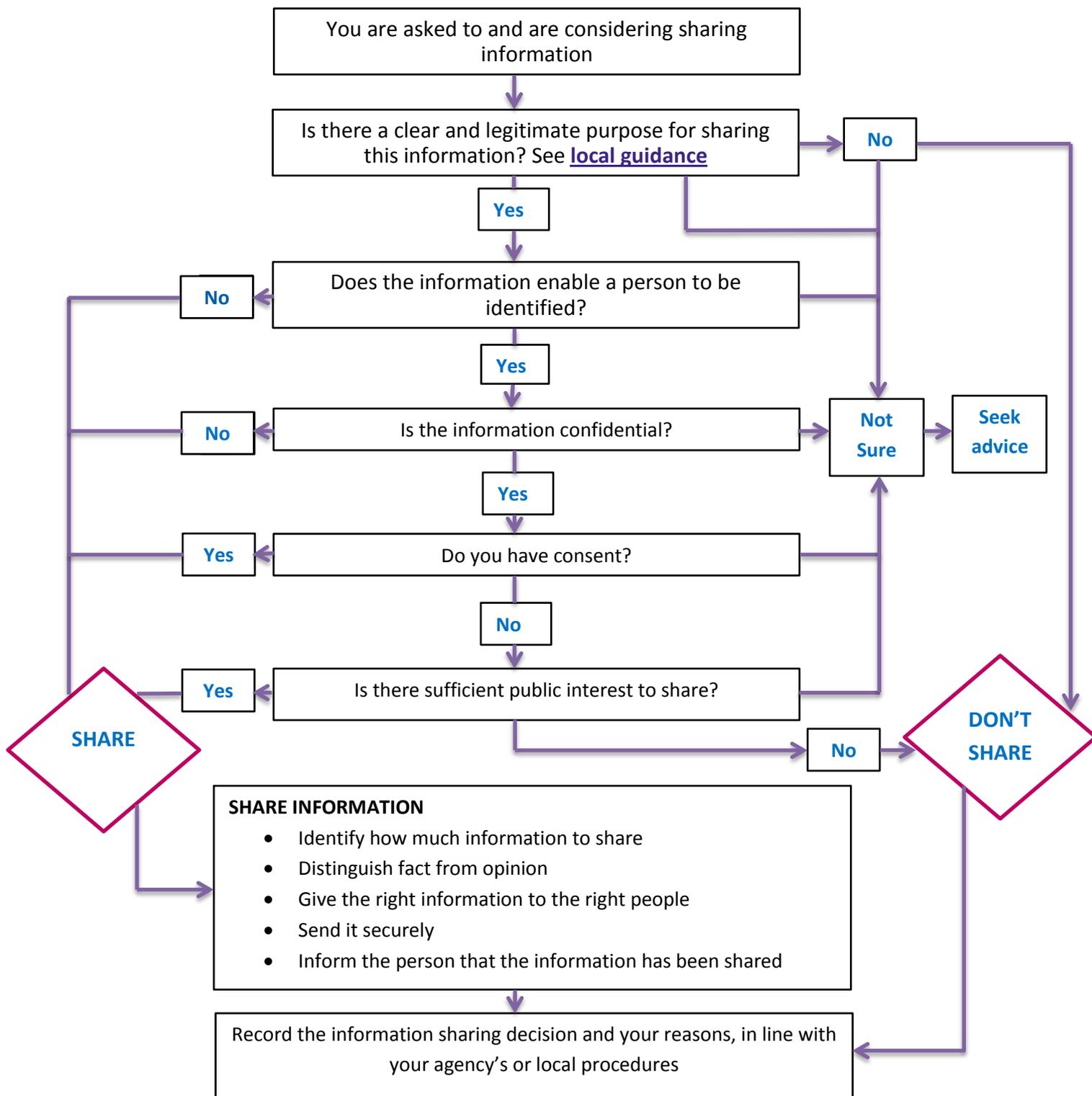
As long as it does not increase risk, practitioners should **inform the person** if they need to share their information without consent.

The six safeguarding principles should underpin all safeguarding practice, including information-sharing. **(Empowerment; Prevention; Proportionality; Protection; Partnership; Accountability)**

The Seven Golden Rules to Sharing Information

1. **Remember that the Data Protection Act 1998** and human rights law are not barriers to justified information sharing
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** 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 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.
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 that 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 is shared securely (see principles).
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.

Information Sharing



If your concerns a child may be at risk of **significant harm** or an adult may be at risk of **serious harm**, then follow the relevant safeguarding procedure without delay.

Seek advice if you are not sure what to do at any stage and ensure the outcome is recorded. If you disagree with a decision or outcome, use the [Escalation procedure](#)