

Adults Services and Children's Services

Privacy Notice

July 2018

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1. Overview

City of Wolverhampton Council, Adults Services and Children's Services, collect, hold and process personal information about people with care and support needs so that those needs may be appropriately supported.

Your privacy is important to us and we are committed to handling your personal data securely in accordance with data protection legislation.

The City of Wolverhampton Council is the Data Controller for Adults Services and Children's Services Data.

Our Data Protection Registration number is: Z5569755

Data Protection officer for the Council is: The Information Governance Manager – Anna Zollino-Biscotti. DPO@Wolverhampton.gov.uk

Under UK Data Protection Act 2018 and General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) we are required to protect any personal information we hold about you and your family.

2. What is Personal Information?

Personal information is defined as 'data' or information which relates to you and which can be used to identify you from that data or other information that we may hold about you.

3. Privacy Notice

This privacy notice tells you what to expect when Adults Services and Children's Services process your personal information, how it is used, shared and secured.

4. Why do we collect your personal information

Adults Services and Children's Services are required to collect and use personal information for various reasons by law and under our statutory obligations including those set out by the following legislation:

Legislation underpinning the Council's statutory obligations and the collection and use of personal data

| Adults Services | Children's Services |
|---|--|
| <ul style="list-style-type: none"> • The Care Act 2014 • Mental Capacity Act 2005 • Mental Capacity Act Code of Practice • Mental Health Act 1983 • Mental Health Act 2007 • Code of Practice (MHA 1983).pdf • Health and Social Care Act 2012 • The Care Quality Commission (Registration) and (Additional Functions) and Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 • HSC Act 2008 (Regulated Activities) Regulations 2014 • Equality Act 2010 • Health and Care Professions Council - codes of practice • The Local Authority Social Services and National Health Service complaints (England) regulations 2009 | <ul style="list-style-type: none"> • Children Act 1989 • Children (leaving care) 2000 • Adoption and Children Act 2002 • Section 10 and 11 of the Children Act 2004 • Children Act 2006 • Education and Skills Act 2008 • Welfare Reform Act 2012 • Children and Families Act 2014 • Care Act 2014 • SEND code of practice: 0 to 25 years • The Children's Homes (England) Regulations 2015 • Children and Social Work Act 2017 <p>Children's Services is also required to collect and provide information to the Department of Education (DfE) and Ofsted, for inspection requirements specifically under:</p> <ul style="list-style-type: none"> • Section 83 of 1989 Children's Act • Section 7 of the Young People's Act 2008 • Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013 |
| <p align="center">Please note that this list is not exhaustive.</p> | |

We may not be able to provide you with a service unless we have enough information, or your permission to use your information (excludes safeguarding).

5. What Personal Information do we hold about you?

Our systems hold:

- Information that you provide to us on forms, over the phone or in face-to-face meetings such as assessments and reviews
- Copies of your support plan, and information from other people which relates to you
- Details of conversations between you and social care staff
- Details of conversations about you (between colleagues in the Council and partner agencies, NHS, members of your family or providers of care (as detailed in 'who can access this information' section)).

This **may** include all or some of the following:

| Information which may be held about you |
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| Adults Services and Children's Services |
| <ul style="list-style-type: none">• Personal details (name, address, previous address, DOB, marital status, ethnicity)• Personal identifiable information (this could include NHS number from the Personal Demographics Service (PDS), National Insurance Number, Unique Pupil Number)• Information about other members of the household• Details of family relationships in and outside of the household• The names and contact details of close relatives and/or carers• Details of legal status and documents (e.g. immigration, power of attorney, fostering and adoption, etc.)• Details about accommodation (e.g. type, layout, details of alarms fitted, key safes, accessibility etc)• Details about the needs of the adult/child/young person in all areas of their life (e.g. personal care, eating and drinking, practical tasks, physical and emotional well-being, parenting etc.) |

- Details of any communication needs (e.g. if an interpreter or translator is needed)
- Any cultural, spiritual or religious beliefs which need to be taken into account when providing support
- Medical history and details of any diagnoses
- Details of health, social care or other services the adult, child or young person is getting
- Details of support provided by any carers or any other services being received
- Details of any risks
- Information on any offending behaviour
- Information about the adult, child or young person's situation given to social care by the family and/or carers
- Things that other organisations (such as health, other care services or schools) tell us to help us understand the adult/child/young person's situation and needs and co-ordinate care services more effectively
- Reports relating to the adult/child/young person's situation and care
- Any documents sent to us relating to the adult/child/young person
- Records of visits and contacts relating to the adult/child/young person

| Adults Services | Children's Services |
|--|---|
| <ul style="list-style-type: none"> • Details of goals the adult wishes to achieve relating to their social care needs • Financial details the adult has provided to us | <ul style="list-style-type: none"> • Outcomes for looked after children (such as whether health and dental assessments are up to date, educational outcomes, strengths and difficulties questionnaire scores and offending) • Adoptions (such as dates of key court orders and decisions) • Care leavers (such as their activity and what type of accommodation they have) |

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| | <ul style="list-style-type: none"> • School attendance/exclusion information for children and young people • Details of any special educational needs for children and young people • Economic/financial details for foster carers/looked after children/care leavers/special guardianships • Any additional personal information that is necessary for us to assess and provide you with the service that you require • Information used to assess your situation, such as assessments and reports |
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6. What do we do with your information?

We will use the information we hold about you for the purposes stated when the information was collected. In general, this will be to help you achieve the outcomes that matter to you and to enable the council to carry out its care and support responsibilities in relation to your needs. The information may also be used to ensure your safety and wellbeing

| Adults Services and Children's Services Purposes the data is used for |
|---|
| <ul style="list-style-type: none"> • Assess whether our services are making a difference • Audit, develop and improve services and measure how well the council as a whole is doing • Consider your care and support needs • Inform other staff in health and care services about your needs and situation so that they don't have to repeat questions • Share with health and social care providers to ensure appropriate support is provided • Share information with appropriate agencies to ensure compliance with safeguarding policies and procedures |

- Support the Council to commission appropriate services
- Help the Council evidence that it has met its statutory duties
- Prepare accurate information through surveys and figures about the number of people using our services and their different needs, to help us provide the right services and plan better for the future
- Make payments to support you and your care, where appropriate

Any information gathered will be retained in line with statutory requirements and will not be reused for different purposes or passed to third parties for commercial purposes.

7. Who has access to your Personal Information

The data is accessed by staff working in City of Wolverhampton Council's Adults Services and Children's Services and depends on who is working with you.

| Adults Services | Children's Services |
|---|---|
| <ul style="list-style-type: none"> • Carer Support Team • Commissioning • Community Financial Support including Direct Payments, Financial Assessments, Welfare Rights • Community Support Team • Court of Protection Team • Deprivation of Liberty Safeguards Team • Disabled Children & Young People's Team (DCYPT) • Emergency Duty Team (EDT) • Hospital (Health & Social Care) Team • Independent Living Service (ILS) including occupational therapy team and sensory impairment team | <ul style="list-style-type: none"> • Child Protection Service • Commissioning • Disabled Children & Young People's Team (DCYPT) • Early Intervention Service • Emergency Duty Team • Inclusion Support Service • Looked After Children Service • Multi-Agency Safeguarding Hub (MASH) for children • Safeguarding Service • Specialist Support Service • Youth Offending Team (YOT) • Other internal teams who provide a service to children and young people |

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| <ul style="list-style-type: none"> • Locality Team – East • Locality Team – North • Locality Team - West • Management Team, including provider services management • Mental Health Social Work Team • Multi-Agency Safeguarding Hub (MASH) for adults • Personalised Support Team • Provider Services: Bradley Reablement Service, City Links, Community Pathways, Duke Street Bungalows, Ernest Bold Short Breaks Service, Home Assisted Reablement Programme (HARP), Support Plus • Quality and Improvement Team • Supporting Life Choices | |
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Please note that team names may change quickly and without notice but it is the functions that they perform which will determine if they can see your information. Staff in each area will access the data that is essential to their work.

In addition, services outside of Adults Services and Children’s Services may have access to the information if appropriate to carry out their statutory roles or support the teams listed above. These teams may include:

- Complaints Team
- Legal Services Department
- Business Intelligence Team
- Information Governance Team
- Database Systems Support Team
- Corporate Finance Team

8. Who else is your personal information shared with?

As well as sharing within the Council, information about you may also sometimes be shared with external organisations. The types of organisation we may pass information to are listed below:

| Adults Services | Children's Service |
|---|--|
| <ul style="list-style-type: none"> • Health bodies (NHS Trusts and services, GPs, Clinical Commissioning Groups) • Providers of services e.g. domiciliary care and supported living, respite services, other community services, housing • Providers of residential and nursing care services • Local Safeguarding Board • Other local authorities if you are placed or transferred outside of the borough • Regulatory authorities e.g. Care Quality Commission • Ombudsman • Multi-Agency Safeguarding Hub (MASH) for adults, including Police, Probation, Health, Recovery near you, Wolverhampton Homes | <ul style="list-style-type: none"> • Department for Education (DfE), and Ofsted and other Government departments • Department of Work and Pensions • Health bodies (NHS Trusts and services and Trusts, GPs, Clinical Commissioning Groups (CCGs)) • Schools • Courts • Police • Local Safeguarding Children Board • Youth Offending Team • Wolverhampton Homes • Service Providers • Other local authorities if a person is placed or is transferred outside of the City • Multi-Agency Safeguarding Hub (MASH) for children, including Police, Probation, Health, Recovery near you, Wolverhampton Homes |

Under UK Data Protection laws, we also have a legal duty to pass information to third party organisations such as the Police and/or the Department of Work and Pensions and anti-fraud agencies for the purposes of preventing and detecting crime, or for anti-fraud purposes.

Wherever possible we will discuss with you the reasons for sharing information and ask for your consent. However, in some circumstances, when we feel that you or others are at risk, we may share information without your consent. When sharing

information, we do so in line with UK Data Protection laws and agreed information sharing protocols.

We also share information with 3rd party organisations, such as insurers or solicitors who are acting on your behalf. This is usually done with your consent unless there is a legal reason (as below) to share without your consent.

We may also use your information in an anonymous form (with any identifiable data relating to you removed), for performance monitoring and service improvement with (but not limited to) the following agencies:

- Public Health
- NHS Digital
- Department of Health and Social Care
- Department of Education

We may share your data with 3rd countries or international organisations, only where:

- there is a legal reason to share
- or, you have provided consent for us to share
- and where there are appropriate safeguards in place to ensure the level of protection of your data is guaranteed.

We endeavour to publish a list of our information sharing partners here:

<http://www.wolverhampton.gov.uk/article/3327/Information-Sharing>

We do not share data with private companies unless they have a contract with the council to provide a service on behalf of the council. The council does not sell your social care data to private companies.

9. How do we collect this information?

We collect this information via a number of methods including:

- Via post, emails and face to face /telephone conversations with you, your family or others working with you.
- Online or paper forms, requests or payments
- Professional/service reports and assessments/conversations
- Other sources - we may receive information about you from other organisations, agencies or service providers

We may receive information about you either for a legal reason, or because you are receiving a service jointly delivered by another organisation and the Council. You may have asked for your information to be shared with the Council.

We will match data from other sources to the data we hold at the council, to ensure we have the correct information about you, and update your social care record.

Any information you provide to us may be logged on our computer systems. We may add your information to systems where we are required to do so by law.

10. How long are records held?

Retention periods will be in line with the Council's Retention and Disposal Schedule. We have a legal duty to keep information about you confidential and secure, for specific purposes and only for as long as necessary.

We are required by law to keep records for varying lengths of time depending on the type of record.

All the information we collect is stored securely on our IT and manual filing systems. We have strict procedures for the way this is done. Any and all information we hold about you is confidential. We have clear rules and recording procedures about storing, recording and sharing information. Any records we hold on you (computer and paper files) can only be seen by authorised staff.

11. What are your Data Rights?

We want to ensure you remain in control of your personal data. Part of this is making sure you understand your legal rights under the Data Protection Act 2018 and General Data Protection Regulations (GDPR) 2016 which are as follows:

- The right to be informed via Privacy Notices such as this.
- The right of access any personal information the council holds about you (also known as a Subject Access Request). You will not be charged for making a subject access request. You are entitled to receive a copy of your personal data within 30 calendar days of our receipt of your request.
- The right to rectification we must correct factually inaccurate or incomplete data.
- The right to erasure/right to be forgotten. You the right have your personal information erased and to prevent processing unless we have a legal obligation to keep or process your information.

- The right to restrict processing. You have the right to limit how we use your data, unless we have a legal obligation to process your data. We can retain just enough information about you to ensure that the restriction is respected in future.
- The right to data portability. We can provide you with your personal information in a structured, commonly used, machine readable format when asked.
- The right to object. You can object to your personal data being used for certain actions such as profiling, direct marketing or research process.
- You have rights in respect of automated decision making (decisions made by a computer) and profiling. You have the right for these decisions to be explained to you or made by a person instead.
- You have the right to withdraw consent. You have the right to positively opt-In or unsubscribe from any of our communications or other mailing lists at any time and we shall continue to make this obvious and easy for you to do.

Please keep in mind that there are exceptions to the rights above and, if we have a legal duty to keep or use your information, we would not be able to make changes. Although we will always try to respond to your satisfaction, there may be situations where we are unable to do so.

12. Can you see the information we hold on you?

You have a right to see the information we hold about you.

| Adults Services and Children's Services | |
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| <ul style="list-style-type: none"> • If you are currently in receipt of support or services (open case) | <p>You may ask the allocated worker or professional working with you for information e.g. on assessments or correspondence. They should let you have this information within 30 days.</p> |
| <ul style="list-style-type: none"> • If you are a parent or have Parental Responsibility | <p>In general, if you are a parent or have Parental Responsibility you will be able to access information held by Children's Services including accessing information about a child if the child is too young or has a disability which prevents them from asking on their own. However, even if the child is unable to understand the implications of a request that we hold about them, it is still their personal information and</p> |

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| | does not belong to anyone else including the parent or the Parental Responsibility holder. |
| <ul style="list-style-type: none"> • If you were previously in receipt of services and you no longer have contact with your allocated worker (closed case); • for complex information requests; • when seeking information about a deceased relative | <p>Contact:</p> <p>City of Wolverhampton Council Information Governance Team Civic Centre St Peter's Square Wolverhampton WV1 1SH Tel: 01902 554498 Email: Dataprotection@wolverhampton.gov.uk</p> |

For further information about either requesting access to or to stop the processing of your personal information please contact the Council's Corporate Information Governance Team at the above address.

13. Who should you contact if you want to raise a complaint about access to your information?

If you have a complaint in relation to a request to see a copy of your records or a freedom of information request, please contact us in the first instance (address above) to request an internal review of our response.

If you follow this procedure and are still not happy, you may wish to contact The Information Commissioner's Office:

The Information Commissioner's Office
Wycliffe House
Wilmslow
Cheshire
SK9 5AF

Telephone: 08456 306060

Website: www.ico.org.uk