



# HILLINGDON

LONDON

## **DATA PROTECTION PRIVACY NOTICE FOR PROVIDER & COMMISSIONED CARE, SOCIAL CARE**

### **Why are we providing this Notice to you**

The Council, in its capacity of Data Controller, holds certain information about you ("personal data") which it needs to process for the purpose of providing the following services to you.

This Privacy Notice relates to Provider Services & Commissioned Care who arrange and deliver care and support to meet the assessed and eligible needs of adults, children and young people. This could be in the form of residential or respite care, community resources, information and advice.

This Notice is designed to give you information about the personal data we hold about you, how we will use it, your rights in relation to it and the safeguards that are in place to protect it.

**Further information is contained in the Council's Generic Data Protection Privacy Notice which can be found on our website at [www.hillingdon.gov.uk/privacy](http://www.hillingdon.gov.uk/privacy)**

### **What personal data do we hold**

So that we can provide a safe and professional service, we need to keep certain records about you. We may record the following types of data about you:

- Your basic details and contact information e.g. your name, address, date of birth and next of kin
- Your financial details e.g. details of how you pay us for your care or your funding arrangements
- Details about your physical and/or mental health in order to provide appropriate services to you
- We may also record data about your race, ethnic origin, sexual orientation or religion for monitoring purposes and to help us meet identified needs in the most appropriate way.

**The types of data we hold and process will typically include:**

**Residential Care / Supported Living Services/ Extra Care Housing & support/ Daycare and resources/ Respite Care services for adults and children & young people**

Electronic and Paper copies of service users Social care Assessment of need , Care & Support plans, EHCP Plans, Young People's Needs Profiles, Education statements, Risk Assessments, Personal Evacuation Emergency Plans, Health Action Plans, daily logs/ contact sheets, Hospital correspondence and medical reports, Incident/ Accident reports. Next of Kin information and contact details , individuals financial information, Personal identification documents, NHS & Social Care identifiers, Business Continuity Plans

**The Reablement Service/ Positive Behaviour Support Services**

Electronic and Paper copies of service users Social care Assessment of need , Care & Support plans, Risk Assessments, Health Action Plans, daily logs/ contact sheets, Hospital correspondence and medical reports, Incident/ Accident reports. Next of Kin information and contact details , Personal identification documents, NHS & Social Care identifiers, Education & Health Care Plans (EHCP) for children, Business Continuity Plans

**Brokerage including e-brokerage and Direct Payments**

Electronic and Paper copies of service users Social care Assessment of need, Care & Support plans, Next of Kin details, Personal identification documents, NHS & Social Care identifiers, Business Continuity Plans.

For any service user who is unable to manage their own Direct Payment, the 'nominated persons' personal details and identification records will also be held - i.e. DOB, address, and contact details.

**Passenger Services[transport]**

Electronic and Paper copies of service users' Social care assessments of need, Care & Support plans, EHCP Plans, Young People's Needs Profiles, Education statements, medical records, risk assessments , Next of Kin information and contact details, Personal identification documents, NHS & Social Care identifiers, transport schedules and Business Continuity Plans.

We also record the following data which is classified as "special category":

- Health and social care data about you, which might include both your physical and mental health data.

We obtain some of this data directly from you and we may also obtain it from other sources. Where this is the case, we will set out in this Notice the identity and the contact details of the relevant data controller and also the contact details of their data protection officer, where applicable. We will also identify from which source the personal data originates, and if applicable, whether it came from publicly accessible sources.

## **Children's Centres, including the Portage Service**

Electronic and paper copies of service users registration forms; referral information to and from partners; family support casework files; early support case file; funding applications which include: personal information of the child(ren) and parents/carers including name, gender, date of birth, address, email, phone number, ethnicity, medical and support needs; next of kin information and contact details. We also hold attendance records; incident/ accident reports; child profiles and developmental observations by staff and assessments; Education & Health Care Plans (EHCP) for children; My Support Plan and one-page profiles; NHS and social care identifiers.

## **Early Years Centres**

Electronic and paper copies of admissions records and referral information to and from partners which include: personal information of the child(ren) and parents/carers including name, gender, date of birth, address, email, phone number, ethnicity, dietary requirements, medical needs and support needs; next of kin information and contact details. We also hold attendance records; incident/ accident reports; children's profiles and staff observations/reports of children's learning; Education & Health Care Plans (EHCP) for children; NHS and social care identifiers. We also hold financial details that include bank details and personal data including NI numbers for funding and eligibility claims.

## **What is our purpose for processing your personal data**

Our purpose for processing your personal data is to enable Provider Services & Commissioned Care Team to deliver services to meet your assessed care and support needs.

We require this data so that we can provide high-quality care and support.

If we intend to process your personal data for a purpose other than that for which the personal data was collected, we shall provide you details of that other purpose before we start processing your data.

## **What is the legal basis for our use of your personal data**

We process your data because:

- We are required to do so in our performance of a public task;
- We are required to do so in order to fulfil a contract that we have with you;
- We have a legal obligation to do so – generally under the Health and Social Care Act 2012 or Mental Capacity Act 2005 & the Children's Act 1989.
- Vital interest of an individual; it is therefore lawful to hold information in order to protect life and limb (Gerda Boxes for use by the London Fire Brigade)

We process your special category data because:

- It is necessary due to social security and social protection law (generally this would be in safeguarding instances);
- It is necessary for us to provide and manage social care services;
- We are required to provide data to our respective regulators, the Care Quality Commission (CQC) and Ofsted as part of our public interest obligations.

When the Council doesn't directly provide the service, it may need to pass your personal data to the people or organisation who do provide it. However, the Council will only do this on the strict understanding that they are obliged to keep your personal details safe and secure and will only use them for the purpose of providing you with the particular service.

- We have obtained your freely given and specific consent and have informed you that you have the right to withdraw it at any time.

We may process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask your permission to use your personal data. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

We will also explain if there are any consequences if you withdraw your consent, if it means for example that we will be unable to provide you with a service.

We may also need to process your data for the following reasons

- We need it in order to perform a contract between the Council and yourself
- We need it to comply with a legal obligation
- We need to protect the vital interests of a person

### **What we do if your personal data is sensitive**

We will only process your sensitive personal data with your consent, unless we can lawfully process it for another reason permitted by law. We will notify you if it is sensitive and as with non-sensitive personal data, you have the right to withdraw your consent to processing at any time by letting us know. Sensitive data is data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic and biometric data, data concerning health or data concerning a natural persons sex life or sexual orientation.

### **For how long will we hold your personal data**

We will only keep your personal data for as long as we need to in order to fulfil the purpose[s] for which it is collected and for so long afterwards as we consider it may be required to deal with any questions or complaints about the service which we provide to you, unless we elect to retain your data for a longer period in order to comply with our legal and regulatory obligations.

The London Borough of Hillingdon has a retention and destruction policy which outlines the process and time we are required to keep your personal data. For Provider & Commissioned Care services this means that we are required to hold your data as follows -

- For children in receipt of care we hold your information for the minimum retention period of 25 years
- For Looked after children we hold your information for the minimum retention period of 100 years
- For Adults in receipt of care we hold your information for the minimum retention period of 6-10 years.

## **Organisations that we may share your personal data with**

So that we can provide you with high quality care and support we need specific data. This is collected from or shared with:

1. You or your legal representative(s);
2. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms, via apps.

Third parties are organisations we have a legal reason to share your data with. These include:

- Other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, clinical commissioning groups, and other health and care professionals;
- The Local Authority;
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the Care Quality Commission (CQC), & Ofsted;
- The police or other law enforcement agencies if we have to by law or court order.

The circumstances in which the Council may do this are set out in the Council's Generic Data Protection Privacy Notice.

## **What happens if you provide personal data to us because of a statutory or contractual requirement**

We will let you know of your obligation and also let you know of the possible consequences if you fail to provide it. If you do not provide your personal data this may have consequences in relation to us providing Provider Services and Commissioned Care as outlined earlier in the statement.

## **What happens if your personal data is subject to automated decision-making including profiling**

In relation to this within Provider Services & Commissioned Care no such processing takes place. If this was to change we would inform you of the existence of this as well as the significance and the envisaged consequences of such processing for yourself.

## **Your rights**

You have a right to access and obtain a copy of the personal data that we hold about you and to ask us to correct your personal data if there are any errors or it is out of date. In some circumstances, you may also have a right to ask us to restrict processing of your data until any errors are corrected, to object to processing or to transfer or [in very limited circumstances] erase your personal data. You can obtain further information about these rights from the Information Commissioner's Office at: [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline [0303 123 1113].

If you wish to exercise any of these rights, please contact the Assistant Director, Provider Services & Commissioned Care . You also have the right to lodge a complaint in relation to this Privacy Notice or our processing activities with the Information Commissioner's Office, which you can do through the website above or their telephone helpline.

We may from time to time ask for further information from you. If you do not provide such information, or ask that the personal data we already hold is deleted or restricted, this may affect the service that we provide to you. **Updates**

We may update this notice periodically. Where we do this, we will inform you of the changes and the date on which the changes take effect.

### **Contacting us**

Please contact the Assistant Director, Provider Services & Commissioned Care via Hillingdon Social Care Direct ( HSCD) for further information

Civic Centre  
High Street  
Uxbridge  
UB8 1UW

Email - [socialcaredirect@hillingdon.gov.uk](mailto:socialcaredirect@hillingdon.gov.uk) Tel - 01895 556633

### **Statutory Data Protection Officer**

You may also contact our Data Protection Officer for further information:

Glen Egan, Acting Head of Legal Services and Monitoring Officer  
Civic Centre, High Street,  
Uxbridge UB8 1UW

E-mail: [gegan2@hillingdon.gov.uk](mailto:gegan2@hillingdon.gov.uk) Telephone: 01895 277602