

28 March 2024

IC-292061-C4T5

Request

On 1 March 2024 you made a request about the following guidance:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/employment/information-sharing-in-mental-health-emergencies-at-work/>

The request is below:

- 1. Please could I request the details of the organisations or individuals that the ICO consulted prior to publication? For example, if Mind provided guidance via a consultation, or provided particular data that informed the work, or if a particular University shared journal articles.*
- 2. If the ICO paid for these consultations could you please include those financial details?*
- 3. Additionally, could I please ask if there were any lived experience practitioners involved in the co-production of this work? (Typically these would include advisors who have direct lived experience of mental health issues).*
- 4. If, on the other hand, this was a piece of work that was produced entirely by the ICO themselves, I'd be grateful for that confirmation.*

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Response

We hold information that falls within scope of your request and will respond to each point below.

Please could I request the details of the organisations or individuals that the ICO consulted prior to publication? For example, if Mind provided guidance via a consultation, or provided particular data that informed the work, or if a particular University shared journal articles.

[Information sharing in mental health emergencies at work](#) came out of the development of our detailed guidance on [Information about workers' health](#), which was publicly consulted on and you can access the [consultation summary report here](#). In the case of [Information sharing in mental health emergencies at work](#), the ICO conducted a closed external consultation (rather than a public consultation) by contacting Mind, Mind Cymru, Minding Your Head, Scottish Association for Mental Health, CIPD, HSE, ACAS, TERCS/BHSF, HSE-Northern Ireland, NHS England, Director of Mental Health in Scotland, Public Health Wales, Department of Health Healthcare Policy Group, Public Health Association NI, and National Data Guardian.

A copy of the draft guidance was sent to these organisations and each was asked for feedback. This feedback was taken into account before finalising the draft guidance and publishing it.

The organisations that responded provided the following contributions:

- Healthy Working Wales suggested some minor changes of language to make things clearer, a deeper explanation of lawful bases, special category conditions and processing, and an inclusion of a reference to the Samaritans.
- NHS England suggested incorporating an account of how employers could also satisfy the common law duty of confidentiality. They also suggested a rewording of one of the examples to make it clearer, which was taken up. Finally they suggested that the guidance could mention the role employers have in providing a stigma-free supportive environment in relation to mental health.
- PHA NI provided minor corrections to the piece, as well as suggesting mentioning a later engagement with Occupational Health after the emergency.

- CIPD asked for some clarification on urgent situations, what guidance managers should give to employees about sharing internally and on the employers duty of care. They also suggested that there could be links to the Samaritans and that it would be good to incorporate a discussion of suicide risk.
- The HSE suggested it would be improved by adding in a description of how it can be identified who can decide what is a mental health emergency. They also said that it would be valuable for the ICO to identify their expectations around documenting in such instances of information sharing.

If the ICO paid for these consultations could you please include those financial details?

The ICO did not pay anyone for consultations in relation to the guidance.

Additionally, could I please ask if there were any lived experience practitioners involved in the co-production of this work? (Typically these would include advisors who have direct lived experience of mental health issues).

We do not hold this information because we did not ask anyone involved to disclose this information about themselves.

If, on the other hand, this was a piece of work that was produced entirely by the ICO themselves, I'd be grateful for that confirmation.

No, external consultations were conducted as detailed in point 1 above.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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