

## Privacy Notice (How we use your information)

### Client Financial Affairs – Financial Assessments

Client Financial Affairs helps make sure you pay the right amount for any adult social care services you receive. If you've been assessed as needing care and support, and you're able to contribute towards the cost, we use your financial details to work out what you need to pay.

We also help you manage payments, offer advice if you're struggling with debt, and make sure any invoices or charges are fair and accurate. Our aim is to support you in understanding your financial responsibilities and to help you stay in control of your care costs.

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

- Full Name
- Address
- Email Address
- Telephone Number
- Date of Birth
- Next of Kin
- Other Household members
- NHS Number
- NI Number
- Correspondence history
- Details of care services provided
- Legal representative or appointee details
- Financial assessment details (Wages, Pension, Capital, Savings, Benefits, Investment, Income, Bills, Debts, Shares, Court Ordered Payments, Joint Capital/Savings, Additional Property, Rental Property, Tax Credits)

### Why we collect and hold this information

We collect this data for the following reasons:

- To carry out financial assessments in relation to care services.
- To issue invoices to individuals for services provided.
- To manage the property and financial affairs of individuals where the council has been appointed by the Court of Protection as a deputy, acting in their best interests and in compliance with any relevant court orders.

- Recover debts owed to the Council for adult social care services, including personal debts and debts from Executors (Exors) or legal representatives or any individuals who have benefited from the client's capital or assets by coercion or fraud.

## 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 are:

- 6(1)(c) We have a legal obligation.

We process personal and financial data where it is necessary to comply with our legal obligations. This includes duties under legislation such as the Care Act 2014, the Local Government Finance Act 1992, and other statutory frameworks that require us to assess eligibility for services, calculate charges, or recover debts.

- 6(1)(e) We need it to perform a public task.

We process personal data as part of our duty to carry out tasks in the public interest and in the exercise of official authority vested in the council. This includes assessing financial contributions for adult social care, administering benefits or grants, and ensuring the responsible management of public funds, including the recovery debts.

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
- Local Government Finance Act 1992

## Special category data

In order to do this work, we also need to collect some special category data. 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)(f) Legal claims or judicial acts

We may also process special category data when it is required for the establishment, exercise, or defence of legal claims, particularly in relation to the recovery of care-related debts.

- 9(2)(g) Reasons of substantial public interest (with a basis in law)

We process this data where it is necessary to protect the economic well-being of individuals who may be financially vulnerable. This includes supporting individuals who require advocacy or additional assistance during the debt recovery process.

## How we store your personal information

Your information is safely stored in Office 365, cloud-based specialist systems and secure onsite council storage drives. These platforms are used by Kirklees Council to manage case records, correspondence, and financial data securely in accordance with the UK GDPR. All systems are protected by Multi Factor Authentication, and access is only available via Kirklees Secure Network.

We only retain personal data for as long as it is necessary to fulfil the purposes for which it was collected, in line with legal, regulatory, and operational requirements.

For client financial affairs in adult social care, we typically retain records for the following periods:

- Financial assessment records: Retained for 6 years from the date of the last payment or the end of service, in accordance with HMRC guidance and the Limitation Act 1980
- Adult social care records (including care plans): Retained for 8 years after the end of care or the death of the individual, whichever is later
- Records relating to deputyship or appointeeship: Retained for 6 years after the end of the deputyship or appointeeship, to comply with legal and audit requirements.

In some cases, records may be retained for longer if required for legal proceedings, safeguarding concerns, or where the data is still actively being used. Anonymised data may be retained for statistical or research purposes.

After this period, records are securely deleted or anonymised in accordance with the UK General Data Protection Regulation (UK GDPR) and Kirklees Council's data protection policies.

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

- To comply with legal obligations
- To support the prevention or detection of crime
- To inform the development of local or national policies (anonymised data only)
- To monitor and improve local authority performance (anonymised data only)
- To identify and promote good practice (anonymised data only)
- To support vulnerable individuals through coordinated care and services

We may share this information with:

- Other departments and services within Kirklees Council
- Government bodies such as the Department for Work and Pensions (DWP)
- Health and social care partners involved in your care or support
- Legal representatives or appointees acting on your behalf
- Police

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

## 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](mailto: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: [GDPR.WandE@Kirklees.gov.uk](mailto:GDPR.WandE@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](mailto: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.