

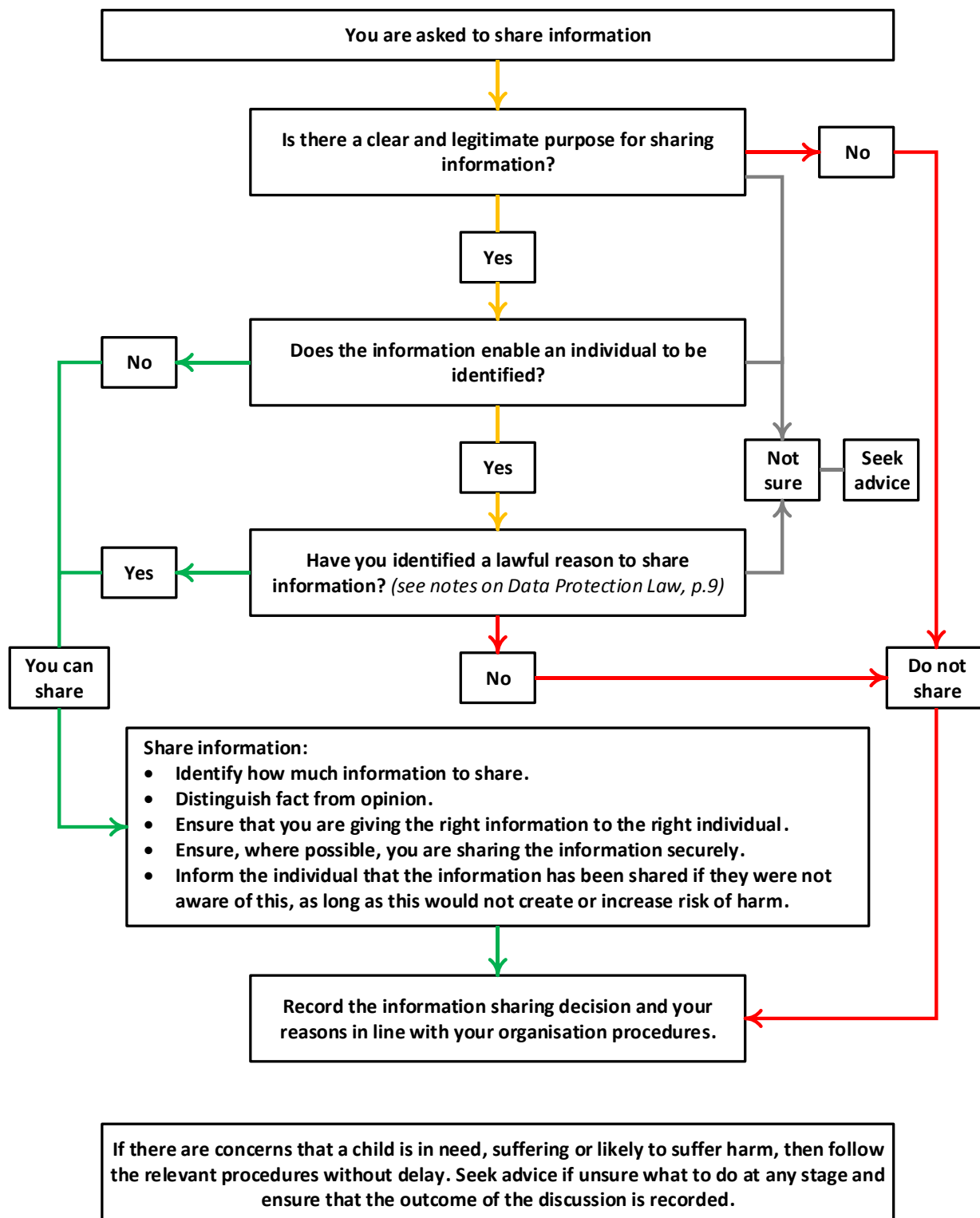
## The General Data Protection Regulation (GDPR) and Data Protection (Bailiwick of Guernsey) Law 2017

The GDPR is a European Union directive and the equivalent Data Protection (Bailiwick of Guernsey) Law 2017 ('Data Protection Law') came into force in the Bailiwick in May 2018. They place duties on organisations and individuals to share information fairly and lawfully; they are not a barrier to sharing information where the failure to do so would cause the safety or wellbeing of a child to be compromised. Practitioners should use their judgment when making decisions on what information to share and when, and should follow organisational procedures or consult with their manager if in doubt.

### Seven golden rules for information sharing

- 1 Remember that the GDPR, Data Protection Laws and human rights law are not a barrier to sharing information** but provide a framework to ensure that personal information about living persons is handled and shared appropriately.
- 2 Be open and honest** with the person (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** if you are in any doubt, without disclosing the identity of the person where possible.
- 4 Consider the possible impact of sharing information** alongside individual rights to privacy, and try to work in partnership with people to keep them informed about how their information will be handled and shared, unless it is unsafe or inappropriate to do so.
- 5 Consider safety and well-being:** base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- 6 Necessary, proportionate, relevant, 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 people who need to have it, is accurate and up-to-date, is shared in a timely way, 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.

## Flowchart of when and how to share information



Extract from ISCP *Information Sharing: Guidance for practitioners providing services to children, young people, parents and carers*. Available to download at: <http://iscp.gg/Information-Sharing>.

The guidance is, in large part, based upon the “*Advice for practitioners providing safeguarding services to children, young people, parents and carers*” issued by HM Government in the United Kingdom, in July 2018<sup>1</sup> suitably adapted for our local jurisdiction.

<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721581/Information\\_sharing\\_advice\\_practitioners\\_safeguarding\\_services.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf)