Kent and Medway Safeguarding Adults Board
Privacy Statement and Rights

Privacy Statement

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

1. Adult safeguarding – what it is and why it matters

Safeguarding means protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

2. Nature of work

2.1 The Kent and Medway Safeguarding Adults Board (KMSAB) is a multi-agency partnership comprising of statutory, independent and voluntary sector organisations with an independent chair. Representatives of all the key organisations work together to safeguard and promote the welfare of vulnerable adults. The Board is established under section 43 of the Care Act 2014 and the Care and Support Statutory Guidance (October 2014).

2.2 KMSAB’s statutory adult safeguarding duties apply equally to those adults with care and support needs regardless of whether those needs are being met, regardless of whether the adult lacks mental capacity or not, and regardless of setting, other than prisons and approved premises where prison governors and National Offender Management Service (NOMS) respectively have responsibility.

2.3 The Board has a responsibility for organising Safeguarding Adult Reviews (SARs), assuring appropriate learning and maintaining the multi-agency safeguarding adult procedures in line with legislation and government guidance, publication of an annual report and strategic plan.

2.4 The KMSAB is a registered data controller and collects information linked to the conduct of SARs, as well as contact details that allows us to administrate and keep professionals informed about relevant news, events and training courses that are provided by the Board.
3. **Legal Basis for processing information**

3.1 The Legal basis for processing personal information for the Board's work can be located in Article 6(1)(e) of the General Data Protection Regulation (GDPR) where: “processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;”

3.2 The Board's legal basis for processing most “special category” (previously known as sensitive personal data) personal information can be located in Article 9(2)(g) of the GDPR:

“processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;”

3.3 At times the Board may need to process special category data for the following reasons:

- The provision of health or social care or treatment or the management of health or social care systems and services.
- Processing your data is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the General Data Protection Regulations 2018.
- Processing your data is necessary to protect your vital interests or of another person where you are physically or legally incapable of giving consent.

3.4 Sections 43, 44 and Schedule 2 of the Care Act 2014 and Chapter 14 of the Statutory Guidance, issued under section 78 of the Care Act 2014 provide the legal powers which allow the Board to undertake the above, specifically with regards to;

- Publishing a strategic plan for each financial year detailing how it will meet its main objective and what members will do to achieve this;
- Publishing an annual report detailing what the Board has done during the year to achieve its objectives and implement its strategic plan and what members have done to implement the strategy;
- Conducting any SARs in accordance with Section 44 of the Care Act (2014).

4. **Information collected by us**

4.1 In the course of working with you, we may collect the following personal information when it is provided to us:

**Personal data**

- Personal information e.g: your name, address, telephone number, date of birth
- Contact details for members of your family and support network
- Information about your finances, e.g. bank details, income, benefits
- Photographs, e.g. to help inform an Occupational Therapy Assessment

**Special categories of personal data**
• Information about your racial or ethnic origin, religious or philosophical belief and your sexual orientation
• Information about health conditions or disabilities that may apply to you
• Information about you and your circumstances
• Information about relevant health and safety concerns
• Information about your needs and wishes

5. **Why we need to process information**

5.1 As referenced in the statutory guidance above, the functions of the Board require the processing of information to:

• Identify the role, responsibility, authority and accountability regarding the action which each agency and professional group should take to ensure the protection of adults.
• Establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases KMSAB’s understanding of prevalence of abuse and neglect locally which builds up a picture over time;
• Establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
• Determine its arrangements for peer review and self-audit;
• Establish mechanisms for developing policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
• Develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
• Identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry;
• Formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
• Develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
• Balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a “need to know” basis;
• Identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
• Share information linked to SAR Notifications and Reviews with partner agencies as is necessary, and strictly in line with the Board’s procedures in accordance with the Care Act 2014 arrangements for this;
• Produce a strategic plan and an annual report;
• Evidence how Board members have challenged one another and held other related local Boards to account;
• Promote multi-agency training and consider any specialist training that may be required. Consider any scope to jointly commission any training with partner agencies and other groups, including the Kent Safeguarding Children’s Board (KSCB);
• Share details of attendance at training courses and events with relevant training leads of commissioning organisations to ensure that staff development record remains up to date.

5.2 We may collect information from, or share it, with some third parties, for instance Police or Health Services (e.g. your GP), but only if there is a need to do so for the KMSAB to fulfil its function under Section 45 of The Care Act 2014.

5.3 The Board does not use any personal information for direct marketing purposes.

6. **How long we will keep your information**

6.1 After we deliver a service to you, we must keep your information as a business record of what was delivered. The type of service you receive will determine how long we have to keep your information.

6.2 If your information is necessary for conducting a SAR, your records will be retained for no longer than 10 years from when the review has been conducted.

7. **Changes to this statement**

7.1 The KMSAB will update this Privacy Statement to reflect company and client feedback. It is encouraged to periodically review this Statement to be informed of how the Board is protecting your information.

7.2 Comments are welcome regarding this Privacy Statement. If you believe that this statement has not been adhered to, please contact the Kent and Medway Safeguarding Adults Board at KMSAB@kent.gov.uk. We will use reasonable efforts to promptly determine and remedy the problem.

**Your Rights**

8. **Access to information**

Data Protection legislation provides individuals with a right to receive a copy of information an organisation holds about them. Any requests will ordinarily be dealt with within one calendar month; however, this may be extended by two further months where necessary, taking into account the complexity and number of the requests received.

9. **Erasure**

Subject to certain conditions, a person has a right to have their personal information erased without undue delay when:

• The information is no longer necessary in relation to the record retention periods
• The individual objects to the processing and there are no overriding legitimate grounds for the processing.
• The information has been unlawfully processed.
• The information has to be erased for compliance with a legal obligation to which the Board is subject.
• The personal information belongs to a child and has been collected by electronic means for a service normally provided for remuneration.

10. Restrict Processing

A person has a right to restrict the use of their personal information where one of the following applies:

• The accuracy of the personal information is contested, for a period enabling the Board to verify the accuracy of the information.
• The processing is unlawful and the person opposes the erasure of the personal data and requests the restriction of its use instead.
• The Board no longer needs the personal information but it is required by the individual in question for the establishment, exercise or defence of legal claims.
• The individual has objected to the use of the information and this objection is legitimate.

The Board shall communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal information has been disclosed, unless this proves impossible or involves disproportionate effort.

11. Obligations regarding rectification, erasure or restriction of processing

In the event of a data breach, the relevant organisation will make every effort to inform Data Subjects affected. The Data Subject has the right to rectification if the Board have added the wrong information and each organisation will be advised of the error to make appropriate updates to their records.

12. Right to Object

12.1 Under GDPR you have rights which you can exercise free of charge which allow you to:

• Know what we are doing with your information and why we are doing it
• Ask to see what information we hold about you (subject access request)
• Ask us to correct any mistakes in the information we hold about you
• Make a complaint to the information commissioner's office

Depending on our reason for using your information you may also be entitled to:

• Ask us to delete information we hold about you
• Have your information transferred electronically to yourself or to another organisation
• Object to decisions being made that significantly affect you
• Object to how we are using your information
• Stop us using your information in certain ways
12.2 We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note, your request may delay or prevent us delivering a service to you.

12.3 A person does not have a right to object to KMSAB processing their data for the purpose of delivering safeguarding. In doing so the individual would be refusing the Board’s involvement which is a legal requirement under The Care Act 2014.

13. **Report Concerns to the Regulator**

If you have a concern about the way your information is being used, we request that you raise your concern with us in the first instance at KMSAB@kent.gov.uk.

If you would like to make a formal complaint or compliment, please contact the Kent County Council Adult Social Care Customer Care and Complaints Team:

complaintsteamadults@kent.gov.uk

or

Customer Care and Complaints Team
Invicta House
County Hall
Kent County Council
Maidstone
Kent
ME14 1XX

Alternatively, you have a right to contact the Information Commissioner’s Office (ICO). The ICO is the UK’s independent body set up to uphold information rights:

Information Commissioner’s Office (Head Office)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number
Fax: 01625 524 510