

East Ayrshire Social Work Services

(part of East Ayrshire Health and Social Care Partnership)

Privacy Notice

This notice is provided for clarification on what information Social Work Services needs in order to process information regarding service users, carers and other individuals. It is necessary for Social Work Services to gather, collect, store and process personal information to assist in the running and providing a service to adults who have community care needs, children and families who have social care needs, and people who are being supported or supervised through social work criminal justice services. Social Work Services puts measures in place to protect the privacy of individuals throughout this process.

Who is responsible for your information?

East Ayrshire Health and Social Care Partnership delivers social care services on behalf of East Ayrshire Council, a local authority established under the Local Government etc. (Scotland) Act 1994. Its head office is: Council Headquarters, London Road, Kilmarnock, KA3 7BU, United Kingdom. You can contact the Data Protection Officer by post at that address or by email at: information.governance@east-ayrshire.gov.uk and telephone on 01563 57 6094.

What information do we need and why?

Personal data is required to be collected by the Social Work Service in order to carry out its duties as a provider of social work services under the provisions of the Social Work (Scotland) Act 1968, Social Care (Self-directed Support) (Scotland) Act 2013, Children (Scotland) Act 1995, Children & Young People (Scotland) Act 2014, Looked After Children (Scotland) Regulations 2009, Children's Hearings (Scotland) Act 2011, Carers (Scotland) Act 2016, Foster Children (Scotland) Act 1984, Adoption and Children (Scotland) Act 2007, Mental Health (Care and Treatment) (Scotland) Act 2003, Criminal Procedure (Scotland) Act 1995, Immigration and Asylum Act 1999 Social Work (Scotland) Act 1968, Community Care and Health (Scotland) Act 2002, Social Care (Self-directed Support) (Scotland) Act 2013, Adults with Incapacity (Scotland) Act 2000, Community Care and Health (Scotland) Act 2002, Social Care (Self-directed Support) (Scotland) Act 2013, Adults with Incapacity (Scotland) Act 2000, Criminal Procedure (Scotland) Act 1995, Management of Offenders etc (Scotland) Act 2005, Community Justice (Scotland) Act 2016, Counter Terrorism and Security Act 2015.

Personal data includes identifiers such as Name, Address, Date of Birth and personal characteristics such as gender and ethnic group, qualifications/ training, and health or social care information. We may also process data about any criminal convictions you may have or offences you may have committed.

What is the lawful basis for processing the data?

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing individuals' data are:

- (1) Legal Obligation - The processing is necessary for Social Work Services to comply with the law referred to above.
- (2) Public task - the processing is necessary to perform a task in the public interest

- or for official functions, and the task or function has a clear basis in law
- (3) Vital Interest – the processing is necessary in order to protect the vital interests of the data subject or of another natural person
 - (4) Consent – in limited circumstances, Social Work Services may rely on an individual's consent to process their personal data. Where Social Work Services is relying on an individual's consent to process personal data then individuals have the right to withdraw this consent at any time.

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Social Work Services will have a requirement in some circumstances to process some types of Special Category Data and in particular:

- racial or ethnic origin information
- health or social care information
- data concerning a person's sex life or sexual orientation

The lawful basis for processing Special Category Data is:

- (1) The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- (2) The processing is necessary for the purposes of the provision of social care and the management of health and social care systems.
- (3) The processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

Who will we share your information with?

Social Care often involves multi-agency support. There are many other agencies with whom we routinely share your data in order to support you. Further information can be obtained in the Service specific Privacy Notices contained further down this notice. We are legally obliged to safeguard public funds and will verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes. We are also legally obliged to share certain data with other public bodies, such as HMRC, the Department for Work and Pensions and Social Security Scotland and will do so where the law requires this. We will generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. In particular we will provide information to the Care Inspectorate should they carry out an inspection of our services or are investigating a complaint. Your information is also analysed internally and with relevant multi-agency partners to help us improve our services.

In addition to the above, information may be shared with the Prevent Multi-Agency Panel (PMAP) and with any other body necessary to support the functions of the PMAP.

This may include but is not limited to:

- Police Services
- Fire Service
- Scottish and UK Governments
- NHS
- Other Local Authorities
- GPs
- Third Party Organisations
- The Scottish Court Service

Data matching

As East Ayrshire Council is required by law to protect the public funds it administers, it may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. Further information on the National Fraud Initiative can be found at [National Fraud Initiative](#).

Service specific Social Work Privacy Notices

- [Children & Families Privacy Notice](#)
- [Community Services Privacy Notice](#)
- [Criminal Justice Privacy Notice](#)

How long do we keep your information?

We will only keep your information for the minimum period necessary. After this time, information is deleted/destroyed in accordance with Council approved retention schedules. Please see our '[retention schedule](#)' which explains how long we keep information for.

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform Social Work Services as soon as possible so that they can update their records.

Individuals' data processing rights

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - II. you have a genuine objection to our use of your personal information – see

Objecting to how we may use your information below

- III. our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right applies it will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Individuals can contact the Council regarding their data protection rights and the processing of their data. Details of how to do this can be found on the Council's Privacy statement.

If individuals have a concern about the way Social Work Services is collecting or using their personal data, they should raise their concern in the first instance with the Council's Data Protection Officer; contact details can be found on the Council's [Privacy Statement](#).

If your complaint is not about a data protection matter you can find details of how to make a complaint about Social Work Services on our [website](#)