

## Privacy Notice - Safeguarding

Some members of society are recognised as needing protection, for example children and adults with care and support needs (adult hereafter).

Safeguarding is the action that is taken to promote the welfare and protect children/ adult from harm. If a child/ adult is suffering or likely to suffer significant harm, professionals have a statutory responsibility to protect them. This statutory responsibility is set out within the Care Act 2014, Children Acts 1989 & 2004 & Social Care Act 2014.

Where there is a suspected or actual safeguarding issue professionals should aim to gain agreement to share information but should be mindful of situations where to do so would place a child/ adult at increased risk of harm. Information may be shared without agreement if a professional has reason to believe that there is good reason to do so, and that the sharing of information will enhance safeguarding. When decisions are made to share or withhold information, practitioners should record who has been given the information and why.

We will share children's personal information where there is a need to assess and evaluate any safeguarding concerns and to protect the safety of children. Consent may not always be required to share this information.

We will share personal confidential information with the safeguarding team where there is a need to assess and evaluate any safeguarding concerns and protect the safety of individuals. Consent is not required to share this information for this purpose.

This is covered in the following legislation guidance:

The Mental Capacity Act 2005 <http://www.legislation.gov.uk/ukpga/2005/9/contents>

Section 47 of The Children Act 1989 :

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

Section 18 Schedule 1 Part 2 of Data Protection Bill 2018

<https://www.legislation.gov.uk/>)

And

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Section 45 of the Care Act 2014

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

For children where who are identified as Child In Need professionals are required to seek consent in regards to sharing information. The relevant guidance is covered;

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

<b>1) Controller</b> contact details	Basildon Road Surgery, 111 Basildon Road, Abbey Wood, London, SE2 0ER <a href="mailto:Greccq.abbeysladepms@nhs.net">Greccq.abbeysladepms@nhs.net</a> 0208 311 3917
<b>2) Data Protection Officer</b> contact details	Danielle Gibbons GP Data Protection Officer <a href="mailto:gpdpo@selondonics.nhs.uk">gpdpo@selondonics.nhs.uk</a>
<b>3) Purpose</b> of the processing	The purpose of the processing is to protect the child or vulnerable adult.
<b>4) Lawful basis</b> for processing	The sharing is a legal requirement to protect vulnerable children or adults, therefore for the purposes of safeguarding children and vulnerable adults, the following UK GDPR Article 6 conditions apply:  <i>Article 6(1)(e) “for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”;</i>  <i>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject”.</i>  And the following Article 9 condition for processing special category personal data:  <i>Article 9(2)(b) “...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by</i>

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	<i>Union or Member State law.”</i>
<b>5) Recipient or categories of recipients of the shared data</b>	The data will be shared with the Nursing Directorate Safeguarding teams and other organisations such as police, NHS or Local Authority where deemed necessary.
<b>6) Rights to object</b>	<p>This sharing is a legal and professional requirement and therefore there is no right to object.</p> <p>There is also GMC guidance for adult and child safeguarding: <a href="https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_56_63_child_protection.asp">https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_56_63_child_protection.asp</a> <a href="https://www.gmc-uk.org/ethical-guidance/ethical-hub/adult-safeguarding">https://www.gmc-uk.org/ethical-guidance/ethical-hub/adult-safeguarding</a></p>
<b>7) Right to access and correct</b>	The Data Subjects or their legal representatives have the right to access the data that is being processed or shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
<b>8) Retention period</b>	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
<b>9) Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/make-a-complaint/data-protection-complaints/">https://ico.org.uk/make-a-complaint/data-protection-complaints/</a></p> <p>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>