

PRIVACY STATEMENT FOR ADULT SOCIAL CARE

Adult Social Care works under the legal obligations and conditions of both the principles of the Data Protection Act and the Articles of the new European General Data Protection Regulation (GDPR).

The GDPR is effective from 25 May 2018 and makes additional requirements of organisations in respect of data handling. These include increased transparency about any data sharing and requesting consent from the data subject only where there is a genuine choice for the person involved.

Article 6 of the GDPR allows Adult Social Care (ASC) to process information because under the Health and Social Care Act 2008 and the Care Act 2014, ASC has a legal obligation to provide services.

Article 7 of the GDPR states that consent to share information cannot be freely given by an individual if provision of a service is conditional on consent. Therefore ASC will not be asking for consent to share information, where it is necessary to provide direct care.

However, Article 12 requires organisations to provide concise and transparent information to people whose data they hold about how their information may be shared with other agencies. Therefore ASC will be open about how we may share your information, but we will not necessarily ask for your consent, if it is necessary for your care. ASC will still ask you for consent where you have a genuine choice, for example in connection with the relatives you would like us to speak to, or any that you do not wish us to speak to.

Single Identifier- NHS number

ASC staff work with colleagues in the NHS when necessary to enhance the quality of service offered to clients or patients and ensure it is as seamless as possible. To assist in achieving this, the Consistent Identifier Regulations 2015 were issued which named the National Health Number as the number to be used across Health and Social Care. If you do not want your GP or the health authorities to share your NHS number you can ask for that not to happen.

The Common Law Duty of Confidentiality

The common law duty of confidentiality requires ASC to protect clients personal information and only share it when necessary, appropriate or agreed by the person. We will ask clients to tell us which family members and friends they are happy for us to share their Social Care information with. These wishes will continue to be applied after the death of a client.

Personal and Special Category Information held within ASC records may include:

- Name/ Address/Date of Birth
- Ethnicity
- NHS Number and Health information
- Relationships Information
- Referral/Assessment Information
- Relevant Case Information
- Mental Capacity Information
- Contact details
- Other Agencies Involved
- Financial Information
- Risks
- Next of Kin

Agencies we may share your information with may include:

- Health Agencies
- DWP
- Police
- Education Providers
- City/District/Borough Councils
- Prepaid cards providers
- Direct payment support services

How long we keep hold of personal information.

ASC is required to retain information for no longer than is necessary for the business purpose for which it was collected. We will confidentially destroy records in accordance with our retention schedule which has been written in line with the Records Management Code of Practice for Health and Social Care 2016.

Access to personal information

ASC staff will share your records with you during interactions as appropriate, therefore if you would like to see sections of your record, this can be done during a practitioners everyday work. If you would like to see your whole record, or large sections of it, please make a Subject Access Request by contacting Adult Social Care on 023 9284 1786.

Changes to this privacy notice

This privacy notice was last updated on 16.05.18.

How to contact us

For advice and guidance on Information Governance issues in ASC, please contact the Information Governance, Complaints and Professional Standards Managers on 023 92841670. The Data Protection Officer for Portsmouth City Council is Helen Magri, telephone: 023 9268 8482 or email:DataProtection@portsmouthcc.gov.uk