

## Privacy Notice

### Safeguarding

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 representative’s 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>

1) **Data  
Controller**  
contact details

- Danes Camp Medical Centre
- Rillwood Medical Centre
- Eleanor Cross - Delapre Medical Centre
- Eleanor Cross - Whitefields Surgery
- St Lukes Primary Care Centre
- Abington Park Surgery
- King Edward Road Surgery
- Abington Medical Centre
- Leicester Terrace Heath Care Complex
- Greenview Surgery
- The Mounts Medical Centre
- Maple Access Partnership
- Mayfield Surgery
- Favell Plus Surgery
- Woodview Medical Centre
- Moulton Surgery

	<ul style="list-style-type: none"> <li>• Earls Barton Medical Centre &amp; Penvale Park</li> <li>• Queensview Medical Centre</li> <li>• The Pines Surgery</li> <li>• Langham Place Surgery</li> <li>• Kingsthorpe Medical Centre</li> <li>• Brook Medical Centre</li> <li>• County Surgery</li> <li>• Park Avenue Medical Centre</li> <li>• Kings Heath Practice</li> <li>• The Crescent Medical Centre</li> <li>• Bugbrooke Medical Practice</li> </ul>
2) <b>Data Protection Officer</b> contact details	<p>Elizabeth Perryman at General Practice Alliance</p> <p>northamptongpa.ig@nhs.net 01604970916</p>
3) <b>Purpose</b> of the processing	The purpose of the processing is to protect the child or vulnerable adult.
4) <b>Lawful basis</b> for processing	<p>The legal basis will be:</p> <p><i>Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is subject."</i></p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority.'</i></p> <p><i>9(2)(b) "processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject."</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"</p>
5) <b>Recipient or categories of recipients</b> of the shared data	<p>The data will be shared with: as deemed necessary by individual circumstances</p> <ul style="list-style-type: none"> <li>• Northamptonshire Social Services</li> <li>• Northamptonshire Police</li> </ul>
6) <b>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:</p>

	<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>
<b>7) Right to access and correct</b>	The data subjects or their legal representatives have the right to request access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law or unless complying with the right of access would be likely to cause serious harm to the physical or mental health of any individual.
<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. <a href="#">Records Management Code of Practice - NHS Transformation Directorate (england.nhs.uk)</a> or speak to us.
<b>9) Right to Complain.</b>	You have the right to complain to the Information Commissioner's Office at this link: <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a>

\* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.