

Privacy notice 19: Safeguarding

Date completed 04/04/2023

This notice is one of a set which explain what data we collect, store and process to provide our services to customers. It also sets out the legal basis we are using for collecting the data stated.

It should be read alongside the related privacy notices listed below, all of which can be found here: <https://www.kent.fire-uk.org/privacy-policy>

- Privacy notice 13: 'Safe and Well' visits, 'Home Fire Safety Visits' and post-incident visits
- Privacy notice 14: Firesetters team
- The overall privacy notice
- The breach process contained in Annex 1 of the Data Protection and Information Security Policy which sets out what we will do should any data we collect be lost or misused. This can be found here: <https://www.kent.fire-uk.org/freedom-information-foi>

Our contact details

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Why we collect and use personal data

This notice covers personal data collected as part of our safeguarding responsibilities. 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.

The types of personal data we collect and process

The following categories of personal data may be processed as part of KFRS undertaking its safeguarding duties:

- Health data (medical conditions, mental health, physical and or cognitive impairments)
- Date of birth
- Name
- Address
- NHS number and Swift I.D. number
- Gender
- Ethnicity
- Data revealing religious or philosophical beliefs
- Contact details (phone/email)
- Third party details if necessary (next of kin/friend/family/agency)

Our lawful reasons for collecting and processing personal data

The six lawful bases for processing personal data are set out in [Article 6\(1\) of the UK GDPR](#). These are as follows:

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

- (b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. NB: This cannot apply if you are a public authority processing data to perform your official tasks.

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.

Special category data

Article 9 of the UK GDPR covers special category data. Special category data is personal data that needs more protection because it is sensitive. The nine types of special category data are as follows:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;

- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life
- data concerning a person's sexual orientation

The special category data that may be processed in relation to our safeguarding duties will depend upon the specifics of each case, but may include one or more of the following:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- data concerning health;
- data concerning a person's sex life
- data concerning a person's sexual orientation

In order to lawfully process special category data, we must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. There are ten conditions for processing special category data, which are as follows:

- (a) Explicit consent
- (b) Employment, social security and social protection (if authorised by law)
- (c) Vital interests (of the data subject)
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) Reasons of substantial public interest (with a basis in law)
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)
- (j) Archiving, research and statistics (with a basis in law)

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](#)
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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](#).

Appropriate policy document

When processing special category data under the following conditions under Article 9 of the UK GDPR, there is a requirement under the Data Protection Act 2018 to have an '**appropriate policy document**' in place:

(b) Employment, social security and social protection (if authorised by law), Schedule 1, Part 1, Paragraph 5, DPA 2018)

(g) Reasons of substantial public interest (Schedule 1, Part 2, Paragraph 5, DPA 2018)

The appropriate policy document must set out the information below and be retained for six months after the date the relevant processing stops.

- a) Which substantial public interest condition is relied on.
- b) How the processing satisfies Article 6 of the GDPR (lawfulness of processing).
- c) Whether the personal data is retained and erased in accordance with the controller's policies, including giving an indication of how long such personal data is likely to be retained.

- d) Explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question.

In line with these requirements, an appropriate policy document is in place.

Who might we share your data with?

We have a responsibility to promote social wellbeing and prevent harm. Sharing data with Kent Police, Kent County Council and Medway Council Social Services' departments, when there is a safeguarding concern, is a legal duty placed upon us and when appropriate to do so, we will share data with the most appropriate partner.

Where is the data stored?

Safeguarding-related data is stored within the Authority's document management system, which is hosted on a cloud-based server system. Access to the data is restricted to those that require it for their role.

How long will we hold your data for?

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>)

What are my data protection rights?

When there is a safeguarding concern sharing data with Kent Police, Kent County Council and Medway Council Social Services' departments is a legal duty placed upon us, and you cannot remove your consent to us doing so.

Under data protection law, you have the following rights:

Your right of access

You have the right to ask us for copies of your personal information. You can ask to see it by making a subject access request. Guidance for making a request is available here:

<https://www.kent.fire-uk.org/freedom-information-foi>

Your right to rectification

You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure

You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing

You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing

You have the the right to object to the processing of your personal information in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

If you wish to make a request, please contact us at:

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Address:

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us using the contact information above.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>