PRIVACY NOTICE

Children's Services Partnership – Moray Wellbeing Service for Children and Young Adults

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. Moray's Children's Services Partnership is part of the Community Planning Partnership, and includes Moray Council, NHS Grampian, Police Scotland and third sector organisations, who work together to meet the needs of children in Moray.

Why we are collecting your personal data

Personal data is collected from you when you complete a referral form, or a referral form is completed on your behalf, for the Moray Wellbeing Service for Children and Young Adults. The Council have contracted **Scottish Action for Mental Health (SAMH)** to provide this Children and Young Adults Mental Wellbeing Service. The information provided on your referral form will be used so that they can contact you and your family to arrange visits to develop a support plan and/or assessment that is tailored to you as part of this support service.

The Wellbeing Service provided by SAMH work with the child or young person, and their immediate family, to support their mental wellbeing. As such, personal data is collected, including the child or young person's name, address, date of birth, contact details, gender, ethnicity, legal status (e.g. on the Child Protection Register), relevant health information as well as names and contact details of immediate family and emergency contacts.

Personal data we collect from other sources

Personal data about you will be collected when a referral form is completed on your behalf, this could be completed by a professional, such as a teacher or doctor, or, by a friend or family member.

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 as an emergency contact, 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. The referral form will ask for information about your family including names and contact details (phone number, email address and address) so that SAMH could contact them to provide this service.

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. The services we provide are underpinned by the powers delegated to us to advance well-being under Part 3 of the Local Government in (Scotland) Act 2003. The Council also has obligations under Getting It Right For Every Child (GIRFEC), and, the Children and Young People (Scotland) Act 2014, as well as, the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

Personal data that counts as 'special category data', such as data about 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)(g) as the processing is necessary for reasons of substantial public interest, on the basis of law. Our basis in law is set out in section 10(3) of the Data Protection Act 2018 (DPA), supported by Schedule 1, Part 2, Paragraph 6 of the DPA – statutory etc and government purposes; as the processing is necessary for the exercise of functions conferred under the Local Government in Scotland Act 2003 – the power to advance well-being.

Who we share this personal data with

The Council has contracted SAMH to provide the Moray Wellbeing Service for Children and Young Adults. We make sure that they process personal data appropriately through our contractual arrangements with them. For more information on how SAMH process personal data, please see the Privacy Policy available on their website here: www.samh.org.uk/information/privacy-cookies.
De-identified statistical data is shared with Scottish Government.

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: http://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/