**Lancashire Fire and Rescue Service**

**Privacy Notice - Safeguarding**

The term Safeguarding is used to define actions taken to protect a person’s (either adult or child) health, well-being and human rights allowing them to live free from harm due to abuse, neglect or self-neglect.

Safeguarding means protecting people’s health, wellbeing and human rights enabling them to live free from harm, abuse and neglect. Lancashire Fire and Rescue Service (LFRS) often access properties and peoples’ lives that other agencies can’t and see and hear things that others might not.

There are many different forms of abuse and safeguarding concerns and in their role our personnel may come across people either at incidents, during Home Fire Safety Check visits, other visits and events, or with people who are engaged in programmes run by the Service, who they feel could be at risk or who they feel need some help or support in their lives.

Recognising that a person is suffering, or is likely to suffer, from abuse or neglect is not easy. Whilst it is not the responsibility of an employee of LFRS to investigate an incident or to decide whether or not abuse has taken place, all employees do have a responsibility to act if they have a safeguarding or welfare concern. This will enable the appropriate agencies to investigate and take the necessary action to safeguard the welfare of the child or adult at risk.

Because Lancashire Fire and Rescue Service make safeguarding referrals in good faith and for the best of reasons it is important that you understand how your personal information will be collected and used and what rights, you have when it comes to your information.

**Why do you need to process my information?**

The information we collect is needed to enable us to help try and protect a person’s (either adult or child) health, well-being and human rights allowing them to live free from harm due to abuse, neglect or self-neglect.

Where we feel in our professional judgement that you are at risk from harm or abuse, we have a legal responsibility to pass on your details to appropriate agencies (typically Local Authority Social Care Teams, the Police or any other relevant party) who may be able to help.

We also have a moral duty to safeguard where we feel that your welfare is being compromised in some way.

This helps us meet our obligations under the Fire and Rescue Services Act 2004 (below).

**Lawful basis for processing**

We **collect and share** your information to carry out our statutory duties under the Fire and Rescue Services Act 2004.

These obligations include promoting fire safety, reducing yours and others risks from fire, providing advice on actions to take in the event of a fire, safeguarding our community by improving yours and others safety and providing support to improve your health and wellbeing.

Therefore, the use of personal information is necessary to meet our obligations under the Act (exercising official authority vested in us as a controller).

Safeguarding and Consent

Where possible, we share information with consent and, where possible, we respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 we may share information without consent if, in our judgement, there is a lawful basis to do so, such as where safety may be at risk.  We will base our judgements on the facts of the case.

Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services and agencies without consent.

As long as it does not increase risk, our personnel will inform the person if they need to share their information without consent.

The Lancashire Fire and Rescue Service, Service Order Prevention and Protection 3.6 states - Safeguarding is a process which will help vulnerable individuals get support they need and, when possible, staff should always aim to discuss and gain the person’s consent to make the referral on their behalf.

However, this is not always possible for instance when:

* The discussion of the referral puts the person, the Referrer or others at further or increased risk of harm.
* The Referrer is unable to discuss this, i.e. following an incident, other services are involved, people present etc.
* The person declines, however the Referrer’s concern is regarding a high level of risk for that person’s safety & wellbeing.

Unlike other referrals, because of the above, Safeguarding does not require consent to be submitted, but it does help us when trying to get the help you might need or want.

**General Data Protection Regulation**

* **Article 6(1)(a) of the GDPR** the data subject has given consent to the processing of his or her personal data for one of more specific purposes.
* **Article 6(1)(c) of the GDPR** the processing is necessary for the compliance with any legal obligation to which the controller is subject.
* **Article 6 (1) (f) of the GDPR** 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.
* **Article 9 (2) (a) of the GDPR** the data subject has given his or her explicit consent
* **Article 9 (2) (h) of the GDPR** the processing is necessary for the provision of medical or social care or treatment
* **Article 9 (2) (j) of the GDPR** the processing is necessary for archiving in the public interest, scientific or historical research, or statistical purposes
* **And Schedule 1 part 1 (2)(1) of the DPA2018** the processing is necessary for health or social care purposes,
* **Schedule 1 part 1** (4)(a) the processing is necessary for archiving, scientific or historical research, or statistical purposes.
* **Schedule 1 part 2 (18)(1)** of the DPA2018 the processing is necessary for the purposes of safeguarding children and individuals’ at risk

**Automated decision making, including profiling**

When Lancashire Fire and Rescue Service process your information we will not process your date by automated means. Instead, a professional judgement is made by our staff according to the situation at the time and the information they are privy to or you provide.

**How will my information be used?**

We will have your name and contact details which will have been given to us directly by you when we visit which may be pre-arranged (such as a Home Fire Safety Check), because we had to attend due to an incident or we were asked to do so by an interested party, for example from a family member, carer or agency which may be working with you e.g. a school/education facility, Police, Social Services etc.

The LFRS staff in attendance will make a record of your details (where possible - name, address, date of birth) and the situation as they see it in their professional capacity. They will document anything that they have seen that relates to their concern, be it due to risk of harm/abuse, to health or to potentially improve your welfare.

We will use your name and contact details to contact the relevant Social Care Team to give them an indication of what level of service/support that you might require or might benefit you.

The relevant Social Care Team will review the referral and contact you (or the named person) to do in order to do a Needs Assessment. From this they will pass the referral to the appropriate support team.

**Who will have access to the information?**

Your information will be stored on an internal system and will be used by LFRS staff who require it to support the Social Care Team in their follow up or to complement/assist with any future referral or investigation.

When a referral is made, your information is automatically shared with the relevant Social Care Team. Protecting your personal information is vital to us, so appropriate security measures are in place (via the Egress Secure Workspace system) to ensure it is shared securely and we only share what is necessary to meet the purpose of the referral. For example, we would send the information via secure email or in an encrypted format only providing the referral agency with selected information that they require to undertake their service.

In the majority of cases, we will not disclose (pass on) your personal information without your consent at the time of the referral.

There are occasions where your personal information can be shared without LFRS asking you; LFRS have a legal duty or power to share information with other statutory bodies from statute or from the common law when the public good is considered to be of greater importance than personal confidentiality. Decisions will be made on a case by case basis.

Examples of this would be:

* Disclosure is required by law (e.g. under an Act of Parliament creating a Statutory duty to disclose or a court order);
* For the detection, prevention and prosecution of crime or the apprehension of offenders;
* Where your safety or the safety of others is at risk or in cases of abuse or neglect and LFRS feel that a safeguarding referral to Adult or Children’s Services is appropriate.

Please note that Lancashire Fire and Rescue Service will not sell or rent your personally identifiable information to anyone.

**How long will you keep hold of my information?**

LFRS will retain safeguarding and child protection records for children and vulnerable adults for 10 years, or until the child is 25, (seven years after they reach the school leaving age), whichever is later. The records would be reviewed at this point and a case could be made to keep for longer depending on the assessment of risk.

**Is there anything else I need to know when it comes to my personal information?**

To find out more about the rights that you have in relation to your personal information and/or contact details to discuss the matter further, please see below.

**Your Rights**

In certain circumstances the Data Protection Act 2018 will provide you with various rights regarding your personal information, such as the right to;

* Request sight of the information that we are holding on you
* Request the rectification of any inaccurate personal data
* Request erasure of personal data
* Request restriction of processing
* Object to the processing of your data
* Data portability
* Lodge a complaint with the Information Commissioner’s Office
* Request to withdraw consent where the processing is based on consent

To find out more about your rights [click here](https://www.gov.uk/data-protection).

**Contact Us**

If you have any concerns or would like to discuss how we use your information, please contact the Knowledge and Information Officer via:

Information Governance Officer – Data Protection and Freedom of Information

Lancashire Fire and Rescue Service

Fire Service HQ Garstang Road Fulwood

Preston

PR2 3LH

Email: infogov@lancsfirerescue.org.uk

Telephone: 01772 866907

You can also contact the Information Commissioner's Office for further guidance or to lodge a complaint at:

Information Commissioner's Office

Wycliffe House

Water Lane Wilmslow

Cheshire

SK9 5AF

www.ico.org.uk - Telephone: 0303 123 1113

**Changes to this privacy notice**

We keep this privacy notice under regular review. It will be reviewed at least once every three years and if appropriate, amended to maintain its relevance with changes to legislation and best practice guidance.

 **Changes to this privacy notice**

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| First Version: | 18 July 2025 |
| Next review: | 18 July 2028 |