

Details

Directorate People

Name of your service Adults Social Care

Project / Activity title Safeguarding Adults Board Information Sharing Agreement

Anticipated start date of project / activity 01/12/2022

Date DPIA completed 20/10/2022

When do we need to conduct a DPIA?

The General Data Protection Regulations does not require a DPIA to be carried out for every processing operation which may result in risks for the rights and freedoms of individuals but you must carry out a DPIA before you process personal data when the processing is likely to result in a high risk to the rights and freedoms of individuals.

When considering if your use of personal information is likely to result in a high risk, the following screening questions will assist.

Process data that might endanger the individual's physical health or safety in the event of loss or Yes

Data sharing of special category data with third party organisations Yes

Processing of sensitive data or data of a highly personal nature Yes

Processing of data concerning vulnerable people Yes

Step 1: Identify and Step 2: Description

Step 1: Identify the need for a DPIA

Explain broadly what the project/activity aims to achieve and what type of processing it involves. Summarise why you identified the need for a DPIA.

Step 1: Identify the need for a DPIA A SAB Multi-agency Information Sharing Agreement is needed as under section 44 of the Care Act 2014 there is a duty for Safeguarding Adults Boards (SABs) to arrange a Safeguarding Adults Review (SAR) when an adult in its area dies or is seriously harmed as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked together more effectively to protect the adult.

If the SAR criteria are not met but the relevant SAB feels that there are lessons to be learnt, an alternative review may be undertaken. The purpose of conducting a review is to enable members of the SAB to establish whether there are lessons to be learnt from the circumstances of the case about, for example:

- * the way in which local professionals and agencies work together to safeguard adults at risk
- * review the effectiveness of procedures and their application (both multi-agency and those of organisations)
- * inform and improve local inter-agency practice by acting on learning (developing best practice) in order to reduce the likelihood of similar harm occurring again, and
- * bring together and analyse the findings of the various reports from agencies in order to make recommendations for future action.

The SAR process will involve the potential for new information or categories of information to be collected about the individual, sharing of information with parties to whom it has not been previously disclosed, and the use existing personal data for new purposes, including:

Examples of the kind of personal & special category and conviction data that may be shared include:

- Personal identifiers (names, addresses, dates of birth).
- Current photograph of the suspected offender (if appropriate)
- Descriptive information (photographs, marks, scars)
- Relevant warning markers (e.g. Violence, Drugs, Mental Health, Weapons)
- Reason why they are considered to be a risk
- Details of relevant criminal convictions and non-conviction information
- Relationship with the adult at risk

For any SAR which the Cheshire East SAB commissions and independent reviewer outside of Cheshire East SAB (listed within ISA) will be appointed for the duration of review to coordinate the process.

In order to establish learning for all agencies involved in these cases, information will need to be collected and passed to the reviewer, from all the agencies that were involved in the cases before the adult(s) death(s), so that timelines can be established and learning identified, and recommendations for future practice made.

The information will have details of the adults, agencies and professionals involved, as well as family members and the adults that were alleged to have caused harm and abuse, in order to effectively carry out the SAR process.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Step 2: Describe the processing The collection of data will be coordinated by the SAB Business Support Unit

The source of the data will be the Adult Safeguarding Records of the multi-agency partnership [including all Statutory Partners Police/Social Care/Health and any involved third party organisations]

The personal information as stated in the ISA [1.4.1] will only be shared by the SAB Business Support Unit to the author of the SAR and the Serious Case Group chaired by Cheshire Police.

This information will be shared via secure email only

Any final published report will contain no identifiable data. The electronic data will be stored securely by the SAB Business Unit during period of the review and then archived in line with CEC Adult Social Care data procedures

The information will be stored by Cheshire East Council on a secure server only accessed by the Safeguarding Adults Board Business Support Unit

The flow of the process will be as follows -

1. Agencies involved in the cases will be requested to provide the information in the form of chronologies, reports and audit tools; this will be sent back to the SAB Manager via secure email. This will be via the EGRESS Secure Mail
2. The SAB Manager will send these reports to the lead independent reviewer by secure email (EGRESS).
3. The lead reviewer will produce an overview report.
4. The overview report is sent to SAR Panel members (anon data within report) secure email (EGRESS).
5. The name of the agencies will appear.
6. Once the SAR Panel have agreed the final version of this report is sent to SAB members for final approval.
7. This will not contain identifiable information of the adult, alleged perpetrator or family members.
8. A media strategy meeting will be held which will consider publication- anon report will be part of this meeting (SAR Panel members).
9. SAB records will be archived in line with CEC Adult social Care retention schedule. Records used for information gathering i.e., multi-agency chronologies will be destroyed one year after the completion of the final report. The final report will be published on the SAB website for a period of up to five years and then stored in CEC archives for a 10-year period.
10. Reports are published [anonymously]on the Cheshire East SAB website.

All reports will be sent via secure email. Using the EGRESS secure mail system

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Step 2: Describe the scope of the processing The nature of the data is Adult Safeguarding Records which may contain criminal data. The only data used/collated will be in relation to the victim of abuse and the incident that is the focus of the review.

The frequency of the reviews is dependent on the occurrence of serious cases

It covers all adult residents of Cheshire East

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it new/innovative in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Step 2: Describe the context of the processing The individuals and/or their families will be notified that a Safeguarding Adults Review is taking place. The data will be focused on the Adult at Risk occasionally this may mention children that are part of the family unit.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing - for you, and more broadly?

Step 2: Describe the purposes of the processing The purpose of the SAB processing personal data is set out in legislation (Care Act 2014), it is to

(1) Establish whether there are any lessons to be learnt from the circumstances of the cases, about the way in which local professionals and agencies work together to safeguard adults

(2) Review the effectiveness of procedures

(3) Inform and improve local inter-agency practice

(4) Improve practice by acting on learning and

(5) Highlight good practice.

Step 3: Consultation and Step 4: Necessity

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views ' or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Step 3: Consultation process The multi-agency Statutory Partners will be consulted on this process during Board meetings.

Family members of the abuse victim will be consulted throughout the SAR Process, no personal data will be shared with them.

Information Governance Group has been consulted in relation to data sharing and the draft information sharing agreement.

The Data Protection Officer is being consulted regarding privacy risks.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will ensure the project stays true to its original purpose and doesn't deviate? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Step 4: Assess necessity and proportionality The Information Sharing Agreement will ensure the SAB can fulfil its statutory duties under the Care Act 2014 and full details are contained in the information sharing agreement attached to this case.

Legal obligation or duty to which the Council is expected to comply (please identify the legislation) Yes

Vital interests of the data subject or another person (life or death) Yes

Public task or official authority in the public interest (please identify the legislation providing) Yes

Vital interests of the data subject or another person where they are physically or legally incapable Yes

Substantial public interest (please identify the relevant paragraph of Schedule 1, Part 2 of the Dat Yes

Health and social care, including provision of care or treatment, or management of health or social Yes

Step 5: Identify risks and Step 6: Measures to reduce risk

Risk No Information Sharing Agreement in place for the SAB. Information can not be shared for Safeguarding Adult Reviews and the SAB is therefore not fulfilling its legal duties under the Care Act 2014

Likelihood of harm 3 - Possible

Severity of harm 5 - Business Critical

Overall risk 15

Mitigation SAB partners commitment/sign up to a multi-agency Information Sharing Agreement will help ensure the SAB is legally compliant when sharing information/data. It will ensure Safeguarding Adult Reviews can take place and that the SAB complies with the law

Effect on risk Reduced

Likelihood of harm 2 - Unlikely

Severity of harm 2 - Manageable Risk

Residual risk 4

Measure approved Yes

Measure approved by SAB

Risk SAB Information Sharing Agreement will not provide immunity from a partner breaching GDPR or from the consequences of doing so.

Likelihood of harm 3 - Possible

Severity of harm 3 - Serious Risk

Overall risk 9

Mitigation The Information Sharing Agreement will ensure a process is in place for sharing information in a legally compliant manner. If a breach takes place the ICO will take into account the existence of any relevant data sharing agreement when assessing any complaint

Effect on risk Reduced

Likelihood of harm 3 - Possible

Severity of harm 2 - Manageable Risk

Residual risk 6

Measure approved Yes

Measure approved by SAB

Step 7: Sign off and outcomes

Measures approved by: Business Management Group of the SAB monitor the Board's Risk Register on a monthly basis

27/07/2023

Residual risks approved by: Safeguarding Adults Board

27/07/2023

DPO advice provided by: Julie Gibbs

25/07/2023

Summary of DPO advice: 25/7/23 Comments provided on the information sharing agreement around consent. Consent is not identified on the DPIA as a lawful basis but it is referred to in the ISA. Consent should not be relied upon where another lawful basis applies. Await response to comments and updated ISA before approving.

DPO advice accepted or overruled by: JG? KJ?

27/07/2023

DPO advice: Accepted

Consultation responses reviewed by: JG? KJ?

27/07/2023

Wasn't sure how to answer the above

This DPIA will kept under review by: Katie Jones

27/07/2023

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Documents attached

Completed form

About this request

Issued by Cheshire East Council

Information Request Team

Earle Street

Crewe

Cheshire

CW1 2BJ

Status Submitted on 27/07/2023 10:29

Request reference 21373337

Context Data protection impact assessment - Safeguarding Adults Board Information Sharing Agreement 17827053

DPO review complete 05/01/2024

MLCSU DPO

A handwritten signature in black ink, appearing to read 'N. Goldman', is written over the MLCSU DPO text.

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