

Legal Roundup - September 2021

Data breaches: relevance

Data breaches don't only arise when information is accidentally sent to the wrong recipient. If we process personal information when we have no lawful basis this constitutes a breach of data principles and consequences of such a breach can be significant both for the individual whose data we are processing and for Cafcass.

Cafcass' legal basis for the processing of personal information is based on a legitimate ground for that processing, either as we are court-ordered or have made an assessment the information being processed is relevant and necessary to inform our input to the court process.

If personal information is included in a report or safeguarding letter which is not relevant to the issues in the case, this could constitute a data breach by Cafcass which might then i) need to be reported to the ICO and ii) could form the basis for a claim for damages against Cafcass. It is very important to ensure that information in reports is relevant, necessary and accurate. All individuals whose information is processed have the right to object or seek corrections to errors, and when received these objections are considered and responded to.

Bell v Tavistock reaches the Court of Appeal:

The Court of Appeal has overturned the High Court's decision in Bell v Tavistock with the effect that the Tavistock's Gender Dysphoria service can continue to make clinical decisions about the administration of so-called Puberty Blockers to children. View the [full legal alert](#).

Amendment to FPR r27.11 and PD27B amended to confirm access for 'legal bloggers'

So called 'legal bloggers' have previously been permitted access to hearings in the Family Court under a pilot scheme – that pilot has led to a permanent change to FPR r27.11 and PD27B confirming that legal bloggers can attend hearings. Rule 27.11(3) sets out limited circumstances under which a court can direct that bloggers shall not attend a hearing, including where it is in the interests of a child to exclude them or a limit on attendance is needed to avoid an impairment to justice. These exclusions are not likely to apply to the majority of hearings in which a blogger wishes to attend.

Deprivation of liberty orders post implementation of new regulations

View a [full update](#) in respect of the use of the Inherent Jurisdiction to authorise deprivation of liberty of children under the age of 16 in circumstances where the placement is prohibited by the terms of new statutory regulations.

Did you know...

Appeal proceedings are a continuation of the first instance proceedings - so if we represent a child as guardian in first instance proceedings the outcome of which is appealed, we remain involved as guardian for the child in the appeal, but we may of course play a limited role depending on the basis of the appeal.