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DATA PROTECTION		

Policy Statement

Everyone working at SJD Homes has a responsibility to ensure that personal information collected and stored on young people in our care is kept securely, and that when it is shared with other agencies this is done appropriately and in accordance with the law.

The Data Protection Act 2018 and the General Data Protection Regulations (GDPR) provide a framework to ensure that personal information which is collected by organisations is done so fairly and lawfully, that it is accurate and relevant, stored securely (for no longer than necessary) and that, when it is shared, this is done appropriately.

Effective sharing of information is essential for the early identification of need, to complete robust assessments and to provide services which are tailored to individual need.

Keeping young people safe from harm requires staff at SJD Homes and others to share the following types of information:

- Any concerns about a young person's health and development, and any exposure to possible harm;
- Any information about adults and young people who may pose a risk of harm to a child or young person.

Often, it is only when information from a number of sources has been shared and is then put together, does it become clear that a young person has suffered, or is likely to suffer, significant harm.

Staff working at SJD Homes should use their professional judgement and knowledge from training when making decisions about when to share information. If staff have any concerns or doubts, the home's manager or safeguarding lead should be consulted for advice.

Legal Framework

The General Data Protection Regulations (GDPR) and the Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children safe. Legal and secure information sharing between homes, Children's Social Care, and other local agencies (such as colleges), is essential for keeping children safe and ensuring they get the support they need.

- The overarching principle set out in the GDPR and the Data Protection Act 2018 is that any personal information cannot be shared with another person / organisation unless either: the child / young person providing the information (or their parent / carer if the child does not have sufficient age and understanding) has consented to their information being shared; or

- The disclosure / sharing is necessary to safeguard the welfare of a child or adult at risk, in which case the public interest in protecting young people and at adults at risk permits the sharing of personal information without consent

Fears about sharing information must not be allowed to stand in the way of promoting the welfare and protecting the safety of young people, and data protection legislation should never be a barrier to sharing information where the failure to do so would result in a child or young person being placed at risk of harm. The most important consideration is whether sharing information is necessary to safeguard and protect a child or young person.

Whenever information is shared, it must be done securely and in accordance with any relevant local policies. In addition, sharing should always be proportionate (meaning only relevant / key information is shared).

Key Points for Staff when Sharing Information

- Be open and honest with the young person (and/or their family where appropriate) from the outset about the information contained in their records including how it will be used and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- Seek advice from other practitioners (such as your manager) if you are in any doubt about sharing the information concerned, this should be done without disclosing the identity of the individual where possible.
- Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. However, 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. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so.
- Sharing should always be necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, that it is shared only with those people who need to have it, that it is accurate and up to date, that it is shared in a timely fashion, and that it is shared securely (Staff should always follow the home's policy for handling personal information);
- 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.

Confidentiality and Consent

[Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers \(2015\)](#) states that:

Wherever possible, you should seek consent or be open and honest with the individual (and/or their family, where appropriate) from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on and they have a genuine choice about this even without consent it is still possible to share personal information if it is necessary in order to carry out your role, or to protect the vital interests of the individual where, for example, consent cannot be given. Also, if it is unsafe or inappropriate to do so, i.e., where there are concerns that a child is suffering, or is likely to suffer significant harm, you would not need to seek consent. A record of what has been shared should be kept.

It is also possible that an overriding public interest would justify disclosure of the information (or that sharing is required by a court order, other legal obligation, or statutory exemption). To overcome the common law duty of confidence, the public interest threshold is not necessarily difficult to meet – particularly in emergency situations. Confidential health information carries a higher threshold, but it should still be possible to proceed where the circumstances are serious enough. As is the case for all personal information processing, initial thought needs to be given as to whether the objective can be achieved by limiting the amount of information shared – does all the personal information need to be shared to achieve the objective?

Informing Children and Young People about Disclosure

Children should be informed of the circumstances in which information about them will be shared with other professionals and their consent to this sharing should be sought. This information may be provided in the form of a Children's Guide, a Privacy Notice or in other ways, and it will be made clear that in each case the information passed on will only be what is relevant and on a 'need to know' basis. However, SJD staff will advise Children and Young People that in some cases their consent will not need to be sought, if they are deemed a risk to themselves or others.

Sharing Information with other Professionals

Sharing relevant information promptly with others working with the same child is central to safeguarding the child's interests and to ensuring they receive the best possible care. Staff at SJD Homes work in partnership with other professionals involved in caring for the child (for example, education, social workers, health professionals and youth justice) to monitor the child's progress, share information and obtain expert advice as appropriate. Therefore, relevant information about children must be shared with colleagues, other professionals or agencies who have a role to play in their care or need the information in order to look after the child.

Where information is requested by telephone or electronically, great care must be taken to ensure that the recipient is entitled to receive the information requested.

In instances where information is requested over the phone; SJD Homes will ask the requester to send an email with the information they require.

The requester will need to send an email with the YP initials only to ensure breach of confidentiality through lost data does not occur. Where there is any doubt the information may not be provided without the approval of a Manager.