

## Privacy Notice for Adult Social Care

### Who we are

London Borough of Havering (LBH) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user' or 'carer') and LBH ('the Council').

The Council takes the privacy of your information very seriously.

### What data we collect

We collect personal information including your name, date of birth, NHS number, contact details (address, telephone number and email address), details of your GP, your next of kin, details about your care and support needs including disabilities, impairments and mental capacity, your living arrangements, and your financial details including benefits received. Some of the data collected includes protected characteristics personal data.

Protected characteristics refers to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity and caring responsibilities, race, religion or belief, sex, and sexual orientation.

### Why we collect your data

We collect your data so that we can provide relevant social care services, which local authorities have a statutory obligation to provide under the Care Act 2014.

London Borough of Havering is committed to providing services that can be accessed equitably. We collect information about protected characteristics to help us to ensure that our policies and procedures support this and to understand the needs of the population receiving our services.

### Use of NHS numbers in Adult Social Care

If you are receiving support from Adult Social Care then the NHS may share your NHS number with us. This helps us to work together to improve your care and support. Your NHS number can be used as a unique reference across the range of services that may be supporting you, including GPs, hospitals, community services such as district nursing or mental health, and social care.

### The lawful basis for processing your data

The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6.1(c) Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations); and

Article 6.1(e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Where we collect and record special category data, the condition for processing this is:

Article 9(h) Health or Social Care and (i) Public Health; and

Article 9(c) Processing is necessary to protect vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

### How we use your data

We will use your data to:

- assess whether you need any on-going social care services
- help us meet and manage any on-going social care needs
- check the quality of the services you receive
- investigate if we have concerns about your safety or you are reporting concerns about another person's safety
- investigate and respond to any complaints you have about services
- keep track of our spending on the services you receive
- detect and prevent fraud or crime
- support the planning and delivery of services, for example the training of staff.

### **Who we will share your data with**

We may share your data with external agencies, such as:

- Central Government
- Health and care agencies and providers
- Police
- London Fire Brigade
- Probation and Courts
- Specialist services (e.g. Drug and Alcohol, Mental Health)
- Education providers
- Other Councils

In some cases we may need to share your data with individuals such as advocates, deputies, those with legal power of attorney, solicitors, family members and carers.

We also share some personal information with other departments within London Borough of Havering Council. This is to ensure that decisions are made based on all of the information available to us and that Council money is spent efficiently.

Departments that personal information may be shared with include:

- Legal services
- Finance services
- Fraud prevention
- Children's Services

If we use or share your personal information with others for research and analysis, we will keep you anonymous or give you another name (a pseudonym), unless you have agreed that your personal information can be used for that research.

The Council has a statutory obligation to collect your personal data and in some cases a legal obligation to share it (under the Care Act 2014, Health and Social Care Act 2012, Health and Social Care (Safety and Quality) Act 2015 or Digital Economy Act 2017). This means we do not need to ask for your permission to collect and share your data but we will only ever share the minimum amount of information needed to fulfil an agreed purpose in line with legislation.

If you do not provide your data, it will limit the effectiveness of the services and support that we are able to offer you.

**Magic Notes by BEAM**

On some occasions, Adult Social Care use a web application called Magic Notes by BEAM to record conversations with residents, carers, provider staff and others involved in the delivery of services to residents. It will be done on a mobile phone or computer. Anyone present will be advised that recording is happening. Conversations will be transcribed and summarised, and a list of actions are created by the web app. These summaries and actions are reviewed and amended where necessary by the social care practitioner and transferred into the Council's case management system. This processing is not used for automated decision making or profiling. These recordings and summaries are deleted from the Magic notes application after 30 days.

We will ask your consent to use the Magic Notes application and if you do not consent, we will record conversations using traditional methods instead.

### **How long we will keep your data**

We will keep your data safe and secure for a period of 27 years after you stop receiving services from us, in line with our retention Schedule. After this time, it will be securely destroyed.

### **How we protect your data**

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of information. Staff access to information is provided on a need-to-know basis and we have access controls in place to help with this.

### **Know your rights**

We process your data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Find out about your individual rights at [Havering data privacy statement and your data rights | Data protection | The London Borough Of Havering](#) or at <https://ico.org.uk/your-data-matters/> If you have any queries or concerns relating to data protection matters, please email: [dpo@havering.gov.uk](mailto:dpo@havering.gov.uk).