

Sharing Sensitive Data, including Article 10 Data



From time to time safeguarding organisations, as data controllers, may wish to share sensitive information, including Article 10 data, with other organisations, or seek such information from another organisation.

Sharing Sensitive Data: Safeguarding organisations (as data controllers) sometimes need to **share or request sensitive information**, including criminal offence data (Article 10 data), with or from other organisations.



Lawful Basis is Key: Before processing (sharing or receiving) any information, the organisation must confirm it has a **lawful basis** to do so. The information must be **strictly necessary** for a specific and legitimate function of the organisation.

Permitted by Law:

- **Section 55(1)(b)(iv) of the 2018 Act** can permit such data processing.
- This is subject to confidentiality measures and adherence to data protection principles.
- The organisation also needs an Article 6(1) GDPR lawful basis.



Data Minimisation: Only share the minimum amount of data strictly necessary for the identified purpose. For example, confirming actions were taken may suffice without revealing specific details.

Discretionary Sharing: Section 55(1)(b)(iv) permits, but does not obligate, organisations to share data. Any sharing is at the organisation's discretion.



Data Protection and Safeguarding: Data protection law does not prevent sharing data for adult safeguarding. It requires that sharing be lawful, relevant, necessary, and proportionate to achieve safeguarding objectives.

The DPC's blog, "**Failure to share information with a nursing home about a resident's criminal convictions**" illustrates how Section 55(1)(b)(iv) can be applied.

