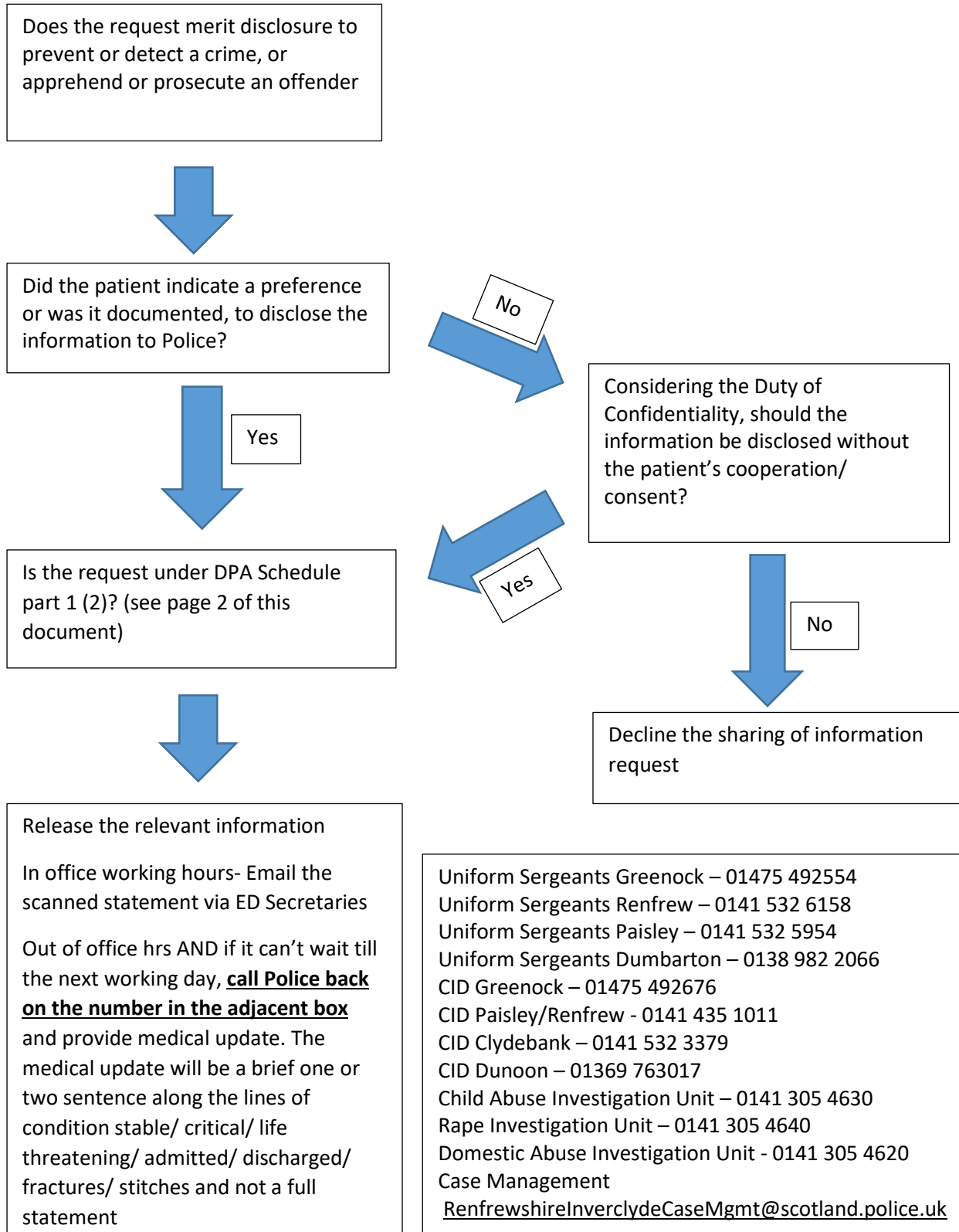


## Clyde ED to a Police K/L Division Information Disclosure Pathway

GDPR, Data Protection Act principles, Caldicott Principles and the Common Law duty of confidentiality help us decide what information can be shared and with whom. Refer to page 2 of this document for clarifications on these principles.

When the Police phone up for medical update, we are unable to release information without us being able to confirm their identity. We can however release the information by phoning them back using the **designated numbers** below. This should prevent unnecessary travel to the Hospitals in person by the Police/CID for obtaining medical updates.



## **Guidance notes for information sharing between Clyde ED and Local Police Authorities**

**Common Law** allows disclosure of confidential information if:

- a) the patient consents
- b) it is required by law, or in response to a court order
- c) it is justified in the public interest.

The common law cannot be considered in isolation. Even if a disclosure of confidential information is permitted under the common law, the disclosure must still satisfy the requirements of GDPR/Data Protection Act 2018.

**General Data Protection Regulation (Articles 6 & 9) clarify,**

**6(1)(e)** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

**6 (1)(c)** processing is necessary for compliance with a legal obligation to which the controller is subject; (court order)

**6 (1)(d)** processing is necessary in order to protect the vital interests of the data subject or of another natural person.

**9 (2)(c)** processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

**9 (2)(g)** processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

**Preventing or detecting unlawful acts Data Protection Act 2018, Schedule 1, Part 2, 10**

(1) This condition is met if the processing—

(a) is necessary for the purposes of the prevention or detection of an unlawful act,

(b) must be carried out without the consent of the data subject so as not to prejudice those purposes, & (c) is necessary for reasons of substantial public interest.

(2) if the processing consists of the disclosure of personal data to a competent authority, or is carried out in preparation for such disclosure, the condition in sub-paragraph (1) is met even if, when the processing is carried out, the controller does not have an appropriate policy document in place.

(3) In this paragraph— “act” includes a failure to act; “competent authority” has the same meaning as in Part 3 of this Act (see section 30).

**Caldicott Principles**

Principle 1 - Justify the purpose(s) for using confidential information

Principle 2 - Only use it when absolutely necessary

Principle 3 - Use the minimum that is required

Principle 4 - Access should be on a strict need-to-know basis

Principle 5 - Everyone must understand his or her responsibilities

Principle 6 - Understand and comply with the law

Principle 7 - The duty to share information can be as important as the duty to protect patient confidentiality