



PRIVACY NOTICE

Adult Social Care – Self-Directed Support

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the information being collected.

Why we are collecting your personal information

To provide you with advice on your Self-Directed Support options, the Council's Community Care Service will collect personal data from you, including:

- Your name; email address; postal address; gender and information about your health.

Information you give us about your emergency contact(s)

Please note that it is your responsibility to inform your emergency contact(s) that you have given their contact information to Moray Council as an emergency contact. Typically this will be a name and telephone number and their relationship to you. We will only use this information for this purpose.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR), because your personal information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council and the task or function has a clear basis in law – in this case:

- The Public Services Reform (Scotland) Act 2010
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- The Social Care (Self-Directed Support) (Scotland) Act 2013
- The Carers (Scotland) Act 2016

Personal data that counts as 'special category data', such as health, ethnicity and religion, must satisfy extra conditions when processed. We understand our legal basis in data protection law for processing this special category data to be Article 9(2)(h) of the UK General Data Protection Regulation, as the processing is necessary for the provision of health or social care or treatment or the management of health or social care systems and services.

Who we share your information with

If necessary, and the appropriate conditions have been met, your personal information may be shared with external organisations. These include, but are not limited to Cornerstone Community Care, who have been commissioned by the Council to provide independent support and advice on Self-Directed Support Options to individuals eligible for long-term social care. We make sure that they process your personal data appropriately through our contractual arrangements with them.

Personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council departments where applicable.

The Council may share this personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the information is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: http://www.moray.gov.uk/moray_standard/page_92820.html (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: http://www.moray.gov.uk/moray_standard/page_41220.html. Alternatively, email the Council's Data Protection Officer at: dataprotection@moray.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Telephone: 0303 123 1113 Website: <https://ico.org.uk/>