

## Privacy Notice

### Vulnerable Person Assessments (VPA)



This privacy notice provides details about why the Constabulary can produce assessments about a person's vulnerability, what it does with those reports and what your rights are if we hold one of these assessments about you.

### Why we produce and share VPAs

A Vulnerable Person Assessment (VPA) is usually created when an officer identifies a vulnerability whilst completing their duties (usually in response to attending an incident). VPAs help police to share relevant information with partners in order to safeguard individuals and ensure those individuals can be offered appropriate support.

The information written on a VPA may originate from a police incident but can include additional information from witnesses and an officer's observations of the situation.

### How is it lawful?

We create and share VPAs in order to fulfil our *'tasks which are necessary in the public interest'*. The Data Protection Lawful basis for this is outlined at Article 6(1)(e) of the General Data Protection Regulation.

We may also need to share information urgently to prevent serious harm or ensuring you can receive urgent medical treatment. The Data Protection Lawful basis for this is *'Vital Interests'* as outlined at Article 6(1)(d) of the General Data Protection Regulation.

The duty to co-operate under the Care Act (2014) can be considered the main legal framework in relation to adults at risk (i.e. there is a wellbeing or safeguarding concern). This can be done without the person's agreement where a crime has been committed, intelligence needs to be shared or there is an overriding public interest. The Children Act (1989 and 2004 as amended by Social Work Act 2017) also provides the main legal framework in relation to children at risk.

### Details usually contained in these reports

The detail contained in a VPA can vary depending on the incident concerned and the vulnerability identified. However, these VPAs could include details about suspects, people convicted of an offence, victims of criminal offences, witnesses and children. The types of personal details that a VPA could contain include:

Names	Vulnerability
Dates of birth	Criminal records
Addresses	Racial / Ethnic Origin
Unique identifiers	Religion
Contact numbers	Sex Life
Email addresses	Sexual Orientation
Lifestyle/Social circumstances	Health Data
Employment details	

We only use details about health, race and ethnic origin, sex life and sexual orientation etc. when we really need to. For example, when it's necessary for vital interest reasons or reasons of substantial public interest (e.g. safeguarding children and individuals at risk or preventing crime).

### **Who can receive a VPA?**

VPA's are submitted to a dedicated referral team at Cheshire Constabulary. The aim of the process is to enable the referral unit to assess the information and decide whether onward referral to external partner agency is required to address the needs of the individuals involved. Not all VPAs are shared with external partners.

If the threshold for sharing is met, only the partners deemed relevant will receive a copy of the VPA. Examples of the types of partners we could share with are:

- Health partners specialising in midwifery and maternity, mental health, children's safeguarding, learning difficulties.
- Adult social care, domestic violence advocates, multi-agency risk conferences (MARAC), women's centre, rape and sexual abuse support services.
- Teams supporting children with disabilities, local authority dedicated officers, children's social care, education, children in need.

### **How long we keep data**

The reasons why we need details will control length of time that these details are kept for. Police use guidance documents to help us to decide long we should keep details for. This is so that we only keep details for as long as we need them. These documents can be found on our [website](#).

### **Do we ask for consent?**

You may be asked if you consent to the sharing of your data. We use the word 'consent' because it's defined within the Care Act 2014 and is sought by police in order to satisfy the needs of the partners. The word consent in this context simply means a 'preference' in respect of data sharing and co-operation with partners. It does not have the same meaning as the GDPR lawful basis 'consent'.

Also, this preference can be overruled by police. This is because police have a duty to share where there is a policing purpose i.e. disclosure meets the required thresholds supported by law. Police can also decide not share information where there is no policing purpose (regardless of whether a person consents to the sharing).

### **Rights of those subject to a VPA**

Data Protection Law allows people to ask an organisation to take action relating to data it holds about them. These are:

- [ask for a copy](#) of their data. This is called 'subject access'
- ask us to [stop using or sharing](#) their details (does not apply to crime matters)
- ask us to [delete or change](#) details if we have done something wrong
- complain to our [Data Protection Officer](#) or the [Information Commissioner](#).