

## **Adult Social Care Privacy Notice**

The London Borough of Camden collects, holds and uses a lot of information, including personal information about residents, people it provides services to, and other people such as 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. An explanation of personal and special category data can be found on the next page.

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

We need this information to do things like:

- Help us decide if you need any ongoing social care services;
- Use this information to meet and manage any ongoing social care needs;
- Check the quality of the services you receive;
- Investigate if we have concerns about your safety or you are reporting concerns about another person's safety;
- 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.

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

We will use this personal and special category data to comply with our legal obligations and duties, and where it is necessary to protect individuals from harm or injury.

The legal basis under Article 6 (1) are:

*“(c) processing is necessary for compliance with a legal obligation to which the controller is subject; and (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Additionally in some cases (a) the data subject has given consent to the processing and (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person.”*

The legal basis under Article 9 (2) for special category data are:

*“(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; (g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim*

*pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; and in some cases (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.”*

Processing conditions for special category data - Safeguarding of children and of individuals at risk (Sch 1, para 18):

*“Processing is necessary for the purposes of protecting a child or vulnerable adult from neglect or physical, mental or emotional harm + processing is necessary in substantial public interest + the data subject does not consent because:*

- *They can't*
- *Consent can't reasonably be obtained*
- *Obtaining consent would prejudice the child or vulnerable adult's welfare.”*

Processing conditions for special category data - Safeguarding the economic well-being of vulnerable adults (Sch 1, para 19):

*“Processing is necessary for the purposes of protecting the economic well-being of an individual at economic risk who is aged 18 or over + the data concerns health + is necessary for reasons of substantial public interest **and** consent cannot be obtained (same reasons as para 18).”*

For Covid19 vaccination booking only – see the Covid box below - the legal basis for this processing is article 6(1)(a) consent and article 9(a) explicit consent.

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

The information we collect is required in order to 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 keep you safe and living independently 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 Metropolitan Police and other public sector bodies.

#### 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. Further information on personal data can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/what-is-personal-data/>

#### 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. More information on special category data can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

## 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. Camden's policy is that all information will only be shared among council services and other agencies, such as health colleagues, where we have a legal power or duty to do this. In this way it should help 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.

**Covid-19** - In accordance with government order we will be sharing personal data with the NHS, public health and other relevant responsible public and third sector bodies to help our response to Covid-19. All sharing will be undertaken by secure means, will only be used for Covid-19 response purposes, and will only be accessed by those with a need to know to help deliver a response to the crisis. More information can be found on the Council's privacy statement:

<https://www.camden.gov.uk/data-protection-privacy-and-cookies>

If Adult Social Care are already in contact with you, and you are eligible for a **Covid-19 vaccination**, if you agree we may be able to book you a vaccination appointment online. We would use your data including your NHS number to make the booking. We would always ask your consent to book the appointment on your behalf and if you refuse we will not do this.

### Council services

Examples of how we may share your information includes discussions in relation to any housing issues you may have or for central government, who 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 privacy statement at <https://www.camden.gov.uk/data-protection-privacy-and-cookies>

### 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 a number of organisations outside of the council. The organisations we share with depends on your social care needs. Examples include:

- Advocacy services
- Camden Carers Service
- Commissioned support providers such as domiciliary agencies
- NHS agencies
- The Police

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 for it to override your right to privacy, when there is an important reason that 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 a number of Data Sharing Agreements with organisations such as the Police or the NHS to cover sharing that is regular or routine.

#### 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 contact [camdencarechoices@camden.gov.uk](mailto:camdencarechoices@camden.gov.uk) or speak with your social care practitioner.

#### No Recourse to Public Funds (NRPF) 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. The NRPF Connect Database offers a secure mechanism for sharing data with the Home Office and local authorities when fulfilling statutory duties to families, vulnerable adults and children. More information on what information is shared, and why we share information, can be found here:

<https://camdencarechoices.camden.gov.uk/information-and-advice/care-options/assessment-of-your-care-and-support-needs/no-recourse-to-public-funds-network/>

#### 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 about sharing

Adult Social Care will not transfer your personal data outside the European Union/European Economic Area.

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 corporate data retention schedule. The 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. We are legally obliged to keep your records for 7 years.

## **Your information rights**

The law also gives you a number of rights to control what and how we use your personal and special category information. If you would like more information on your rights and the exemptions, please see these websites:

- Camden Council <https://www.camden.gov.uk/your-rights>
- The Information Commissioners Office <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

### **The name and contact details of the 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. Please contact Andrew Maughan, who is also the Council's Borough Solicitor, if you have any questions or concerns about how we use your information. He can be contacted at [dpo@camden.gov.uk](mailto:dpo@camden.gov.uk).

### **Main contact details**

Should you need them, the Council's main contact details are:

London Borough of Camden, 5 Pancras Square, London, N1C 4AG.

Telephone: 020 7974 4444

Website: <https://www.camden.gov.uk/contact-camden>

### **Your right to make a complaint**

It would be helpful if you contacted us first at [dpa@camden.gov.uk](mailto:dpa@camden.gov.uk) to see if we can resolve the problem.

You can also make a complaint to the Information Commissioner's Office if you are unhappy with how the council has handled your personal data. You should contact our Data Protection Officer first to see if this will resolve the problem before going to the ICO. You can contact the ICO at Telephone: 0303 123 1113, live chat <https://ico.org.uk/global/contact-us/live-chat/> or webform <https://ico.org.uk/global/contact-us/>

**ENDS**