

There are 8 Golden Rules to be aware of in the sharing of information:

1. Be open and honest with children and families 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.
2. Always keep the safety and well-being of the child, and of other children, central to your considerations.
3. Always be clear about the purpose for which you have received the information and the purpose you are using it for – they should be the same.
4. Know the relevant policies in your agency in relation to confidentiality and information-sharing and consult them as necessary. Seek advice if you are in any doubt, without disclosing the identity of the person.
5. Remember that the Data Protection Acts 1988 and 2003, the Data Protection Bill 2018 and the EU General Data Protection Regulation are not a barrier for sharing information, but rather provide a framework to ensure that personal information is shared appropriately. The Data Protection Commissioner has confirmed that there is no impediment in law to sharing information between agencies working in the best interests of children and families where there is consent for the sharing of such information. In fact, it is both legal and necessary to do so under the Child Care Act 1991 and the Children Act 2001, and, under the Protection for Persons Reporting Child Abuse Act 1998, protection applies when such information is provided to Tusla.
6. Aim to share with consent except where this is not appropriate. Wherever possible, respect the wishes of those who do not consent to you sharing their confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the vital interests of the child. You will need to base your judgement on the facts of the case.
7. Necessary, proportionate, relevant, accurate, timely and secure. Ensure that the information you share is necessary and relevant for the purpose for which you are sharing it; that it is shared only with those people who need it; that it is accurate and up to date; that it is shared in a timely fashion, and that it is shared securely.
8. Keep a record of your decisions and the reasons for them, 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.