PRIVACY NOTICE

Children and Families, and Justice, Social Work – Looked After Children

Introduction

This is our Privacy Notice for children or young adults who are, or until recently have been looked after by Moray Council. A Privacy Notice tells you how we use personal data, so you know what happens with it when you give it to us.

If you are a parent or a carer reading this on behalf of a young child, please note that this Privacy Notice is about the processing of the child's personal data. Please see the separate Privacy Notices available on our website: www.moray.gov.uk/PrivacyNotices

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

Moray Council collects and holds your personal data, so our Children and Families, and Justice, Social Work Service can support and look after you. This might mean being looked after in your own home, or in kinship care under a legal order, or, in foster care, residential care or secure care.

As part of this process, the personal data that we collect about you and the child/children may include:

- 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; educational data (attendance, Scottish Candidate Number); National Insurance number, and, personal data about, and from, family members and kinship relations.
- personal opinions, attitudes and accounts of specific events, as well as behavioral information, location(s) and activities at specific times.

While you are in care, your personal data will be used to check and support your needs, supervise your care and protect you. When you are over 16 years old, and no longer subject to a legal order, we will use your personal data to support you as a person eligible for throughcare and aftercare. At all times, we work with other organisations to put in place plans to support and protect you.

This personal data will also be used to verify your identity where required, to contact you, to maintain our records, manage service funding and to demonstrate to our auditors and external regulators, such as the Care Inspectorate, that we are providing proper services in accordance with the law.

We may also analyse this 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 put in place plans to support and protect children and families. As such, we may collect personal data from external organisations such as Police Scotland, the NHS, third sector organisations, other Councils, and, service providers commissioned by the Council. Personal data may also potentially be gathered from relevant individuals, such as family members.

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, 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 bases 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 the following legislation:

- Social Work (Scotland) Act 1968
- Carers (Scotland) Act 2016
- Protection of Vulnerable Groups (Scotland) Act 2007
- Children (Scotland) Act 1995
- Social Care (Self-Directed Support) (Scotland) Act 2013
- Adults with Incapacity Act 2000
- Adult Support and Protection (Scotland) Act 2007
- 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
- Children's Hearing (Scotland) Act 2011
- Related legislation applying to the care and welfare of children and adults in Scotland.

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. Special category data, and personal data relating to criminal convictions or offences, must satisfy extra conditions when 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

Social Work involves the support of a number of agencies; as such personal data may be shared with other organisations, including the NHS, the Care Inspectorate, third sector organisations, Local Authorities and Police Scotland. Personal data may be shared to enable multi-agency action and decision-making to ensure your emotional, mental and physical wellbeing.

We may also share your personal data with those who provide care and support to you, such as kinship and foster carers, and, those being paid to provide services to you. We may also need to share your 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.

During the process of supporting you, sometimes, you and your Social Worker may decide it would be beneficial to refer or support you to access another agency or organisation for further help or support. To do this on your behalf will normally mean the Social Worker sharing some personal data about you with that service or organisation. If this is the case, this type of data sharing will always be discussed between you (or your parent or carer) and a 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. We make sure that they process your data appropriately through our contractual arrangements with them.

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 that sets out how long we retain different types of information. This is available on our website:
http://www.moray.gov.uk/moray_standard/page_92820.html (under Section 5 of the Records Management Plan).

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/