

**FORM**

**DECISION TO SHARE INFORMATION WITHOUT CONSENT**

**PART A – Background Details**

[ To be completed by staff members]

Name of Service User .....

Consent to share information sought on .....

Consent not obtained because

service user unwilling to provide consent

OR

service user incapable of making the decision to consent

service user incapable of communicating the decision to consent

service user incapable of understanding the decision to consent

service user incapable of retaining the memory of providing consent

AND

The service user does not have a legally appointed representative.

Information that needs to be disclosed [*insert details*] .....

.....

.....

To [ *insert name, post and organisation* ] .....

.....

because [*provide reasons*] .....

.....

.....

**PART B - Data Protection Act 1998 [ To be completed by the Designated Manager]**

Do statutory grounds for disclosure exist? Yes/No

If yes, please specify

.....  
.....  
.....

Applicable Schedule 2 Condition (Sch 2 Data Protection Act 1998):  
Para. .... (insert no.)

AND

If "sensitive" information (see **Legal Guidance** for definition) needs to be disclosed, applicable Schedule 3 Condition (Sch 3 Data Protection Act 1998):  
Para. .... (insert no.)

**PART C - Human Rights Act 1998[ To be completed by the Designated Manager]**

Would sharing information be in accordance with the Data Protection Act 1998 (Part B above)? Yes/No

Sharing information has a legitimate aim in that it is necessary

- in the interests of national security
- in the interests of public safety
- in the interests of the economic well-being of the country
- for the prevention of disorder or crime
- for the protection of health or morals
- for the protection of the rights and freedoms of others.

Is the disclosure of information necessary in a democratic society? Yes/No

Would disclosure of information be in line with decisions taken for other service users in similar situations? Yes/No

**PART D - Duty of Confidentiality [ To be completed by the Designated Manager]**

Is there a public interest justification for disclosure? Yes/No

If yes, insert details

.....  
.....  
.....  
.....

**PART E - Authorisation [ To be completed by the Designated Manager]**

- Sharing information authorised
- Sharing information not authorised

..... (Signature)  
..... (Post)  
..... (Date)

**PART F – Notification [ To be completed by staff members]**

- Disclosure notified to service user
- Disclosure not notified to service user

because.....

.....

..... (Signature)  
..... (Post)  
..... (Date)