PRIVACY NOTICE

Children and Families, and Justice, Social Work – Placement Services (inc. Adoption, Fostering and Kinship Care)

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

This notice is for kinship carers, foster carers, people who have adopted children, and, those who are seeking to adopt or become kinship or foster carers. Moray Council collects and holds your personal data to provide you with advice, guidance and support about becoming a carer or adopter, and, to assess your suitability.

Your personal data will also be used to assess your need for support, and, to plan and deliver that support. As well as to monitor the support you are giving to the person you care for; to ensure that the accommodated/adopted child and you (their carer) are safe and supported.

As part of this process, the personal data that we may collect includes:

- names; contact details (email addresses, postal addresses, phone numbers); occupation(s); health/medical data; gender; personal data relating to criminal offences, convictions and related security measures; ethnicity; legal status; National Insurance numbers; financial information; and, personal data about, and from, family members and kinship relations.
- personal opinions, attitudes and accounts of specific events, as well as location(s) and activities at specific times may also be collected.

Your personal data will also be used to verify your identity when required, to contact you, to maintain our records, manage service funding, and, to demonstrate to our auditors and external regulators that we are providing proper services in accordance with the law. We may also analyse your personal data internally, to help us improve the Social Work services we provide and the outcomes for our service users, and, to meet our obligations under the Public Services Reform (Scotland) Act 2010, and, the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011.

Personal data we collect from other sources

We will work alongside other agencies and organisations to plan and deliver these supports. We will need to obtain information from members of your family, doctor, or any other relevant person such as someone completing a reference.

Personal data you give us about other people

If you 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 regarding your adoption, kinship care or fostering application, 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.

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. Delivering Children and Families Social Work services is part of our public task. Sometimes we process your personal data under Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations. We have a range of obligations and powers under legislation, including the following:

- Social Work (Scotland) Act 1968
- Protection of Vulnerable Groups (Scotland) Act 2007
- Children (Scotland) Act 1995
- Children and Young People (Scotland) Act 2014
- Looked After Children (Scotland) Regulations 2009
- Looked After Children (Scotland) Amendment Regulations 2014
- Foster Children (Scotland) Act 1984
- Adoption and Children (Scotland) Act 2007
- Adoption Agencies (Scotland) Regulations 2009
- Adoption Support Services and Allowances (Scotland) Regulations 2009
- Children's Hearing (Scotland) Act 2011
- The Scotland's Adoption Register Regulations 2016
- Continuing Care (Scotland) Order 2015
- Related legislation applying to the care and welfare of children and adults in Scotland
- Public Bodies (Joint Working) (Scotland) Act 2014

In delivering these services, we are also likely to process personal data that counts as 'special category data' such as data about health, ethnicity and religion. Personal data relating to criminal convictions or offences may also be processed. We understand our legal basis in data protection law for processing these types of data to be Article 9(2)(h) of the UK GDPR and Schedule 1, Part 1, Paragraph 2 of the Data Protection Act 2018, and, Article 10 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

Under the Scotland's Adoption Register Regulations 2016, the Council, as an adoption agency, is required to refer both children and adopters within three months of approval to Scotland's Adoption Register. Referrals are not required if a match has already been agreed or the adopter(s) have not provided written consent. The Adoption Register aims to speed up and increase the number of adoptions in Scotland.

The personal data that will be shared with the Scottish Adoption Register includes data gathered by the Council during the adoption assessment process. Information about prospective adopters to be included in the register is set out in Schedule 2 of the Scotland's Adoption Register Regulations 2016: https://www.legislation.gov.uk/ssi/2016/154/schedule/2/made

The Scottish Government is the Data Controller for the Scottish Adoption Register, however, the processing is carried out by a Registration Organisation on their behalf. The Register's Privacy Policy is available here: scotlandsadoptionregister.org.uk/privacy-policy. The Council, as an adoption agency, is the Data Controller of the information up to the point it is uploaded to the Register, and, at the point where we receive information from the Register about potential adopters.

Social Care and Child Protection involves the support of a number of agencies, as such personal data may be shared with other organisations, including Local Authorities, Scottish Government, the NHS, the Care Inspectorate, third sector organisations, and, Police Scotland. Personal data may be shared to enable multi-agency action and decision-making to ensure and facilitate service user's emotional, mental and physical wellbeing.

As part of the assessment process your personal data will be shared with the Adoption and Fostering Panel. Your personal data may also be shared with other agencies that the child you are adopting, or caring for, is involved with. We may also need to share your personal data with the Scottish Courts and Children's Panels, Disclosure Scotland, and, the Scottish Children's Reporters Administration.

Personal data may also be shared with other organisations depending on your individual circumstances, such as your housing provider, or, the Department for Work and Pensions in terms of benefits you may receive.

Sometimes during the process of supporting you, you and your Social Worker may decide it would be beneficial to refer or support you to access another service, agency or organisation for further help or support. To do this on your behalf will normally mean the Social Worker would share some personal data about you with that service, agency or organisation. If this is the case, this type of data sharing will always be discussed

between you and your Social Worker, on a case by case basis, and will normally be done with your agreement.

Your personal data may also be shared with external organisations commissioned by the Council to provide care and support services to help meet your needs, or the needs of the child you care for. We make sure that they process your data appropriately through our contractual arrangements with them. A list of our current Children and Families, and Justice, Social Work commissioned service providers is available here: www.moray.gov.uk/moray_standard/page_47606.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, for example where we are working with them to support and provide services to you.

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

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/