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Dear Colleague

### Information Sharing

The protection of children, young people at risk is everyone's responsibility. This cuts across all aspects of private life and professional business. We all have a duty, individually and collectively, to protect vulnerable people in our communities.

Due to ongoing staff concerns about information sharing and, specifically, thresholds for sharing without consent we wish to clarify the position and reinforce the importance of sharing information for these client groups.

All agencies are reviewing their information sharing practices in light of the developing GIRFEC agenda and information sharing legislation in line with the General Data Protection Regulation (GDPR) which came into force on 25 May 2018. Colleagues are reminded of the importance of appropriate record-keeping and information sharing practices which are set out below:

- When collecting personal information, inform the person that the information may be shared.
- Consider whether sharing information would promote, support or safeguard the wellbeing of the child; and
- Consider whether sharing that information would be compatible with data protection law, human rights and the law of confidentiality.
- Before collecting personal information, consider whether consent is required, or whether it is in their 'vital interest' or it is necessary as part of your public task as a statutory authority, and therefore consent does not apply. The decision not to seek consent either because the "vital interests" of an individual or your "public task" requires it, must be recorded.
- If you **do not** need to gather personal information on the basis of legal obligation, vital interests, or public task, consent will probably be required. Gain the person's consent prior to sharing information and record this consent.

- Individuals should still be told about the information sharing, even if we are not providing an opportunity to consent to it, so they know what is happening. The only exception to this being if the child or young person may be put at risk by doing so.

If you are unsure about what information to record or share in certain circumstances, seek advice from your line manager.

Yours sincerely



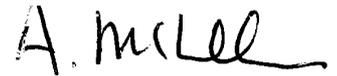
Chief Executive  
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East Lothian Council



Divisional Commander  
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