

## **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 was 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 2012 and the Care Act 2014, ASC has a legal obligation to provide services. Article 9 of the GDPR allows processing of special category (sensitive) data where it is necessary for the provision of health or social care.

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

**Transfer of data to new computer system and financial information:**

From 18.3.19, ASC data has been held on SystemOne, which is the same system as used by all GPs in Portsmouth. This enables routine sharing of relevant information to be carried out more efficiently, whilst still ensuring data security. More details can be found on the leaflet "Sharing health and care records to provide you with better care" which is available from the Adult Social Care helpdesk on 023 9268 0810.

Because ASC services are chargeable, financial information is collected to enable financial assessments to be completed. Health colleagues have no business reason to access this information and therefore ASC hold this data on a separate system called ContrOcc. The same high standards of Information Governance apply to ContrOcc as apply to SystemOne.

**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. For further information please follow this link <https://www.portsmouth.gov.uk/ext/your-council/policies-and-strategies/corporate-retention-schedule>

**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.

**Research**

ASC is trialling ways that new technology can improve future service provision. In order to assess the effectiveness of new initiatives, ASC may share sets of data with partner agencies for analysis. This will usually be done by pseudonymising the data which means taking out personal data and using only a reference number. If the use of personal data is essential to the research, potential participants will be given the choice of whether they wish to participate and asked to consent accordingly.

**Changes to this privacy notice**

This privacy notice was last updated on 16.10.2019

**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](mailto:DataProtection@portsmouthcc.gov.uk)