# PRIVACY NOTICE

## Adult Social Care – Community Support Service

### Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected. Health and Social Care Moray is the Partnership between Moray Council and NHS Grampian to deliver health and social care services for Moray.

### Why we are collecting your personal data

Personal data will be collected from you, or your representative, in order to allow us to assess your suitability for the Community Support Service (CSS).

The personal data that will be collected about you for this process includes your:

- name, address, details about your home environment and information about your health such as your medical history, any health conditions, your personal outcomes, functional ability, and any current medication.

We may also collect data about your next of kin, family members, carers, any power of attorneys or guardianships in place, key holders to your property, GP, pharmacist, and details of any referrals made.

Where CSS is to provide a service, your personal data will be used to plan and provide the service to you. This includes discussing your personal outcomes, completing a Personal Plan with you, or your representative, developing your support plan, providing care to you, and making provision for your health, welfare and safety.

Your Personal Plan will also ask for some extra information, such as your date of birth, CareFirst Number, CHI/NHS Number, phone number/s, hobbies, and weekly activities. This information is required so that we can set personal outcomes with you and tailor a CSS service to meet your personal support needs.

We will also use your personal data to verify your identity where required, to contact you by phone, post, or email, and, to maintain our records.

### Personal data we collect from other sources

In order to provide this service to you, we may collect personal data about you from those with guardianship or power of attorney, or carers, or professionals responsible for your health care, such as your GP.

### Personal data you give us about other people

If you, or your representative have provided, or have been asked to provide, someone else's personal data for a specific purpose, for example to contact them in the event of

an emergency, or as your next of kin, if reasonable to do so then please make sure that you have told them that you have given their personal data to us for this purpose. Typically, this will be a name and contact details (such as a telephone number) and their relationship to you. We will only use this information for this specific purpose.

## Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR) because your personal data is necessary for the performance of a task carried out in the public interest. Delivering Social Work services is part of our public task. The Council's basis in law is set out under the following legislation, and related legislation applying to community care services in Scotland:

- Social Work (Scotland) Act 1968
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- Community Care and Health (Scotland) Act 2002
- Social Care (Self-directed Support) (Scotland) Act 2013
- Adults with Incapacity (Scotland) Act 2000
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adult Support and Protection (Scotland) Act 2007
- Carers (Scotland) Act 2016

The Council also works to comply with, and meet, the following standards:

- Health and Social Care Standards 2017

In delivering these services, we are also likely to process personal data that counts as 'special category data', such as data about health. Special category data must satisfy extra conditions when processed. We understand that our legal basis in Data Protection law for processing this special category data to be Article 9(2)(h) of the UK GDPR and Schedule 1, Part 1, Paragraph 2 of the Data Protection Act 2018; as the processing is necessary for the provision of health or social care or treatment, or the management of health or social care systems and services.

## Who we share your personal data with

Social Care involves the support of a number of agencies, as such personal data may be shared with other organisations, including Public Health Scotland, the Scottish Government, the Care Inspectorate, third sector organisations, Local Authorities, and, Police Scotland. Data will be shared with these agencies to assess your needs and the most suitable way to meet these.

Your personal data may also be shared with external organisations commissioned by the Council to provide care and support services. We make sure that they process personal data appropriately through our contractual arrangements with them. A list of our current Social Work commissioned service providers is available here: http://www.moray.gov.uk/moray_section/section_47305.html

Under the Public Bodies (Joint Working) (Scotland) Act 2014, Local Authorities and Health Boards are required to work together to integrate health and social care services. As we work together with NHS Grampian to deliver integrated services through Health and Social Care Moray, your data may be shared with NHS Grampian. This Partnership is overseen by the Moray Integration Joint Board.

Personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may share this personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

## How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: http://www.moray.gov.uk/moray_standard/page_92820.html (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

**Please Note:** Where we hold information that relates to children that have been in residential care, or looked after by Moray Council (or any of our predecessor bodies) between the year 1930 and the present day, we are currently not destroying any of our records. This is due to the ongoing Scottish Child Abuse Inquiry, investigating the abuse of children in Scotland who may require to use this information as part of the Inquiry. This will be the case until we receive further notification from the Inquiry.

## Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113  Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/