

Data Protection and Regulation Compliance on Handling Physical Child Abuse Scenarios- A Scoping Review

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Abstract : Decades of research on the topic of interpersonal violence against minors highlight five main conclusions: 1) it causes harmful effects on children's development and health; 2) it is prevalent; 3) it violates children's rights; 4) it can be prevented and 5) parents are the main aggressors. The child abuse scenario is identified through clinical observation, administrative data and self-reports. The most used instruments are self-reports; however, there are no valid and reliable self-report instruments for minors, which consist of a retrospective interpretation of the situation by the victim already in her adult phase and/or by her parents. Clinical observation and collection of information, namely from the orofacial region, are essential in the early identification of these situations. The management of medical data, such as personal data, must comply with the General Data Protection Regulation (GDPR), in Europe, and with the General Law of Data Protection (LGPD), in Brazil. This review aims to answer the question: In a situation of medical assistance to minors, in the suspicion of interpersonal violence, due to mistreatment, is it necessary for the guardians to provide consent in the registration and sharing of personal data, namely medical ones. A scoping review was carried out based on a search by the Web of Science and Pubmed search engines. Four papers and two documents from the grey literature were selected. As found, the process of identifying and signaling child abuse by the health professional, and the necessary early intervention in defense of the minor as a victim of abuse, comply with the guidelines expressed in the GDPR and LGPD. This way, the notification in maltreatment scenarios by health professionals should be a priority and there shouldn't be the fear or anxiety of legal repercussions that stands in the way of collecting and treating the data necessary for the signaling procedure that safeguards and promotes the welfare of children living with abuse.

Keywords : child abuse, disease notifications, ethics, healthcare assistance

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