PRIVACY NOTICE

Adult Social Care – Self-Directed Support

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

The Council has a duty under the Social Care (Self-Directed Support) (Scotland) Act 2013 to offer people the choice over how they receive the support identified through assessment. This applies to adults, children and their families, adult carers and young carers.

Individual in receipt of Self-Directed Support

Your personal data will be collected when a referral is made on your behalf, and when Self-Directed Support (SDS) assessment forms are undertaken with you, to determine the supports and services that may be available to you. Referrals and assessment forms will collect personal data including your:

- name, address, age, gender, phone number/email address, reasons for the referral, medical information, care information system identifier, and names and contact details for relevant family members and/or Guardians/Carers.

This data will be used to provide you with advice on your SDS options and other services that may be available to you. We will also use your personal data to maintain our records, and to verify your identity where required, to contact you by phone, post or email.

Personal Assistant (SDS Option 1)

The Council has responsibilities under the Social Care (Self-Directed Support) (Scotland) Act 2013 to assist individuals in receipt of SDS Option 1 with arranging their care and support, and managing direct payments. Personal data will be collected and processed when you apply via the Council for an SDS Option 1 position, and when you are employed under SDS Option 1. The personal data collected includes:

- name, contact details (phone number/email address), copy of completed employment contract
- references, if we have supported your employer with the collection of references
- financial information; i.e. copies of payslips, timesheets and other records as required for auditing purposes.

If you choose to join the Council's SDS Option 1 mailing list, your name and email address will be collected so that we can contact you with information relevant to your role, such as vacancy notifications and training opportunities.

Personal data we collect from other sources

Personal data about you, as an individual in receipt of SDS, will be collected when a referral form is completed on your behalf, or if your assessments are completed on your behalf by your nominated representative.

Personal data you give us about other people

If you have provided someone else's personal data for a specific purpose, for example a to contact them in the event of an emergency, if reasonable to do so then please make sure that you have told them that you have given their personal data to Moray Council for this purpose. Typically, this will be a name and contact details (including 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 or in the exercise of official authority vested in the Council and the task or function has a clear basis in law – in this case:

- Social Care (Self-Directed Support) (Scotland) Act 2013
- Self-Directed Support (Direct Payments) (Scotland) Regulations 2014

As well as,

- Social Work (Scotland) Act 1968
- Public Services Reform (Scotland) Act 2010
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- Carers (Scotland) Act 2016

We understand our legal basis for processing your personal data in relation to the SDS Option 1 mailing list to be UK GDPR Article 6(1)(a); because you have given your consent to the processing.

Personal data that counts as 'special category data', such as health, ethnicity and religion, must satisfy extra conditions when processed. We understand 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 this personal data with

In line with agreed support plans and outcomes, and when appropriate conditions have been met, personal data may be shared with service providers commissioned by the Council to provide care and support services. These include, but are not limited to Cornerstone Community Care, who have been commissioned by the Council to provide independent support and advice on Self-Directed Support Options to individuals eligible for long-term social care. A list of our current Adult Social Care commissioned service providers is available here: www.moray.gov.uk/moray_standard/page_155778.html. We make sure they process your personal data appropriately through our contractual and data sharing agreements with them.

When supporting you with an application to Independent Living Fund (ILF) Scotland, we will share personal data with ILF Scotland on your behalf, such as your name, support needs and health information.

Your personal data may also be shared with the Scottish Government, Public Health Scotland, and National Fraud Initiative. The data is shared for statistical purposes to inform future services and provide evidence to ensure we are providing the best social care services to the people of Moray.

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: www.moray.gov.uk/RetentionSchedules (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.

You have the right to withdraw your consent to receiving email communications via the SDS Option 1 mailing list at any time by contacting:
SDSpersonalassistants@moray.gov.uk

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/