

Privacy Notice (How we use your information)

Adult Social Care

Adult Social Care aims to help residents stay independent and safe in the community for as long as possible and to improve their well-being. We do this by working with a number of agencies in the public, private and voluntary sector to organise the appropriate level of care. Working with a range of agencies means we can personalise the care and support you receive, and offer you flexibility, choice, and control.

The categories of information that we collect, process, hold and share include:

- Personal information (including information on those close to you, i.e. your family, carers)
 - Name
 - DOB
 - Address
- Characteristics
 - Gender
 - Ethnicity
 - Language spoken
 - Religion
 - Disability
- Other
 - Questions about your daily life to better understand your social care needs
 - Hazards/risk information about you or others around you
 - Medical information such as details of medical conditions, disability, mental health and wellbeing needs
 - NHS number
 - Financial information
 - Lifestyle and social circumstances
 - Employment
 - Education details
 - Housing needs
 - Details of personal appearance and behaviours
 - Mental capacity assessments
 - Sexual orientation

Why we collect and hold this information

We use this personal data in order to:

- assess your care needs and any risks to your wellbeing
- arrange any necessary urgent support you may need to keep you safe
- provide you with the support or equipment you require to meet your needs
- help you to maximise your independence and to stay safe
- deliver services and support to you
- manage those services we provide to you
- respond to your queries
- help investigate any worries or complaints you have about the services we provide
- know we are delivering care to the right people
- enable us to carry out specific functions for which we are responsible
- assess your eligibility for social care services including, but not limited to, blue badges, housing needs and such like
- complete a financial assessment and assess what financial support you are entitled to
- deliver a range of preventative services and provide you with information, guidance and signposting to other support services
- comply with deprivation of liberty processes
- administer and protect public funds
- ensure service quality
- assess and improve our performance
- let us plan future delivery of services

Why do we need information about other people in relation to your case?

- To allow us to effectively assist the people who are providing you with care and support;
- To facilitate contact between you and interested parties;
- If you are vulnerable or at risk, to allow us to protect you better.

The lawful basis on which we use this information

Under Article 6 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information will depend on the specific process or task being performed. In Adult Social Care we may use each of the bases as appropriate:

6(1)(a) Your consent. For the most part, we collect and use your information with your clear permission (consent). However, there are some legal reasons why we may have to collect and use your information without asking you first. You can remove your consent at any time.

To remove your consent, please email us at SSCU@kirklees.gov.uk.

6(1)(b) Contract. We contract with many organisations including care providers so we can ensure the level of quality is provided to according to our standards. Information that is required to deliver services to people is shared with these organisations.

6(1)(c) We have a legal obligation. Often, we will collect and process information about you as we have a legal obligation and statutory duty to provide social care to adults in certain circumstances.

6(1)(d) We have a vital interest. We have a legal responsibility to protect all people in Kirklees from harm and abuse. We will act when a person's safety and wellbeing appear to be at risk.

6(1)(e) We need it to perform a public task. We have a statutory duty to provide social care assessment and support to Adults in Kirklees.

6(1)(f) We have a legitimate interest. We may use some of your information to inform our decision making on Adult Social Care provision. This will help us to ensure that we provide care and support where it is needed the most. In these cases we will only use the minimum amount of data we need and unless it is absolutely necessary, your information will be anonymised.

Special Category Data

To fully provide Adult Social Care services, we will also need to collect some special category data from time to time. This is personal data that needs more protection because it is sensitive. Under Article 9 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing special category information are:

9(2)(a) Your explicit consent. If the special category data is not being directly used to meet your social care needs, we will only collect and use special category data with your consent. You can remove your consent at any time.

9(2)(c) It is in your vital interests. We have a legal responsibility to protect all people in Kirklees from harm and abuse. If needed, we will process and use special category data when a person's safety and wellbeing appear to be at risk.

9(2)(g) Reasons of substantial public interest (with a basis in law). We may need to use some special category data to ensure we can provide social care services.

9(2)(h) Health or social care (with a basis in law). We may need to use some special category data, such as your religious beliefs to ensure we are providing social care services that are appropriate to you.

9(2)(j) Archiving, research and statistics. We may need to use some information about groups of service users to provide statistical reports, these may be shared with other agencies or form part of Government returns.

These legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

- **The Care Act 2014.** Our general duty to promote an individual's well-being and safety.
- **Mental Capacity Act 2005.** Our responsibilities when acting and making decisions on behalf of adults who lack the capacity to make particular decisions for themselves.
- **Mental Health Act 2007.** Describes our duties when detaining (holding) and treating people with a mental disorder.
- **Children Act 2004.** Our general duty to support all children's welfare and education under the statutory authority of a local Director of Children's Services.
- **Health and Social Care (Safety and Quality) Act 2015.** A provision for integrating information relating to users of health and social care services.
- **Health and Care Act 2022.** Describes how Adult Social Care can work effectively with Health services to provide more integrated health and care systems.

How we store your personal information

Your information is safely stored in secure electronic systems and on Kirklees Council's secure network drives.

We keep Adult Social Care data typically for 8 years from the last date of our involvement with you. We will then dispose your information using electronic systems and manually deleting electronic files and destroying paper documents.

Who we may share your information with

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. Sharing your information with our Health partners and the use of joined up information across health and social care brings many benefits. The linking of social care and health information will help hospital staff quickly identify if social care support is already in place and who the most appropriate contact is. Ongoing care can be planned earlier in the process because Health staff will know who to talk to.

In each case we will only share the minimum amount of information, only when required, for the following reasons:

- To provide statutory care services, using registered agencies
- To safeguard vulnerable Adults
- To provide a joined-up approach between Health and Social Care services
- To identify and encourage good practice.
- To provide equipment to aid wellbeing and safety at home

We may share this information with:

- Private and independent providers who will deliver your care, such as Home Care Providers

- Internal sections of the Council who will provide you with other services such as financial support, housing support and Children's services
- Health care agencies (such as NHS Clinical Commissioning Groups, GP surgeries etc.)
- Carers to support with delivering your medical and health care
- Companies we contract to perform services such as equipment installation
- The Local government Ombudsman who may investigate your complaints
- Legal bodies, such as The Court of Protection for court proceedings
- NHS Digital, to share statistics on health and social care services (subject to each individual's NHS opt-out recorded choice)
- Statutory agencies such as the Care Quality Commission, police, ambulance services etc

Collecting your NHS number

If you receive support from adult social care we will look to receive your NHS Number from our regional NHS agencies. This is so that the NHS and adult social care are using the same number to identify you whilst providing your care. By using the same number, the NHS and Kirklees' Adult Social Care department can work together more closely to improve your care and support.

By collecting your NHS Number everyone will benefit from the following situations:

- better coordination and safer care across health and social care enabled through the sharing of information
- better coordination and planning between professionals involved in your care
- better coordination of discharges from hospital into social care
- Use of data for intelligence purposes including Government returns (*subject to your NHS Data opt-out preference)

The council will share information to provide the health and social care professionals directly involved in your care, access to the most up-to-date information about you. It will do this by sharing appropriate information between health and social care services at the time of patient contact. Access to information is strictly controlled, based on the role of the professional. For example, social workers will only have access to information that is relevant to the execution of their care duties.

*By having your NHS number we can check it against the list of people who have chosen to opt-out from the use of their data for research or planning purposes, meaning that data will not be included in information sets that we share.

Your data protection rights

Under data protection law, you have a number of rights, including the right to have your records rectified and the right to ask for access to all the information the Council holds about you. These rights are listed in more detail on [Kirklees Council's data protection rights page](#).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at Data.protection@kirklees.gov.uk if you wish to make a request.

Further information

If you would like further information about how we manage your data, please see the [Kirklees Council privacy notice](#).

If you would like further information about this privacy notice, please contact:

Adult Social Care Customer Services

PO Box 1720

HUDDERSFIELD

HD1 9EL

Tel: **01484 225115**

Email: sscu@kirklees.gov.uk

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at DPO@kirklees.gov.uk or by ringing 01484 221000.

You can also complain to the ICO if you are unhappy with how we have used your data. You can contact the ICO via the ['Contact us' page on their website](#), or by ringing 0303 123 1113.