



Social Care - Adult Services Privacy Statement

We take our responsibility when processing your data very seriously and would like to assure you that we will only collect, hold and use personal data where is absolutely necessary and proportionate to do so. We will ensure that your details are kept secure and that we maintain effective safeguards to manage access arrangements, and providing adequate training to staff who handle the information provided.

Data Controller: Your personal information will be processed by Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa FK10 1EB. You can contact the Council on 01259 45000 or email dpo@clacks.gov.uk

Your information is being collected to use for the following purposes:

- Purpose 1:* to assess eligibility for services and the provision of care;
- Purpose 2:* the fulfilment of statutory duties in relation to the legislation detailed below;
- Purpose 3:* statutory reporting to the Scottish Government or relevant national bodies
- Purpose 4:* the creation of care and support plans for adults
- Purpose 5:* protection of vulnerable adults

Do I have to provide my personal data to you?

Yes, because we are complying with statutory legislation, legal requirement or contract. If we do not collect this information, we may be unable to provide you with the services you are entitled to, we also need this information to ensure that we are providing the best quality service to you.

Here are a few examples of our statutory obligations:

- [Section 12 of the Social Work \(Scotland\) Act 1968](#) contains our general duty to provide social welfare services.
- [The Adults with Incapacity \(Scotland\) Act 2000](#) requires the Council to provide a mental health officer service and perform other functions to ensure the welfare of adults who have lost mental capacity.
- [Mental Health \(Care & Treatment\) Scotland Act 2003](#) requires the Council to provide a mental health officer service as well as support services in the community. We are also required to assist the Mental Welfare Commission to investigate concerns that an individual with a mental illness or learning disability is not getting the right care or treatment.
- The [Adult Support & Protection \(Scotland\) Act 2007](#) requires the Council to make inquiries where it is known or believed you are an adult at risk of harm, and to intervene if necessary to protect your wellbeing, rights and property.
- [Public Services \(Reform\) \(Scotland\) Act 2010](#) requires the Council to keep and share your information with the Care Inspectorate when you are receiving social care services provided or commissioned by the Council/HSCP.
- [The Carers \(Scotland\) Act 2016](#) requires the Council (and other organisations) to offer adult carers a support plan, and provide carers who meet the eligibility criteria with support to meet their identified needs.
- The [Local Government \(Scotland\) Act 1973](#) states the Council must prevent and detect fraud. Under the Public Finance and Accountability (Scotland) Act 2000 the Council may have to disclose personal information to Audit Scotland in order to prevent and detect crime and fraud.



Legal basis: The relevant statutes are:

- *Social Work (Scotland) Act 1968*
- *Chronically Sick and Disabled Persons (Scotland) Act 1972*
- *Housing (Scotland) Act 2010, 2014, 2016*
- *National Health Service and Community Care Act 1990*
- *Carers (Scotland) Act 2016*
- *Community Care (Direct Payments) Act 1996*
- *Adults with Incapacity (Scotland) Act 2000*
- *Regulation of Care (Scotland) Act 2001*
- *Community Care and Health (Scotland) Act 2002*
- *Mental Health (Care and Treatment) (Scotland) Act 2003*
- *Adult Support and Protection (Scotland) Act 2007*
- *The Public Bodies (Joint Working) (Scotland) Act 2014*
- *Social Care (Self-directed Support) (Scotland) Act 2013*
- *Equality Act 2010*
- *Health and Safety at Work Act 1974*
- *Manual Handling Operations Regulations, Lifting Operations and Lifting Equipment Regulations, Provision of Use of Work Equipment Regulations*
- *The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011*
- Revised [Health and Social Care Standards 2017](#)

What information might you collect about me?

We collect information from you using a variety of different methods, including when you complete one of our forms, when you call, write, email or meet with us. We may also obtain information about you from other council departments or services within the Health and Social Care Partnership such as your GP who is responsible for your health care. In order to meet your health and wellbeing needs we may also collect information from those with power of attorney or guardianship and carers, such as medical/health information, individual care and support needs, daily pattern or routine, dietary requirements, functional ability and any current medication.

We collect basic personal data so that you can be identified. This can include your name, community health index (CHI) number, date of birth, age, national insurance number, photographs, videos and contact details (including telephone number, email or address including postcode). We may also collect information about your next of kin, family members, cared for person, keyholders to your property, GP, pharmacist and details of any referrals made.

Other sensitive information collected can include details on relationship status, nationality, language spoken, racial or ethnic origin, gender, and religious beliefs. In line with our financial procedures, and where necessary (such as to prevent financial harm), we may also have a record of your bank details, financial transactions, receipts and budget allocation.

We keep copies of your communications with us and our responses and in some cases may also document any verbal conversations we may have with you. This record helps us to make informed decisions, monitor our performance and improve the services that we deliver.

We may also take photographs or videos to ensure personalised care and support, or for social events/training purposes/service promotion/public information purposes. However, photographs or videos of individuals will only be used for such purposes with you or your proxy's consent.



We may also collect information from our partners including NHS, Police Scotland, the Crown Office and Procurator Fiscal Service, the Office of the Public Guardian, and providers of care and support.

In order to ensure that we deal with any complaints we receive, we may obtain information from The Scottish Public Services Ombudsman (SPSO) or the Care Inspectorate.

This list is not exhaustive and we may on occasion collect or get information from other sources not listed.

Who might my information be shared with?

Your Information will always be shared on a “need to know” basis. This is so we can assess your needs and your eligibility for a social work or health and social care service, and thereafter so we can provide you with the most suitable services that meet your needs as well as supports and protects you. (We will also share Your Information where necessary in order to protect children and adults at risk of harm, prevent crime and preserve life).

- *Service providers commissioned to provide services on behalf of the Council/[HSCP](#)*
- *Your GP and other NHS healthcare professionals employed or contracted by [Forth Valley Health Board](#), or healthcare professionals employed within the HSCP*
- *Other Council departments, and Emergency Social Work Service*
- *The [Scottish Government](#), Public sector agencies & other Government Departments*
- *Department of Work & Pensions (DWP) and UK Benefits Agency*
- *Advocacy Services*
- *[MAPP](#)*
- *Emergency services (Police Scotland, Scottish Fire & Rescue)*
- *[The Carers' Centre](#)*
- *Housing providers, and other providers of relevant goods and services*
- *National Services Scotland including [Information Services Division](#)*
- *[The Office of Public Guardian](#), and [Scottish Public Service Ombudsman](#)*
- *The [Mental Welfare Commission for Scotland](#)*
- *Other local authorities, for operational or benchmarking purposes*
- *Scottish Courts & Tribunal Service*
- *[Audit Scotland](#) and bodies responsible for auditing or administering public funds*

As a Local Authority and part of the Clackmannanshire and Stirling Health and Social Care Partnership we are also scrutinised by:

- The [Care Inspectorate](#)
- [Health Improvement Scotland](#)
- [Scottish Social Services Council](#) (SSSC)
- [Health and Care Professional Council \(HCPC\)](#)
- [Adult Support and Protection Committee](#)
- [Mental Welfare Commission](#)

To all of these we report our performance and practice to ensure our standards, conduct and practice adhere to the legislation and public expectation. Where data is used for statistical, performance and improvement purposes it is anonymised.



Will we send your information outwith the UK?

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

Retention: The Council maintains a Retention Schedule that sets out the periods of time that we apply to keeping particular information, some of which are set down in law. If you wish to get more information about the specific time limit for particular information, please contact the Data Protection Officer (as detailed above).

Automated decision making: The Council does not use profiling or automated decision-making processes, however some processes are semi-automated.

Your rights: Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to request access to your personal data;
- to data portability, where the Legal basis specified above is i) consent or ii) performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits;
- If you wish to exercise any of the above rights, please contact the Data Protection Officer, details above.

Right to complain - If you are unhappy with the way the Council has processed your personal data you have the right to complain. Any complaints regarding your data should be addressed to the Data Protection Officer. If the matter is not resolved, you can contact the Information Commissioner's Office. The address and contact details for the Information Commissioner's Officer are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF

0303 123 1113 (local rate) or 01625 545 745 or visit the website: www.ico.gov.uk.