

Information Sharing for Prevent & Channel



7 Minute Briefing

NHS

Is there a legal basis to share patient information?

All information sharing for Prevent purposes must comply with the relevant legislation i.e. Data Protection 2018 (DPA 2018) and Human Rights Act 1998 and the Common-law Duty of Confidentiality etc. and meet the same rigour required for sharing information as for any other safeguarding concern.

Do I need patient consent to share their personal information for Prevent purposes?

The General Data Protection Regulations (GDPR) which underpins UK data protect legislation have strengthened the need to demonstrate that consent is given freely – the GDPR has also strengthened the need to have a clarity of purpose for sharing /processing data.

However, the legislation does allow for safeguarding professionals, criminal justice agencies and others to continue to use and share and process personal data to prevent and investigate crime, bring offenders to justice, safeguard vulnerable individuals or people at risk and keep communities safe from harm. (See Further Reading)

It's a case by case judgement...

Each instance where personal data needs to be shared/processed for safeguarding purposes should be decided through a case-by-case assessment, which considers whether the informed consent of the individual can be obtained and that the proposed sharing being necessary, proportionate and lawful.

This should always be clearly be documented and recorded with the rationale given for your decision.

DATA PROTECTION ACT 2018

Sets out six key data protection principles which apply to safeguarding or law enforcement data processing by a competent authority i.e.:

- processing must be lawful and fair;
- the purposes of processing must be specified, explicit and legitimate;
- personal data must be adequate, relevant and not excessive;
- personal data must be accurate and kept up to date;
- personal data must be kept no longer than is necessary; and
- personal data must be processed in a secure manner.

GMC CONFIDENTIALITY GUIDANCE

Explains in clear and simple terms how and when patient confidential information can be shared without consent including where there are public interest considerations i.e.

- ✓ **Consent** (Lacks capacity – best interests/overall benefit to patient?)
- ✓ **Law** (statute and judge-ordered)
- ✓ **Public Interest**

CLAPI...

Please see : [Confidentiality: Good practice in handling patient information GMC : May 2018](#)



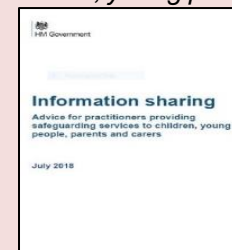
FURTHER READING:-

Examples of potential lawful conditions to process/share personal data under DPA 2018 for Prevent purposes. where consent of individual is inappropriate or unachievable are described here:-

- [Paragraph 10 of Part 2, Schedule 1 DPA 2018 \(Public Interest\)](#)
- [Para 18 of Part 2 Schedule 1 Pt 2 \(Safeguarding of children and individuals at risk\)](#)

SEE ALSO:-

'Advice for people, parents and carers' HMG advice for practitioners providing safeguarding services to children, young people parents & carers



[Information Sharing: Advice from Safeguarding Professionals : HMG July 2018](#)

NB The GMC website contains a useful [Confidentiality decision tool](#) to help with your decision making regarding consent.

PLEASE REMEMBER: if you are unsure regarding information sharing or consent issues you should always seek advice your organisational Caldicott Guardian, Information Governance Team or Senior Information Risk Owner.