

## Shetland Islands Council & NHS Shetland

### Health & Social Care - Data Protection Privacy Statement

#### Who we are?

Shetland Health and Social Care Directorate provides a range of community health and social care services for adults in Shetland. NHS Shetland provides health services across Shetland and Shetland Islands Council supports younger and older adults (including carers) with an assessed need by providing a range of community and residential based services. In order to provide these services, NHS Shetland and Shetland Islands Council hold information about you.

This statement provides details of what information Shetland Islands Council collect from you, what we do with it and who it might be shared with.

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

You can contact Shetland Islands Council's Data Protection Officer by post at this address, by e-mail at: [dataprotection@shetland.gov.uk](mailto: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.

If your health service is delivered by NHS Shetland and you want to know more about how your personal information is used, you can access NHS Shetland's Privacy Statement at <https://www.shb.scot.nhs.uk/board/privacy.asp>

You can contact NHS Shetland's Data Protection Officer by post at NHS Shetland Board Headquarters, Upper Floor Montfield, Burgh Road, Lerwick, Shetland, ZE1 0LA, by e-mail at: [shet-hb.dpo@nhs.net](mailto:shet-hb.dpo@nhs.net) and by telephone on (01595) 743 060.

#### What services are covered by this Statement?

Service Area	Key Teams
Adult Services	Eric Grey Resource Centre New Craigielea Supported Living & Outreach
Adult Social Work	Community Care Social Work
Community Care Resources	All Care Homes Support at Home Montfield Support Services Mental Health Community Support Service @ Annsbrae
Criminal Justice	Criminal Justice Social Work
Allied Health Professionals	Occupational Therapy, Intermediate Care Team

## 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 ensure that the services we are providing are fit for purpose, efficient and effective whilst meeting our statutory and legal obligations. The information is being collected for the following purposes:

1. To assess individual needs and financial position
2. To support individuals to live independently in a homely setting for as long as possible and/or in a care setting
3. To support individuals to self-manage their health and wellbeing
4. To protect adults who may be at risk of harm
5. Where we collect photographs it is only to ensure personalised care and support
6. To better plan and deliver services.

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

## 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) 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 may not be able to provide a service to you.

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

- a) 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.
- b) 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.
- c) 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 use are detailed below.

- The Adult Support and Protection (Scotland) Act 2007
- The Social Work (Scotland) Act 1968
- Adults with incapacity (Scotland) Act 2000
- Carers (Scotland) Act 2016
- Community Care and Health (Scotland) Act 2002
- Chronically Sick and Disabled Persons Act 1970
- Equality Act 2010

- Health and Safety at Work Act 1974
- Manual Handling Operations Regulations
- NHS and Community Care Act 1990
- Lifting Operations and Lifting Equipment Regulations
- Provision of Use of Work Equipment Regulations
- Social Care (Self Directed Support)(Scotland) Act 2013
- Housing (Scotland) Act 2001
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011
- Revised Health and Social Care Standards 2017
- Public Bodies (Joint Working) (Scotland) Act 2014

As a Local Authority we are also scrutinised by:

- The Care Inspectorate
- Health Improvement Scotland
- Scottish Social Services Council (SSSC)
- Health and Care Professional Council (HCPC)
- Adult Support and Protection Committee
- Mental Welfare Commission

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, email or address including postcode).

We may also collect information about your next of kin, family members, carers, any power of attorneys or guardianships in place, keyholders to your property, GP, pharmacist and details of any referrals made.

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 wellbeing, individual care and support needs, daily pattern or routine, dietary requirements, functional ability 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 criminal convictions or contact with Police Scotland. This is to ensure public protection.

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

We may also have a record of your bank details, financial transactions, receipts and budget allocation, in line with Shetland Islands Council financial procedures and also to prevent financial harm.

We may also take photographs to ensure personalised care and support where it is necessary for service delivery.

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.

In order to meet your health and wellbeing needs we may collect information from those with power of attorney or guardianship and carers, or those responsible for your health care such as your GP.

We may also collect information from our partners including the NHS, Police Scotland, the Crown Office and Procurator Fiscal Service, the Office of the Public Guardian, and providers of care and support.

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 would like to assure you that we will only collect, hold and use personal data where is absolutely necessary and proportionate 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 may share your information with other organisations where we are required to do so for the purposes of the prevention or detection of crime.

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.

We may share information with our community partners such as the NHS, Police Scotland and care and support providers. We work together with NHS Shetland to deliver integrated services through the Shetland Health and Social Care Partnership, overseen by the Shetland Integration Joint Board.

If you have a complaint, we may need to share your information with the Scottish Public Services Ombudsman (SPSO), the Care Inspectorate and/or the Shetland Integration Joint Board.

We also share information with the Scottish Government for the national social care survey. This is shared via the Common Services Agency for the Scottish Health Service (part of the NHS), with whom information is also shared to develop and improve the data available to the Shetland Integration Joint Board so it can better plan and commission services.

Other organisations or individuals involved with your care and support may also be provided with information as necessary such as carers and other representative bodies, housing providers, advocacy services, third sector organisations, lawyers, other Local Authorities, other Council departments and services, the Scottish Ambulance Service and the Scottish Fire and Rescue Service.

The Council has a number of service providers who provide care and support to service users on the Council's behalf. We require to share your information with them to allow them to do this. We have written contracts with service providers to keep your information safe and secure. Where the level of responsibility for your care and support is significant, for example, where you are a resident in a service provider's care home, they will also be a data controller with their own obligations to you.

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 Shetland Islands Council's retention and destruction schedule at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

Below is a summary of the key retention periods.

## Information

Information	Length of time it's kept
Service file -Care Service management records	5 years from creation
Service user file	5 years after last action or death
Care service records	5 years from creation
Notification of death, illness and other events sent to the Care Inspectorate	3 years from date reported
Adult Protection Committee	5 years
One stop shop –adaptations paperwork	10 years from submission of grant claim
Medication forms	Kept up-to-date

## 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 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> or email [dataprotection@shetland.gov.uk](mailto: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](mailto: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.