

## s45 Disclosures to Safeguarding Adult Board– Privacy Notice

**Summary:**

Some members of society are recognised as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm, we are expected as professionals to do what we can to protect them. In addition, we are bound by certain specific laws that exist to protect individuals. This is called “Safeguarding”.

Where there is a suspected or actual safeguarding issue we will share information that we hold with other relevant agencies whether or not the individual or their representative agrees.

There are three laws that allow us to do this without relying on the individual or their representatives agreement (unconsented processing), these are:

**Section 47 of The Children Act 1989:**

<https://www.legislation.gov.uk/ukpga/1989/41/section/47>

**Section 29 of Data Protection Act (prevention of crime)**

<https://www.legislation.gov.uk/ukpga/1998/29/section/29>

**Section 45 of the Care Act 2014**

<http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>.

In addition, there are circumstances when we will seek the agreement (consented processing) of the individual or their representative to share information with local child protection services, the relevant law being;

**Section 17 Childrens Act 1989:**

<https://www.legislation.gov.uk/ukpga/1989/41/section/17>

<b>1. Data Controller:</b>	<b>Canterbury Medical Practice</b> Patribourne Rd, Bridge, Canterbury CT4 5BL
<b>2. Data Protection Officer:</b>	<b>Dr Mark Jones</b> Contact via: <a href="mailto:ccccg.cmp@nhs.net">ccccg.cmp@nhs.net</a>
<b>3. How does this comply with the Common Law Duty of Confidentiality?</b>  <ul style="list-style-type: none"> <li>• Consent <ul style="list-style-type: none"> <li>○ Implied (e.g. direct care)</li> <li>○ Explicit (e.g. 2° uses)</li> </ul> </li> <li>• COPI Regulations 2002 (e.g. Reg 5 - “s251”)</li> <li>• “overriding public interest” (to safeguard you or another person)</li> <li>• legal obligation (e.g. court order)</li> </ul>	<b>Legal obligation</b>  This means that we are compelled by law to share your data in this way  and  <b>Overriding public interest</b>  Where we can your data, without your consent, to save your life or that of others
<b>4. Purpose of the processing and the lawful basis for the processing</b>	The provision of information from GP records about adults who may be at risk of harm (abuse or neglect) This is a mandatory provision of information under Section 45 of the Care Act 2014

	<p>The information provided will be both personal and sensitive data and under some circumstances, this might also include special category data</p> <p>Lawful basis:  <b>Article 6(1)(c) – Legal Obligation</b>  <i>“processing is necessary for compliance with a legal obligation to which the controller is subject.”</i></p> <p><b>Article 9(2)(b) - Social Protection Law</b>  <i>“processing is necessary for the purposes of carrying out the obligations and exercising ... the data subject in the field of employment and social security and social protection law”</i></p> <p>We will consider your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p><b>5. Is this:</b>  <i>Access to your GP record</i></p> <ul style="list-style-type: none"> <li>• <i>Extraction of information from your GP record</i></li> <li>• <i>Access to data held about you by another data controller</i></li> </ul>	<p>Extraction of information from the GP record</p>
<p><b>6. The recipient(s), or categories of recipients, of your personal data</b></p>	<p>Kent Safeguarding Adults Board– local authority (e.g. Kent County Council)</p>
<p><b>7. Retention period of the data (or criteria used to determine the retention period)</b></p>	<p>Data retained in line with local authority policies on storing identifiable data.  <a href="http://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement">http://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement</a></p> <p>The data will be retained for active use during any investigation and thereafter retained in an inactive stored form according to the law and national guidance</p>
<p><b>8. The existence of each of your rights</b></p> <ul style="list-style-type: none"> <li>- <i>The right to object</i></li> <li>- <i>The right to access and correct</i></li> </ul>	<p>N/A</p>
<p><b>9. The right to lodge a complaint with a supervisory authority</b></p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>
<p><i>The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences</i></p>	<p>No</p>

*Further information*

Relevant legislation:  
s45 of the Care Act 2014  
<http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>

Further information about GP records and confidentiality can be found on our website under Data Protection:  
<http://www.canterburymedicalpractice.nhs.uk/>