PRIVACY NOTICE

Social Care – Community Occupational Therapy

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, including Community Occupational Therapy services.

Why we are collecting your personal data

The Council's Community Occupational Therapy (COT) service will collect personal data about you in order to assess your eligibility for COT services, assess your COT and support needs, plan and deliver social care and support, and to monitor and improve services.

The personal data that may be collected includes your name, address, contact details, and health information. The data collected is used for the following purposes:

Referral, Assessment and Care Management

- to provide you with advice and information related to enquiries, and guidance on daily living activities
- to determine eligibility and priority for COT service
- assessment of your needs, treatment and support planning (including reviewing care needs and support plans)
- to provide longer-term professional support where required
- professional support to meet statutory safeguarding responsibilities
- to provide independent mobility assessments for blue badge applications and appeals (following national guidance and local procedures).

Equipment and Adaptations

- advice or provision of equipment, small adaptations, and assistive technology
- advice on housing adaptations to meet assessed needs
- the servicing and maintenance of equipment provided by the Joint Equipment Service under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and The Provision and Use of Work Equipment Regulations 1998 (PUWER).

Personal data we collect from other sources

To provide COT services, personal data will be collected:

- at the point of contact, from yourself or others

- during assessments, support planning, and reviews
- directly from partner agencies. For example, from a partner such as NHS Grampian.

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 by the Council. Delivering 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 – the Council has a statutory duty to carry out needs assessments for people we think may require care services, and we have a general duty to promote social welfare by providing advice, guidance, and assistance.
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Provision and Use of Work Equipment Regulations 1998

Personal data that counts as 'special category data', such as data about health, 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

COTs will work with you, your families, and carers to meet your assessed and eligible needs through a variety of means, using a person-centred and strengths-based approach to promote wellbeing and positive outcomes. COTs also collaborate with other professionals to ensure support and services are cohesive, particularly when mandated by law. To achieve the purposes outlined above, the Council's COT service may share your data with:

- your representative; including advocates, deputies, and power of attorney
- your Landlord/Housing Association (if applicable)
- the National Health Service (NHS), including NHS Grampian
- service agents responsible for maintenance of equipment, including lifts and hoists
- relevant care agencies, including Care at Home
- housing services, including the Housing Improvement Team

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.

Your personal data may also be shared with external organisations commissioned by the Council to provide equipment to help meet your needs, so that they can deliver, install and service the equipment. We make sure that they process your data appropriately through our contractual arrangements with them. A list of our current equipment providers is available here: www.moray.gov.uk/moray_standard/page_39827.html

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 information 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.

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/