



Consent and Sharing Data: Not Always Required for Adult Safeguarding

Is Consent Always Needed for Sharing Information?



No! Consent is just **one of six lawful bases** to process data under GDPR.



For very sensitive data (like health data, political opinions, religious beliefs etc. – “special category data”), consent must be **explicit** (very clear and specific).



Valid consent must be:

- **freely given**,
- **clear**,
- **informed**, and
- **unambiguous**.

What is “Bundled Consent” and Why Avoid It?



What it means: “Bundled consent” is trying to get one agreement for **many different data uses** at once.



Why avoid it: For consent to be valid, you need to ask for permission for **each separate activity**.



Key point: If an organisation has **another legal reason** to use your data (other than consent), then consent is **not needed**.

When Consent Is *Not* Required: Real-World Examples

When it's necessary for safeguarding. Our blog on “Failure to share information with a nursing home about a resident's criminal convictions” shows a situation where **consent wasn't needed** to share data.

When there's a legal duty.

- **National Vetting Bureau (Children and Vulnerable Persons) Act 2012, (Section 19):** Certain organisations (like HIQA, MHC, CORU, HSE) must share information about people working with vulnerable persons with the National Vetting Bureau.
- **Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 (Section 3(1)):** It's a crime to hide information about specific serious offences against vulnerable people from the Gardaí. **Important note:** This act **only applies to sharing with Gardaí** for specific listed offences in Schedule 2, not generally with other groups in adult safeguarding.

