

Privacy Notice

Health & Social Care Partnership

Community Care Services

When you are referred to Community Care services in South Ayrshire including Learning Disability, Sensory Impairment, Mental Health or Older Peoples Services you will need to provide us with some personal data or information.

As the 'data controller' for the personal information – or data – we hold about you, **South Ayrshire Council** decides how your personal information is used/ processed, and what it is used for.

This statement provides more details about this and provides information on how to get in touch with us if you need to know more.

Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR) and supplemented by the Data Protection Act 2018.

What Personal Data have we obtained?

The type of personal data we need to collect from you will depend on the service you are receiving from us, but we will only collect the personal information we need to provide you with relevant information, services and support. The personal data we collect can include:

- Name
- Date of birth
- Address
- Telephone number
- Email
- Gender
- Marital Status
- National Insurance number
- CHI number (Community Health Index)
- Financial Information (e.g. bank account details, benefits in payment and any other form of income)
- Housing tenure

We may need further special category (sensitive) personal data:

- Ethnicity
- Disability
- Health conditions (including medication)
- Sexual orientation

And criminal convictions:

- Any proceedings for any committed or alleged committed offence(s)

How will we use your information?

All personal information is processed by our Adult Services staff. We will only collect the personal data we need in order to provide you with the support and service required. We will also use this information to contact you and to uphold our duty to protect vulnerable adults.

What is the legal basis for using/sharing your information?

We use and share this information to provide you with our Learning Disability and Sensory Impairment, Mental Health or Older Peoples Adult Services, i.e. our 'public task'. Processing is necessary under the terms of GDPR "for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller

Special category data and criminal convictions

For some activities, we also need to process more sensitive personal information about you known as special category data, for example health information and criminal convictions data. The processing of this information is necessary for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process this type of personal data for the provision of health care or treatment and the provision of social care.

Who will we share your information with?

Depending on the service we are providing you with this may include:

- Housing Service Providers
- South Ayrshire Health and Social Care Partnership
- NHS Ayrshire & Arran (including your GP)
- Department of Works and Pensions
- Care Provider(s)
- South Ayrshire Council (e.g. Occupational Therapy, Disability Resource Centre, Care at Home, Customer Services, Legal Services)
- Scottish Fire and Rescue
- Police Scotland
- Scottish Government
- Health & Safety Executive
- Other Local Authorities (where relevant)

How long do we keep hold of your information?

We keep your personal data for no longer than reasonably necessary. We will retain your personal data in line with our corporate records retention schedule as follows:

| When we collect your personal data | How long will be hold onto it |
|---|--|
| <i>Your case file when you are an adult service user with physical disabilities</i> | Current year + 5 years or Current year + 3 years (following date of death) |
| <p><i>Your case file when you are an adult service user with learning difficulties and statutory measures are taken</i></p> <p><i>Your case file when you are an adult service user with learning difficulties and statutory measures are not taken</i></p> | <p>Current year + 10 years Current year + 5 years (following date of death)</p> <p>Current year + 5 years Current year + 3 years (following date of death)</p> |
| <p><i>Your case file when you are an adult service user with mental health problems when statutory measures are taken</i></p> <p><i>Your case file when you are an adult service user with mental health problems when statutory measures are not taken</i></p> | <p>Current + 10 years Current year + 5 years (following date of death)</p> <p>Current + 5 years or Current + 3 years (following date of death)</p> |
| <i>Your case file when you have received a service from the Occupational Therapy Team</i> | Current + 5 years or Current + 3 years (following date of death) |
| <i>Care Services (including, Residential homes Home care and housing support services)</i> | Current + 5 years or Current + 3 years (following date of death) |
| <i>Our statutory registers of Adult Social Work Service users, including if you have learning difficulties, mental health problems or physical disabilities</i> | Current + 100 years |

What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, in this case we are not required to:

- erase your personal information.
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete;
- restrict the processing of your personal information in certain circumstances

You also have the right to object to the processing of your personal information.

What about Automated Decision- Making?

Our services does not use automatic decision making.

Do you require this statement in a different format?

Please contact us if you require this information in an alternative format.

How can you get in touch with us?

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Service at:

Data Protection Officer
South Ayrshire Council
County Buildings
Wellington Square
Ayr
KA7 1DR

Email: DataProtection@south-ayrshire.gov.uk

Telephone: 01292 612 223

Are you dissatisfied with the way your Personal Information has been handled?

If you are unhappy with the way we have dealt with your personal information, you can complain to the Council's Data Protection Officer using the contact details noted above.

If you remain dissatisfied after contacting us, you have the right to complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>):

Information Commissioner's Office – Scotland
45 Melville Street
Edinburgh
EH3 7HL

Email: Scotland@ico.org.uk

Telephone: 0303 123 1115