

## **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 below.

#### 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.

#### 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/>

### 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

(e) processing is necessary for the performance of a task carried out in the public interest

In rare cases (a) the data subject has given consent

Or (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:

(b) Employment, social security and social protection (if authorised by law) with the Data Protection Act 2018 Schedule 1 part 1 condition being para 2 health or social care purposes

(g) processing is necessary for reasons of substantial public interest with the Data Protection Act 2018 Schedule 2 Part 2 conditions being para 6 Statutory and government purposes, para 18 Safeguarding purposes, and para 19 Safeguarding the economic well-being of vulnerable adults with the underlying law for all being Care Act, Health and Safety at Work etc Act 1974 and Localism Act 2011;

(h) Health or social care with the Data Protection Act 2018 Schedule 1 part 1 condition being para 1 employment, social security and social protection with the underlying law being as above.

In rare cases (a) the data subject has given explicit consent

Or (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.

**Criminal Offence Data:** Criminal offence data will include any offence details given to us in respect of safeguarding matters and may include information about suspected offences. The article 10 requirements are met by the article 6 condition as for personal data above and the Data Protection Act conditions as for special category data.

**The Adult Social Care Welfare Rights Service and WISH Plus sit within Adult Social Care. People may choose to use these services. These are the legal basis these services rely on to collect and use your personal and special category data:**

#### **WISH Plus:**

Personal data Article 6(1)(e) public task. Special Category data UK GDPR Art 9 condition Art 9(2)(b) Employment, social security and social protection (if authorised by law) with the Data Protection Act 2018 Schedule 1 part 1 condition being para 2 health or social care purposes, and DPA18 schedule condition Art 9(2) (g) Reasons of substantial public interest with the Data Protection Act 2018 Schedule 2 Part 2 conditions being para 6 Statutory and government purposes, with the underlying law being Children Acts, Care Act, Health and Safety at Work etc Act 1974 and Localism Act 2011; and 9(2) (h) Health or social care with the Data Protection Act 2018 Schedule 1 part 1 condition being para 1 employment, social security and social protection with the underlying law being as above.

#### **Adult Social Care Welfare Rights Team:**

For personal data the legal basis is article 6(1)(c) legal duty and (e) public task. For special category (sensitive) data it is 9(2)(b) Employment, social security and social protection (if authorised by law) with the Data Protection Act 2018 (DPA18) Schedule 1

Part 1 condition being para 1 Employment, social security and social protection; and article 9(2)(g) Reasons of substantial public interest (with a basis in law) with the DPA18 Schedule 1 Part 2 condition being para 6 Statutory and government purposes and the underlying law being Localism Act 2010, and para 18 safeguarding with the relevant law being the Children Acts and the Care Act 2014. We work within the legislative framework for social security benefits and appeals and follow guidance of Financial Conduct Authority when giving debt advice. Any criminal offence data processing is incidental and the article 10 requirements are met by the article 6 condition as for personal data and the Data Protection Act conditions as for special category data.

#### 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.

### **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.

#### **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. Ones from 2021 can be accessed here [Data Sharing Agreements \(DSAs\) | Open Data Portal \(camden.gov.uk\)](#)

### **Client Level Data sharing with the NHS**

Adult Social Care data are routinely shared with the NHS to enable the delivery of better, joined-up care to people who draw on care and support. This sharing is carried out via a national mandatory person-level data collection. This includes information about you and the interactions you have had with Adult Social Care. This is called the client level data (CLD) collection. These data are shared under powers conferred by sections 254(1) and 304(9), (10), (11) and (12) of the Health and Social Care Act 2012 and sections 13ZC and 272(7) and (8) of the National Health Service Act 2006. Full specification of the CLD collection can be found here: <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/secretary-of-state-directions/collection-of-client-level-adult-social-care-data-no-3>

### **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. If you would like to know more about how long we keep Adult Social Care records, please view the Council's retention schedule:

<https://www.camden.gov.uk/documents/20142/0/LBC+Retention+Schedule+and+Disposal+Policy+2021.pdf/>

### **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. Andrew 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 (ICO) 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 Monday to Friday 9am to 5pm at telephone: 0303 123 1113. Live chat and other information can be found on their website:

<https://ico.org.uk/global/contact-us/contact-us-public/public-advice/>

### **Updating this Privacy Notice**

We will update the Privacy Notice periodically. It was last updated in October 2023.