

## Safeguarding and Data Protection

This briefing has been produced in response to concerns raised by third sector organisations about whether the GDPR and the Data Protection Act 2018 present barriers to effective safeguarding.

It is extremely important to send a clear message to the sector that the GDPR and Data Protection Act 2018 do not prohibit the collection and sharing of personal information. In fact:

- Information-sharing is often essential for the effective safeguarding of children and adults at risk
- Lack of effective information-sharing has been identified as a factor in many serious case reviews.

The legislation is intended to provide a framework to ensure that personal information is processed appropriately, fairly and transparently, and that organisations are accountable for the ways in which they collect and process that information.

GDPR does not “trump safeguarding”; it is a matter of balancing the rights of the individual with the possible need to share information about them, whilst making sure that correct procedures are followed.

Organisations must therefore have due regard to the relevant data protection principles which allow them to share personal information, but the GDPR and Data Protection Act 2018 do not prevent the sharing of information for the purposes of keeping people safe from harm.

Schedule 8 of the Data Protection Act includes ‘safeguarding of children and individuals at risk’ as a condition that allows practitioners to share information without consent, although it is best practice to secure the agreement of an *adult* at risk who has the capacity to grant consent to their information being shared.

### Principles

When considering whether to share information, organisations should follow the following principles and assure themselves that the decision to share is:

- Necessary and Proportionate
- Relevant
- Adequate
- Accurate
- Timely
- Secure
- Recorded

## The Seven Golden Rules

Organisations should also have regard to the 'seven golden rules' for sharing information:

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that 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, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis 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 clear of the basis upon which you are doing so. Where you do not 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 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.

From HM Government, [Information sharing: Advice for Practitioners providing safeguarding services to children, young people, parents and carers](#)

### Remember!

The most important consideration is whether sharing the information is likely to safeguard and protect an adult or child at risk.

If you are concerned about sharing information in relation to safeguarding, please contact your [regional safeguarding board](#)

You can also contact the Information Commissioner's [helpline for small organisations](#)

## References and Further Reading

HM Government, [Information sharing: Advice for Practitioners providing safeguarding services to children, young people, parents and carers](#)

Data Protection Act (2018), [SCHEDULE 8: Conditions for sensitive processing under Part 3](#)

National Independent Safeguarding Board Wales, [A Practitioner's Guide: Basic Legal Principles](#)

North Wales Independent Safeguarding Board, [Information Sharing: 7 Minute Briefing](#)  
[Information Commissioner's Office](#)

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