

# **Appropriate policy document for privacy notice 19: Safeguarding**

**Date completed 04/04/2023**

**How Kent Fire and Rescue Service (KFRS) protects special category personal data relating to safeguarding.**

## **1. About this appropriate policy document**

This is the 'appropriate policy document' that sets out how KFRS will protect special category personal data relating to safeguarding.

KFRS has a number of responsibilities in relation to safeguarding. Safeguarding is the process that organisations put in place to make sure they protect the safety and welfare of children and vulnerable adults they come into contact within the course of their work. It also includes any specific activities that are undertaken to protect specific children and vulnerable adults who are suffering, or likely to suffer, abuse.

KFRS has a responsibility to ensure it has effective arrangements to safeguard children, young people and adults at risk. To meet these requirements, it conforms to Local Authority guidance and the National Fire Chiefs Council (NFCC) safeguarding guidance for children, young people and adults.

KFRS has a number of Designated Safeguarding Officers, who are overseen by a Safeguarding Manager. If a safeguarding concern is identified then a safeguarding case will be raised and assigned to a Designated Safeguarding Officer, who has responsibility to look at the information available and take appropriate action as necessary. Part of that process may be the need to share information to other partners or agencies in order to safeguard the individual from harm, abuse or neglect.

No single agency can have the full picture, therefore a culture of documenting concerns, potentially over time, multi-agency collaboration and the use of early intervention/help services is key. There may be occasions where consent from a person is refused or unable to be obtained but it may be necessary and justified that appropriate and necessary information is shared with the relevant agency in a timely manner in order to support and protect that person.

To enable it to undertake a safeguarding function, KFRS collects and processes a range of personal data, including some special category data. Data is collected about customers either via colleagues who have reported safeguarding concerns or external partners who are raising enquiries, for example requests to professionals' meetings, or review purposes such as Domestic Homicide Review (DHR) or Safeguarding Adult Review (SAR). Referrals and

safeguarding cases are stored within our secure, password protected IT system. The information is accessed by Designated Safeguarding Officers.

Because one of the lawful bases for processing this data is the ‘*reasons of substantial public interest*’ condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#) – with the further required substantial public interest condition being para ‘6 *Statutory etc and government purposes*’ (as set out in set out in [Schedule 1, Part 2, Paragraph 6 of the DPA 2018](#)) – there is a requirement set out in [Schedule 1, Part 2, Paragraph 5 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. This document meets that requirement.

The specific conditions under which data may be processed for reasons of substantial public interest are set out in [Schedule 1, Part 2, Paragraphs 6 to 28 of the Data Protection Act 2018](#).

## 2. Lawful basis for processing this data

### 2.1 Lawful basis under Article 6 of the UK GDPR

When undertaking safeguarding duties, we rely on **compliance with a legal obligation** (UK GDPR Article 6(c)) and **performance of a task carried out in the public interest or in the exercise of official authority** (UK GDPR, Article 6(e)) as the lawful basis for collecting and processing personal data.

Both of these require a separate basis in law. This comes from our compliance with the requirements of the following legislation and statutory guidance:

- [The Care Act 2014](#) (in particular, sections 42-46)
- [Mental Capacity Act 2005](#)
- [Safeguarding Vulnerable Groups Act 2006](#)
- [Children Act 1989](#) and [Children Act 2004](#)
- [Protection of Children Act 1999](#)
- [Working Together to Safeguard Children 2018](#) (Statutory guidance from the Department for Education)
- [The Counter Terrorism and Security Act 2015](#)
- [Modern Slavery Act 2015](#)
- [Human Rights Act 1998](#)
- The requirement placed upon us to meet the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#). As part of this we actively seek to remove barriers to services in order to improve access to our services. In order to assist us in this, we may seek to gather information about some protected characteristics of our customers. Although the provision of our safeguarding activity is not contingent on people providing this information.

The requirement under [Article 13 of the UK GDPR](#) (information to be provided where personal data are collected from the data subject), is met through the provision of [privacy notice 19: Safeguarding](#).

## 2.2 Condition for processing special category data under Article 9 of the UK GDPR

In relation to any special category data, we rely on the **substantial public interest** condition as set out in Article 9(2)(g) of the UK GDPR.

Again, the basis in law for this is our compliance with the requirements of the legislation and statutory guidance set out below:

- [The Care Act 2014](#) (in particular, sections 42-46)
- [Mental Capacity Act 2005](#)
- [Safeguarding Vulnerable Groups Act 2006](#)
- [Children Act 1989](#) and [Children Act 2004](#)
- [Protection of Children Act 1999](#)
- [Working Together to Safeguard Children 2018](#) (Statutory guidance from the Department for Education)
- [The Counter Terrorism and Security Act 2015](#)
- [Modern Slavery Act 2015](#)
- [Human Rights Act 1998](#)
- The requirement placed upon us to meet the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#). As part of this we actively seek to remove barriers to services in order to improve access to our services. In order to assist us in this, we may seek to gather information about some protected characteristics of our customers. Although the provision of our safeguarding activity is not contingent on people providing this information.

## 2.3. Where ‘substantial public interest’ is identified as the condition for processing under Article 9 of the UK GDPR, then the organisation also needs to meet one of 23 specific substantial public interest conditions set out in Schedule 1, Part 2 of the Data Protection Act 2018

As we are relying on the substantial public interest condition in Article 9(2)(g), we also need to meet one of 23 specific substantial public interest conditions set out in [paragraphs 6 to 28 Schedule 1, Part 2 of the DPA 2018](#).

KFRS is meeting the following specific substantial public interest conditions:

- **Statutory and government purposes** as set out in [paragraph 6, Schedule 1, Part 2 of the DPA 2018](#); specifically paragraph 6(2)(a) ‘*the exercise of a function conferred on a person by an enactment or rule of law*’. This ‘*function conferred...by an enactment or*

*rule of law* are the requirements set out in the legislation and statutory guidance listed above.

- **Safeguarding of children and individuals at risk** as set out in [paragraph 18 of Schedule 1, Part 2 of the DPA 2018](#).

### **3. Retention**

Personal data will be retained for the duration of any safeguarding investigation and held in accordance with the periods set out in sections 2 and 7 of our Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>)

Where we no longer require the special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.

The retention of this data will be subject to review every 12 months by a panel which includes, but is not limited to, the Safeguarding Manager and Information Officer.

### **4. Procedures for securing compliance**

Article 5 of the UK General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring that we comply with them.

#### **4.1 Principle 1**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Kent and Medway Fire and Rescue Authority will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

#### **4.2 Principle 2**

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

KFRS will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

### **4.3 Principle 3**

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

KFRS will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

### **4.4 Principle 4**

Personal data shall be accurate and, where necessary, kept up to date.

KFRS will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

### **4.5 Principle 5**

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

KFRS will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted, but beyond use or rendered permanently anonymous.

### **4.6 Principle 6**

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

KFRS will ensure that there appropriate organisational and technical measures in place to protect personal data. All data will be held in electronic format on password protected devices provided by the Authority and accessible only to those who have a specified need.

## **5. Accountability principle**

The controller shall be responsible for, and be able to demonstrate compliance with these principles. Data Protection Officer is responsible for ensuring that KFRS is compliant with these principles.

We will:

- Ensure that, where appropriate, records are kept of personal data processing activities, and that these are provided to the Information Commissioner's Office (ICO) on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the ICO if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of departments' personal data handling, and that this person has access to report to the highest management level within KFRS.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

## **6. Data controller's policies as regards retention and erasure of personal data**

We will ensure, where special category personal data is processed, that:

- There is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data. This is set out in section 3.
- Where we no longer require special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.
- Data subjects receive full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

## **7. Further information**

For further information about this appropriate policy document or KFRS's compliance with data protection law please contact:

Data Protection Officer  
Kent Fire & Rescue Service  
The Godlands  
Straw Mill Hill  
Maidstone  
ME15 6XB

Email: [dataprotection@kent.fire-uk.org](mailto:dataprotection@kent.fire-uk.org)

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