

## **7. Confidentiality and Information Sharing**

### **General**

- 7.1 Vulnerable adult enquiries, investigations and conferences can only be successful if professional staff share and exchange all relevant information. That information must be treated as confidential at all times and staff will be bound by the ethical and statutory codes that cover confidentiality and data protection.
- 7.2 Disclosure of confidential personal information without the consent of the person providing it may take place under circumstances, which must be capable of justification. Problems around the disclosure of information can be avoided if the consent of the individual is obtained, preferably in writing, so long as they have mental capacity.
- 7.3 Disclosure may be necessary in the public interest where a failure to disclose information may expose another to risk of death or serious harm.
- 7.4 All those providing information should take care to distinguish between fact, observation, allegation and opinion. It is important that, should any information exchange be challenged in respect of a breach of confidentiality or, for example, as a breach of the Human Rights Act, the information can be supported by evidence.
- 7.5 Concerns may arise within an agency as information comes to light about a person with whom the service is already in contact. Whilst professionals should seek in general to discuss any concerns with the individual and their carers and seek agreement to share the knowledge with other relevant agencies, this should not be done where such discussion and agreement-seeking will jeopardise the safety of the individual.
- 7.6 Information must be adequate, relevant and not excessive in relation to the purpose for which it is held and must be held no longer than is necessary for that purpose.
- 7.7 Each agency is responsible for maintaining their own records on work with vulnerable adult protection cases. The agency should have a policy stating the purpose and format for keeping the records and for their destruction.

### **7.8 Protocols for Inter-Agency Information Sharing**

- 7.9 The Devon wide protocol seeks to set out the proper level and line of communication to be adhered to when any partner agency (NHS Trust, CQC, Police, and Social Services) seeks to obtain from another agency confidential information concerning clients and records.

### **7.10 The protocols will adhere to the principles within:**

- The Data Protection Act.
- Human Rights Act.
- Existing protocols for Social Services and NHS Trusts and third party disclosure to the Police.
- Police disclosure to Social Services.

- Disclosure by the Police in care proceedings, civil proceedings and matrimonial proceedings.
- Disclosure of videos/statements.
- Caldicott Guardianship Rules.
- Freedom of Information Act

Further guidance can be found in the legal framework