

Section 12

Confidentiality and information sharing

The Data Protection Act 2018 sets out clearly how personal information should be managed. The law is rarely a barrier to disclosure of information. There is no restriction in the Data Protection Act or any other legislation that prevents concerns regarding individuals being highlighted and shared between agencies for the purpose of protecting children or adults at risk.

Ensuring that, children, young people and adults at risk are protected and safeguarded from significant harm as well as the broader requirement for safeguarding and promoting welfare depends fundamentally upon effective sharing of information, collaboration and understanding between agencies and professionals.

Sharing information safely

In order to share confidential information legally and safely there must be a legal basis for sharing information and a legitimate purpose for doing so. When deciding whether or not to share confidential information the following should be considered:

- is there a statutory obligation to disclose. That is to say, is disclosure required by a court order or other legal obligation such as a duty to refer to the Disclosure and Barring Service (DBS);
- is there express or implied consent from the persons involved;
- is there an overriding public interest in disclosing information such as where a child or adult at risk is at risk of significant harm.

The significance, or the potential significance of the information held should be considered. Information must be relevant to the purpose for which it is being shared and should only be shared with those practitioners or agencies that need to know.

There should be openness and honesty about the reasons why information needs to be shared and why particular actions need to be taken, unless doing so causes a safeguarding concern.

Consent to share information should be obtained unless it is not safe or possible to do so, or if it would undermine the prevention or detection of a crime.

Information should be accurate, held securely and kept for no longer than necessary.

If there is any doubt about whether information should be shared a Provincial Safeguarding Officer should be contacted for advice. Please see Church in Wales Data Protection Guidance at <https://www.churchinwales.org.uk/resources/privacy-statement> for further information.

Responding to the media

Allegations of abuse by clergy or church workers are likely to be the subject of media interest. In any case of alleged abuse where a case may go to trial it is essential that no information is given that might prejudice the outcome of any legal proceedings. Handling relations with the media needs to take into account the wishes, needs and wellbeing of victims, public interest and risks to others, including the alleged or known offender. All communications with the media will be handled by the Director of Communications who should be contacted immediately in any case where media interest is possible or likely.

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