

Shetland Islands Council

Anchor Early Action Project Data Protection Privacy Statement

Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: dataprotection@shetland.gov.uk and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to support you and your family to identify areas within your personal circumstances you would like to improve. We will work in partnership with you to bring about a positive change, and allow all family members to feel supported and valued. The Project Officers will work directly with you and your family, and they will liaise with other professionals to ensure your needs are being met.

We also use your information to verify your identify where required, contact you by post, email or telephone and to maintain our records.

In order for the Project Officers to work alongside you and your family, we need to collect and hold information about you:

- To assess each family member's needs.
- To support everyone to manage their health and wellbeing.
- To access additional supports as identified by you and the professionals supporting your family.
- To protect children and vulnerable adults who may be at risk of harm.
- To better plan and deliver services.

Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website.

Processing your personal information is:-

- a) Necessary for the performance of a task carried out in the public interest by the council

If you do not provide us with the information we have asked for then we may not be able to provide this service to you.

We may also need to process more sensitive personal information about you:-

- a) For reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as outlined by law

Where we are relying on tasks carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. Some of the key legislation and standards we adhere to are detailed below (as well as related legislation applying to the care and welfare of children in Scotland):-

- Adult Support & Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000
- Carers (Scotland) Act 2016
- Children and Young People (Information Sharing) (Scotland) Bill 2017
- Children and Young People (Scotland) Act 2014
- Children (Scotland) Act 1995
- Criminal Procedures (Scotland) Act 2007
- Education (Additional Support for Learning) (Scotland) Act 2004
- Equality Act 2010
- Health and Social Care Standards 2017
- Housing (Scotland) Act 2001
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Public Bodies (Joint Working) (Scotland) Act 2014
- Social Care (Self Directed Support) (Scotland) Act 2013
- Social Work (Scotland) Act 1968

As a Local Authority we are also scrutinised by:-

- Care Inspectorate
- Shetland Adult & Child Protection Committee
- Health and Social Care Professional Council (HCPC)
- Health Improvement Scotland
- Scottish Social Services Council

To all of these we report performance and practice to ensure our standards, conduct and practice adhere to the legislation and public expectation. Where data is used for statistical, performance and improvement purposes, it is anonymised.

What personal data we hold, and how we obtain it?

For all of the purposes detailed, we collect basic personal data so that you can be identified. This can include your name, date of birth, age and contact details (including telephone number, e-mail or address including postcode).

In order to support you, we may also collect information about your next of kin, family members, carers, GP, and details of any referrals made. We may also collect more personal or sensitive information depending on the type of support required. For children under the age of 16 we also require to hold information on parents or carers, including contact information and, where relevant, personal or sensitive information.

In order to support your health and wellbeing, we may collect special category (sensitive) data. We mostly record medical/health information which may include any health conditions and history, mental health and wellbeing, individual care and support needs, daily patterns or routine, dietary requirements, and any current medication.

Other sensitive information collected can include details on relationship status, nationality, language spoken, racial or ethnic origin, gender, religious beliefs and relationship status.

We keep copies of your communications with us and our responses, in some cases may also document any verbal conversations we may have with you. This record helps us to make information decisions, monitor our performance and improve the services that we deliver.

We collect information from you using a variety of different methods, including when you complete one of our forms, when you call, write, email or meet with us. We may also obtain information about you from other council departments or services, such as Education Services, or other agencies noted above.

In order to meet your health and wellbeing needs, we may collect information from those agencies responsible for your health care, such as your GP.

We may also collect information from our partners including NHS, Police Scotland, the Reporter to the Children's Panel, the Crown Office and Procurator Fiscal Service, the Office of the Public Guardian, providers of care and support and external contractors.

In order to ensure that we deal with any complaints we receive, we may obtain information from The Scottish Public Services Ombudsman (SPSO) or the Care Inspectorate.

This list is not exhaustive and we may, on occasion, get information from other sources not listed above.

We take our responsibility when processing your data very seriously and assure you that we will only collect, hold and use personal data where it is absolutely necessary and reasonable to do so. We will ensure that your details are kept secure and that we maintain effective safeguards to manage access arrangements, providing adequate training to staff who handle the information provided.

Who do we share your information with?

We are legally obliged to safeguard public funds so we are required to 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 and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area.

External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

To provide you with good quality services and to meet our legal obligations, we will sometimes share your personal information between teams within the Council, and with external partners and agencies involved in delivering services on our behalf.

The Council may also provide personal information to third parties, but only where it is necessary, either to comply with the law or where permitted under data protection legislation.

Organisations who we may share your information with include:

- NHS Shetland
- Police Scotland
- Scottish Children Reporters Administration (SCRA)
- Voluntary organisations and private sector service providers
- Scottish Government

We will only share your information with partners or suppliers who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under data protection legislation. These requirements will be set out in contracts or information sharing agreements.

We will not share your information for marketing purposes, unless you have specifically given us permission to do so.

Will we send your information outwith the UK?

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

How long do we keep your information for?

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

Your rights under data protection law

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:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- 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, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also 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 is realistically applied 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.

Please contact us as stated above if you wish to exercise any of these rights.

Information you have given us about other people

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/DataProtection> or email dataprotection@shetland.gov.uk.

Profiling or automated decision-making processes

We do not use any profiling or automated decision making processes.

Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at dataprotection@shetland.gov.uk or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.