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Registered no: 2918520
Registered Charity no: 1050175

Disclosure of Clinical and Client Data to Third Parties Policy Metanoia Institute

Version Control

Document title: Disclosure of Clinical and Client Data to Third Parties Policy		No of pages: 14
Version Number: 1	Date first published: July 2025	
Approved by: Executive	Last review date: -	
Date originally approved: July 2025	Due for next review: July 2028	

Contents

1. Purpose.....	3
2. Core Principles.....	3
3. When Data May Be Disclosed Without Consent	3
4. Additional Considerations for Students in Training	4
5. Authorised Recipients of Clinical and Personal Data	4
6. Recording and Governance	5
7. Requests for Clinical Records Following the Death of a Client	5
8. Relevant Legislation and Guidance	5
9. Contact and Further Information	6

1. Purpose

1.1 This policy sets out the principles and procedures for disclosing personal and sensitive data to third parties. It applies to all individuals engaged with Metanoia Institute, including therapy clients, students, academic staff, and clinical supervisors. It aims to balance confidentiality with legal, ethical, and safeguarding responsibilities.

2. Core Principles

2.1 Metanoia Institute is committed to:

- Respecting and maintaining the confidentiality and privacy of individuals.
- Complying with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.
- Following professional codes of ethics (e.g. BACP, UKCP, HCPC).
- Disclosing data only when it is lawful, necessary, proportionate, and in the best interests of safety or legal compliance.

3. When Data May Be Disclosed Without Consent

Personal or sensitive data may be disclosed to third parties without the individual's consent in the following specific circumstances:

3.1 Risk of Serious Harm

- Where there is a serious and imminent risk of harm to self or others (e.g. suicidal intent, threats of violence, or expressed intent to harm others).
- If disclosure is necessary to prevent injury or loss of life.

3.2 Safeguarding Children or Vulnerable Adults

- Where information suggests that a child or vulnerable adult may be at risk of abuse, neglect, or exploitation.
- In line with national safeguarding legislation and statutory duties.

3.3 Legal Requirement

- When compelled by a legal authority (e.g. a court order, warrant, or statutory reporting obligation such as terrorism or money laundering).

3.4 Medical Emergency

- Where vital interests require action (e.g., serious mental or physical health crisis) and the individual cannot provide consent. Where such disclosure is necessary to protect life or serious health, and consent cannot be obtained, information may be disclosed in accordance with the principle of vital interests under Article 6(1)(d) UK GDPR.”

Where possible and appropriate, individuals will be informed prior to any disclosure unless doing so might increase the risk of harm or obstruct lawful processes.

4. Additional Considerations for Students in Training

4.1 Clinical Practice Concerns

- If a student in clinical training presents a risk to their clients, supervisors, or placement settings, Metanoia Institute may share information with relevant clinical placement providers or regulatory bodies, in accordance with safeguarding, professional, and ethical obligations.

4.2 Fitness to Practise or Academic Conduct

- In cases where a student’s conduct, mental or physical health, or behaviour raises concerns about fitness to practise (e.g. impaired judgment, ethical breaches), relevant information may be shared with the Fitness to Practise Panel or academic staff.
- If appropriate, this may also include informing professional membership or accrediting bodies (e.g. BACP, UKCP).

4.3 Supervision and Assessment

- While students are entitled to confidentiality, they are also made aware that issues discussed with tutors or supervisors may be escalated if they relate to safeguarding, risk, or professional conduct.

5. Authorised Recipients of Clinical and Personal Data

5.1 Disclosures may be made to:

- Emergency services (e.g., police, ambulance, mental health crisis teams)
- NHS or healthcare professionals
- Safeguarding authorities (e.g., local authority social care services)
- Clinical placement providers or supervisors
- Courts or legal representatives, where required
- Professional or accrediting bodies (in student conduct or clinical risk cases)

6. Recording and Governance

6.1 All disclosures will be:

- Documented with the reasons, date, and recipient.
- Approved by a designated safeguarding lead, senior clinician, or academic lead, where feasible.
- Reviewed periodically to ensure compliance with data protection standards.

7. Requests for Clinical Records Following the Death of a Client

7.1 Metanoia Institute acknowledges the complexity and sensitivity of requests from family members, next of kin, or others for access to a deceased client's clinical records. While the duty of confidentiality extends beyond death, the legal framework for handling such requests includes the Access to Health Records Act 1990 (for deceased persons), professional codes of ethics, and the UK GDPR as it pertains to the handling of third-party data.

7.2 Requests for disclosure in these circumstances will be considered in line with the following principles:

- Confidentiality remains paramount. Disclosure will only be made if it is lawful, justified, and in the public or clinical interest.
- Requests must be submitted in writing, including the requestor's identity, relationship to the deceased, and justification for the request.
- Requests will be considered by the Clinical Manager and Data Protection Officer, in consultation with legal advice where necessary.
- In cases involving therapeutic or psychological records, the Institute will seek to balance the deceased's right to privacy, the therapeutic context, and the emotional welfare of surviving relatives.
- Where access is granted, redactions may be applied to protect third-party confidentiality or sensitive therapeutic content.
- Requests may be refused where the release could cause serious harm or breach ethical or legal duties.

7.3 In all cases, the rationale for the decision will be documented.

8. Relevant Legislation and Guidance

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Access to Health Records Act 1990

- BACP Ethical Framework for the Counselling Professions
- UKCP Ethical Principles and Code of Professional Conduct
- IAPT/NHS Talking Therapies Clinical Governance Standards

9. Contact and Further Information

9.1 For any queries regarding this policy or to raise concerns, please contact:

Data Protection Officer

Metanoia Institute

dataprotection@metanoia.c.uk