



Privacy Notice Adult Social Care

The Care Act 2014 and The Health and Social Care (Safety and Quality) Act 2015 places a duty on Cumbria County Council to work in collaboration with health colleagues and its partners to facilitate the provision of care.

This means as part of our assessment and support planning process to ensure we provide the most appropriate advice and support to our customers we need to request and share your information with and from other relevant parties who are part of your ongoing support network.

The council may need to use some information about you to:

- deliver services and support to you
- manage services
- train workers
- help investigate any worries or complaints you have about your services
- keep track of spending on services
- check the quality of services
- help with research and planning of new services

What information does the council collect about me?

In the course of working with you, we may collect the following personal information when you provide it to us:

- personal information e.g your name, address, telephone number, date of birth
- contact details for members of your family and support network
- information about your finances, e.g. bank details, income, benefits
- photographs, e.g. to help inform an Occupational Therapy Assessment

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- information about your racial or ethnic origin, religious or philosophical belief and your sexual orientation
- information about health conditions or disabilities that may apply to you
- information about you and your circumstances
- information about relevant health and safety concerns
- information about your needs and wishes

How is your personal data collected?

In the course of working with you, we may collect information from, or share it, with some of the following third parties:

- advocates, deputies, legal power of attorney
- borough councils, housing associations and landlords
- cabinet members
- Care Quality Commission (CQC)
- central government i.e. Department for Work and Pensions (DWP)
- county councillors
- external providers and partner agencies
- family members and carers
- internal teams
- legal representatives, such as solicitors
- local government ombudsman
- MPs
- 'Nearest Relative'
- NHS providers, such as GPs and hospitals
- other professionals
- schools
- Cumbria Fire and Rescue Service

How will we use information about you?

We use your personal information to:

- create a secure and comprehensive record of all of the work that we do with and for you
- contact members of your family and support network
- fully understand your needs
- promote your health and wellbeing in partnership where applicable with NHS Bodies
- arrange short/long term care solutions
- liaise with agencies, companies and charities on your behalf
- keep you safe from harm
- request and arrange installation of specialist equipment for you
- assess your financial contribution to your care
- work with you or your representative to create a Care and Support Plan

- details contained in your care records and conversations held
- analyse the service that we are providing

The sharing of information facilitates a joined up approach with partner agencies, to provide you with the best possible care and support.

When we collect your personal data, we rely on the following legal bases:

- **GDPR Article 6(1)(c)** processing is necessary for compliance with a legal obligation to which the controller is subject (see Applicable Legislation below), and
- **GDPR Article 6(1)(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

When we collect your 'special categories of personal data', (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **GDPR Article 9(2)(g)** processing is necessary for reasons of substantial public interest (safeguarding of children and of individuals at risk)
- **GDPR Article 9(2)(h)** processing is necessary for the provision of health or social care or treatment or the management of health or social care systems and services

These legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- Care Act 2014
- Health and Social Care Act 2015
- Children's Act 1989
- Localism Act 2011
- Data Protection Act 2018
- Human Rights Act 1998
- Mental Health Act 1983 (Amended 2007)
- Mental Capacity Act 2005
- Homelessness Reduction Act 2017

As we have a statutory basis for collecting your personal data, we do not need to ask for your permission to collect and share it, however we will only ever share your data on a basis of need, in line with legislation and will work transparently with you at all times.

If you do not provide your data, it will limit the effectiveness of the services and support that we are able to offer you.

Data Security

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will

comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential

Personal information will be deleted in accordance with our data retention policy

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Your Rights

Under GDPR you have rights which you can exercise free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you (subject access request)
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioner's Office

Depending on our reason for using your information you may also be entitled to:

- ask us to delete information we hold about you
- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- object to how we are using your information
- stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note, your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under GDPR.

Last Updated: January 2019