

Shetland Islands Council

Children's Social Work 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 provide and commission a range of support, care and protection services for children and their families. This support is provided through a range of community and residential based services.

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

The services we provide are in the following areas:

- Advice and information
- Adoption and Fostering services, including Kinship
- Child Protection
- Providing Social Work support to children and their families
- Residential childcare, including throughcare and aftercare
- Providing support and advice to children with disabilities and their families
- Family support services

In order to provide these services, we need to collect and hold information about you.

1. To assess individual needs of the child (and family).
2. To support children (and their families) to manage the health and wellbeing of the child or young person.
3. To provide or commission support services in the community or in residential based services for children.
4. To protect children who may be at risk of harm.
5. To assess and manage applications for adoption, to become foster carers, and kinship carers.
6. Where we collect photographs, to ensure personalised care and support.
7. 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
- b) Necessary for the performance of a contract with you (or to take steps to enter into a contract with you)
- c) Necessary for compliance with a legal obligation to which the council is subject
- d) On the basis of your consent
- e) Necessary to protect the vital interests of you or another person.

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

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

- a) because you have given us your explicit consent for this.
- b) because we may need to protect your vital interests and the vital interests of others in circumstances where we will not be able to seek your consent.
- c) 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.
- d) for purposes of the provision of social care and the management of health and social care systems and services.

Where we are relying on task 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):

- Adoption and Children (Scotland) Act 2007
- 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's Hearings (Scotland) Act 2011
- 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
- Looked After Children (Scotland) Regulations 2009
- Mental Health (Care & Treatment) Scotland Act 2003
- Public Bodies (Joint Working) (Scotland) Act 2014
- Regulation of Care (Scotland) Act 2001
- Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- 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 Care Professional Council (HCPC)
- Health Improvement Scotland
- Scottish Social Services Council (SSSC)

To all of these we report our 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, Community Health Index (CHI) number, date of birth, age, national insurance number, photographs, 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 service 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 pattern 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 may also record any information required in order to provide reports to the Report to the Children's Panel, or information on criminal acts or convictions with Police Scotland. This is to ensure public protection.

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.

For carers (foster carers and kinship carers) we may also have to hold a record of your bank details, financial transactions, receipts and budget allocation. We may also hold financial records for adopters.

We may also take photographs to ensure personalised care and support. However, photographs of individuals will only be used for such purposes with you or your proxy's consent.

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
- we are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below.
- 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.

Withdrawing consent to use your information

Where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given.

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 or to assess your own entitlement to a service.

More information can be found in the above section entitled - **What personal data we hold, and how we obtain it?**

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.asp> 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.