

# **Southend-on-Sea City Council**

## **Adult Social Care Privacy Notice**

### **Your privacy and how we use your information**

Southend-on-Sea City Council collects, holds, and uses a lot of information, including personal information about residents and people it provides services to (including unpaid carers). We do this so we can understand what you need and how to support you, and to comply with our legal duties as a Council.

The Council has a duty to the people who we hold information about. We follow strict rules and have controls in place on how your personal information is used. We must treat your information responsibly, keep it safe and secure, and use it correctly and proportionately. This does include sharing the data you have provided when we are required or permitted to do this.

This document is a privacy notice. It explains how and why we use any information we collect about you, how we may share your information, how long we keep your information and your rights.

#### **Information we collect and use about you and what we use it for**

When you contact Adult Social Care we collect and use your personal data. We may also collect some special category information.

#### **What is personal information?**

Personal information can be anything that relates to a person or helps to identify a person. The types of personal data we will collect includes name, date of birth, address, contact details, gender, NHS number, GP details. This is not a complete list.

#### **What is special category data?**

Some of your information is called 'special category data' because of its sensitivity, and therefore, it needs more protection. The types of special category data we collect may include racial or ethnic origin, existing conditions such as physical or mental health details, religious or other similar beliefs, sensory needs registration, or criminal proceedings and outcomes. This is not a complete list.

#### **Why we need this information**

We need this information to do things like:

- Help us decide if you need any ongoing social care services;
- help us meet and manage any ongoing social care needs;
- Check the quality of the services you receive;
- Conduct enquiries if there are safeguarding concerns raised about you;
- Look into complaints you have about your services;

- Keeping track of the spending on your services;
- Detect and prevent fraud or crime;
- Help with service delivery and planning, for example training of staff.

### **What happens if you do not want to give this information**

The information we collect is required so that we have a complete picture of your social care needs and allows us to better help you. You **do not** have to give us your information if you do not want to. However, if we do not have this information, we may not be able to assess your needs or provide you with social care services.

### **Other people may give us information**

As part of the continuing efforts to provide you support to live the life you want we may also receive personal information about you from others. This could include family members and friends, NHS agencies (such as GPs or hospitals), commissioned support providers, other local authorities, voluntary sector organisations and the Police and other public sector bodies.

## **Sharing Information - When Adult Social Care shares your information**

### **The reasons we share your information**

We may share your information with other council departments or third parties.

This may include other council services and other agencies, such as health or housing colleagues.

Sharing helps to improve the service you receive from us, to communicate and provide other services that are appropriate to your needs, and to develop further services.

### **Council services**

An example of how we may share your information is discussions in relation to any housing issues you may have.

Another example is when central government collect anonymous data from councils to understand what the national picture is.

We also do general data matching or data sharing in certain areas for the prevention or detection of crime.

More information on council services and information sharing can be found on the council's [Overarching Privacy Notice](#).

## **Third Parties - sharing your information with organisations outside the Council**

As part of meeting and managing your ongoing Adult Social Care needs, we may share your information with organisations outside of the council. The organisations we share with depends on your social care needs. Examples include:

- Advocacy services
- Carers Services
- Commissioned support providers such as domiciliary agencies and care home providers
- Community and voluntary services
- Courts, Probation and legal representatives
- Family members and other people who may be helping to care for you
- Government departments such as the Department for Health and Social Care or Department for Work and Pensions
- Housing support providers
- Local partner authorities and agencies
- NHS agencies such as your GP, hospitals and community health services
- The Police
- Regulators or investigators where this is necessary to deal with complaints or counter-fraud services

Please speak with your social care practitioner if you have any questions about the organisations we could share your information with.

We may also share your personal information to protect adults who are at immediate risk or if there is a serious risk to the public or council employees.

This does not happen often, and the risk must be serious enough that it outweighs protecting your privacy.

If we do share your information, we will make sure we record what information we share and the reasons for doing this. If it is safe to do this, we will let you know what we have done and why we have done it.

The council has Data Sharing Agreements with organisations such as the Police or the NHS to cover sharing that is regular or routine.

We may also share your information with people who plan how to provide services to adults in need of help.

### **Section 251: National Health Service Act 2006**

An organisation may approach us to disclose your data if they have section 251 approval for research.

The data would usually include something that identifies you and about the care you receive.

The data collected will be used by the organisation for research and planning purposes, for example it could be used for improving care.

You can stop your data being used in this way. If you want to opt out of your data being used by organisations who have a Section 251 National Health Service Act 2006 approval please see [National Data Opt Out – Data Protection – Southend-on-Sea City Council](#).

### Those with No Recourse to Public Funds (NRPF)

We are a member of the No Recourse to Public Funds Network. This is a network of local authorities and partner organisations focusing on the statutory duties to migrants with care needs who have no recourse to public funds.

We will share information to complete status checks and have a duty to update the Home Office with details including the current address of those who are subject to immigration control. Where necessary we may seek advice from National Returns Progression Command (NRPC).

## **The legal basis for collecting and using your information**

When processing your personal data for purposes connected to adult social care our legal basis is most often one of the following:

- to meet our legal obligations,
- to exercise our tasks in the public interest.

The legislation we follow includes but is not exhaustive:

- Health and Social Care Act 2012
- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- The Mental Health Act 1983

Alternatively in some circumstances the following may apply:

- the data subject has given consent to the processing of their personal data for one or more specific purposes
- to protect a person's vital interests
- to carry out a financial assessment to determine if you need to contribute to the cost of your care

When processing your special category personal data for purposes connected to adult social care our legal basis is one or more of the following:

- substantial public interest
- the provision of health and social care services

- to protect a person's vital interests and the data subject cannot give consent

Alternatively in some cases the following may apply:

- the data subject has given explicit consent

### **Consent to share information when no legal duty exists**

If an external agency asks us to share any information that is sensitive and personal to you, we will only do this if we can do so legally. If we want to share this information, as we feel it would help you, but there is no legal power or duty for us to share this information, we will ask you first if you are happy for us to share your information.

### **Other important things to know**

Adult Social Care will not transfer your personal data outside the European Union/European Economic Area unless appropriate safeguards have been put in place.

Your personal data will not be used for automated decision making or profiling. Automated decision making is making a decision solely without any human involvement. Profiling can be part of an automated decision-making process. It is where your personal data is used to evaluate certain things about you.

### **How long Adult Social Care keeps your personal data**

We keep your personal data for no longer than reasonably necessary and in line with our data retention policy and schedules. A corporate data retention schedule is a list of specific categories of records and how long they should be kept. We will stop using your data after we no longer have a legal reason to use your information, which may be when your services have ended.

### **Your information rights**

The law also gives you a number of rights to control whether and how we use your personal and special category information. If you would like more information on your rights and the exemptions, please see our [Overarching Privacy Notice](#).

### **Our Data Protection Officer**

We have a Data Protection Officer who is a council staff member whose job it is to make sure we respect your rights and follow the law.

If you have any questions or concerns about how we use your information please contact the Data Protection Officer at [DataProtection@southend.gov.uk](mailto:DataProtection@southend.gov.uk) .

### **Concerns about data protection**

You may like first to talk to your social care practitioner about any concerns you have about how your data is being used.

If you have a question about anything covered in this privacy notice you can email the Data Protection officer at [DataProtection@southend.gov.uk](mailto:DataProtection@southend.gov.uk).

If you have a complaint, it would be helpful if you contacted us first to see if we can resolve the problem.

For independent advice about data protection, privacy and data sharing issues, or to lodge a complaint about how we have handled your information, you can contact the Information Commissioner's Office (ICO):

You can visit [ico.org.uk](http://ico.org.uk) or email [casework@ico.org.uk](mailto:casework@ico.org.uk)

Alternatively you can write or telephone:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

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