PRIVACY NOTICE
Adult Support and Protection
Adults at Risk of Harm

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.

Why we are collecting your personal data

Under the Adult Support and Protection (Scotland) Act 2007, Moray Council has a statutory responsibility to make inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is an adult at risk, and, that intervention may be required in order to protect the person's well-being, property or financial affairs.

To make these inquiries and investigate any concerns, Moray Council's Adult Protection Unit will look into data held in our existing case files, as well as gather, record and use personal data about adults who may be at risk of harm, and those who may be able to help us with our investigation or inquiry.

Personal data we collect from other sources

We may receive concerns from family, friends or members of the public, or, other organisations, including private organisations, other public organisations, and, third sector organisations.

In supporting adults who may be at risk of harm, we may request limited data, relevant to the concern, or we may receive data from other organisations about an adult who may be at risk, such as from other Local Authorities, NHS Scotland (including NHS Grampian), Police Scotland, the Office of the Public Guardian (Scotland), the Care Inspectorate, the Scottish Ambulance Service, and, the Scottish Fire and Rescue 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, and Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations under the Adult Support and Protection (Scotland) Act 2007.

When carrying out inquiries and investigations about an adult who may be at risk, the Council is also likely to process personal data that counts as 'special category data', such as data about health. Personal data relating to criminal convictions and offences or related security measures may also be processed. Special category data, and, personal data relating to criminal convictions, offences or related security measures must satisfy extra conditions when processed. We understand that 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 your personal data with

Data about these investigations or inquiries may be shared with other Local Authorities, NHS Scotland (including NHS Grampian), Police Scotland, the Office of the Public Guardian (Scotland), the Care Inspectorate, the Scottish Ambulance Service, the Scottish Fire and Rescue Service, other organisations, including private, other public organisations, third sector organisations, or family members involved in the case, as part of the investigation or inquiry.

During the Council's investigations and concerns about adults who may be at risk, limited relevant data may be shared at each of the following stages:

- as part of an initial referral discussion
- as part of an adult protection meeting
- as part of an investigation being conducted
- as part of a case conference
- as part of providing ongoing support as defined in an Adult Protection Plan
- as part of organisation taking part in appropriate quality assurance, review, learning and debriefing processes.

Personal data may also be shared with the Adult Protection Committee; a multi-agency committee that the Council was required to establish under the Adult Support and Protection (Scotland) Act 2007.

The data shared and who it is shared with depends on each case, however the adult who may be at risk will be involved and included as much as possible at all stages of the investigation or inquiry. The staff member(s) looking into your case will be able to assist you at any time, should you have any questions about what data will be shared about you, and the reasons for this.

Anonymised statistical data will be shared with the Scottish Government for statistical analysis and research purposes. This data will be used to inform planning and support the improvement of services at both local and national level.

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

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/