



**AFKA
CYMRU**

Cymdeithas ar gyfer Maethu,
Gofal Perthynas a Mabwysiadu
Association for Fostering,
Kinship and Adoption

**AFKA Cymru
Practice Note 8**

April 2026

Guidance on The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026

Information Sharing 10A. (2)(a)

The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026 have introduced an amendment to The Fostering Panels (Establishment and Function) (Wales) Regulations 2018:

"Information Sharing 10A.—

- (1) This regulation applies where a fostering services provider receives a request for information made under regulation 7(2)(b) (a request for a reference) or (e) (a request for records).
- (2) Upon receipt of a request for information under regulation 7(2)(b) or (e) the fostering services provider must—
 - (a) provide the information in so far as they are not prohibited from doing so by any enactment or other rule of law,**
 - (b) provide the information within 15 working days, and
 - (c) provide the information at no cost to the requesting fostering services provider."

This guidance seeks to provide clarity on **2(a)** as highlighted in bold above.



1. What enactment or other rule of law could prohibit the sharing of information contained within a fostering assessment?

In the original fostering assessment, processing of personal data is necessary to comply with a legal requirement (fostering regulations) and it is necessary to perform a task that is in the public interest or for its official function, where there is a clear basis in law (fostering regulations and safeguarding).

The amendment to The Fostering Panels (Establishment and Function) (Wales) Regulations 2018 has been included to ensure that fostering services are not placed under an obligation in the regulations to share information contrary to their duties under other legislation.

The enactments and the other rules of law which are being referred to are:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Common Law Duty of Confidentiality
- Any Court Orders made in relation to the named persons

Fostering services must ensure that they are adhering to these laws when considering what is lawful and proportionate to share with other fostering services.



2. Sharing Information on the approved foster carer/s

Once the approved foster carer has decided to transfer fostering service, they should be asked to provide their written consent for their fostering assessment and foster records to be shared with the new fostering service.

Guidance for this process is contained within [The Fostering Network I Transfer Protocol for Wales](#):

6.3 To ensure that foster carers and, where relevant, members of their household, fully understand the implications of sharing information pertaining to them, it should be requested that the foster carers sign and return a Privacy Notice (data protection legislation).

The notice should confirm their consent to share information held in existing records about the foster carer, for the purposes of a new assessment. The applicant's (including members of their household) consent given in the Privacy Notice is passed to the service which holds the record, at the same time as the request to view records is made.

Foster carers have the right of access to the information in the report, under the provisions of, and subject to, the limitations contained within data protection legislation. Specifically, this is as pertains to third parties, subject access requests [Articles 12 to 15 & 46] and references provided in confidence [Schedule 2 Part 4(24) (d) of the DPA 2018]. [References to consent can be found in GDPR Article 7 and Recital 32].

A note in relation to the language used by The Fostering Network above, the purpose of a privacy notice is to inform individuals as to how their personal data will be processed. Privacy notices do not need to be 'agreed to'. The obligation is that organisations provide this information to meet their fair processing requirements and that individuals can inform themselves if they wish.

AFKA Cymru would advise that services draft a separate consent form so it is clear to individuals as to what they are consenting to. In order to ensure the threshold of valid consent is met, there are numerous things to consider. Helpful guidance



from the Information Commissioners Office (ICO) is available via this link - [What is valid consent? | ICO](#)

Service consideration must be given as to whether separate consent forms are issued for each member of the household and what the process would be should one member not provide their consent. Consider that consent can be withdrawn at any time so managing this, and the impact, should be included as part of the internal process.

Data in relation to the approved foster carers and their household members can be safely and securely shared (consider security and encryption) between fostering services, once consent has been obtained.



3. Sharing References which Accompany the Fostering Assessment

Referees should consent to their references being shared with other fostering services. This can be achieved by ensuring that, when referees are first contacted, the privacy notice letter they receive clearly includes this information.

Example wording to include:

'The reference you provide may also be shared with other fostering services should the above person be approved as a foster carer and subsequently make an application to transfer fostering services at a later date'.

Previously, a fostering provider could not guarantee that information provided by a referee would remain confidential. An applicant or foster carer could make a subject access request to see documents on their case file, and this may have resulted in them seeing personal references.

Now, as the result of the Data Protection Act 2018, the applicant or approved foster carer does not have the right to see a reference given in confidence to the fostering provider. The key point is whether the personal referee gives it on the understanding that it will be kept confidential from the applicant. If so, it is exempt from a subject access request but can still be shared with another fostering service provider, if the referee has consented for this.

Any references given in confidence must be clearly marked as such for the new fostering service during the foster carer transfer.



4. Sharing Third Party Information Contained Within the Fostering Assessment

Fostering assessments will contain third party information as the applicant will have been asked to share their interpretation of their relationship with family members, ex partners and friends and used their names. This supports the foster panel and decision maker in having a holistic and fully informed background and history of the applicant, which will inform decision making on whether the applicant meets the requirements to be approved as a foster carer.

This information is referred to as incidental third-party personal data as it has not been collected directly from the person, it is not being used to make decisions about them, and it is only recorded as contextual information. It is important for the fostering assessor to remember that references to third parties must be relevant, necessary and not excessive.

Third-party information should only be shared with another fostering service if it is necessary and proportionate for safeguarding and suitability. Fostering services should avoid sharing identifiable details unless required.

Good practice in fostering assessments would encourage the assessor to record the relationship between the applicant and the third party rather than including any identifying information such as names (e.g. "sister", "father", "best friend", "ex-partner").

Names of third parties should be retained where there is a potential safeguarding concern, for example where an individual may pose a risk to children or vulnerable adults. Safeguarding is a legitimate interest and provides the basis for sharing this information with the new fostering service. It is important that the receiving service is aware of the identity of such individuals in the event that the approved foster carer resumes a relationship or friendship with them.

Redaction must not undermine safeguarding. The law prioritises child protection and public safety, and this must guide decision-making. The receiving fostering service therefore needs access to relevant third-party information where it relates to risk, as this is necessary to support effective safeguarding decisions during the reassessment of the foster carer.



If names have been recorded and the fostering service needs to redact third party information in the assessment, they must clearly replace names with general descriptors (e.g. “aunt”, “a previous partner”) and ensure that the context of the assessment is not impaired so that any subsequent foster panel and decision maker can still read the assessment without any confusion. If any clarification is needed regarding the redacted names, the new fostering service should consult the foster carer to obtain further information.

Child protection law gives fostering agencies strong justification to share relevant information. However, this safeguarding necessity must be balanced against third-party privacy. If the person’s identity needs to be shared to protect children or vulnerable adults, then the sharing of this information may be lawful. However, such decisions to share must be clearly recorded and justified.

If you need further advice, please contact your service’s

Data Protection Officer and/or

the Information Commissioners Office (ICO)

[For organisations | ICO](#)

0303 123 1113



Foster Carer Transfer – Before Sharing Information Checklist

(for guidance only, services may replicate and/or amend this template)

Name of Foster Carer/s:	
Name of current Fostering Service:	
Name of person sharing information for transfer purposes:	
Name of Fostering Service information is being shared with:	
Date of request for information sharing:	
Date of information sharing <i>(no longer than 15 working days from request):</i>	

1. Consent

- ☐ Do I have written consent from the foster carer to share their fostering assessment and records?
- ☐ Does the consent clearly cover sharing with another fostering service?

2. What Am I Sharing?

- ☐ Is all information I am sharing relevant to fostering suitability/safeguarding?
- ☐ Am I avoiding unnecessary detail?



3. Third-Party Information Check

☐ Does the fostering assessment include reference to other people (family, friends, ex-partners etc.)?

If YES:

☐ Is this information necessary to share due to safeguarding?

☐ Should I anonymise it?

☐ Have I removed names and identifying details unless there is a safeguarding need to share?

4. References

☐ Do I have written consent from the referee to share their reference?

☐ Does the consent clearly cover sharing with another fostering service?

5. Final Decision

Is the information I am sharing with the fostering service:

☐ Necessary?

☐ Proportionate?

6. Recording

Have I recorded below:

☐ What was shared?

☐ What was redacted?

☐ Why decisions were made?

Relevant information to record: