



## Privacy Notice Adult Social Care

When processing personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide individuals with the information contained in this document.

### Data Ownership

<b>Name</b>	Cumbria County Council
<b>Address</b>	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
<b>Registration Number</b>	Z5623112

This information is also available via the Information Commissioner's Register of Fee Payers at: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

### Data Protection Officer

The council's Data Protection Officer is Claire Owen and can be contacted by:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

### Purpose

The Care Act 2014 and The Health and Social Care (Safety and Quality) Act 2015 places a duty on Cumbria County Council to work in collaboration with health colleagues and its partners to facilitate the provision of care. This means as part of our assessment and support planning process to ensure we provide the most appropriate advice and support to our customers we need to request and share your information with and from other relevant parties who are part of your ongoing support network.

We use your personal information to:

- create a secure and comprehensive record of all of the work that we do with and for you
- contact members of your family and support network
- fully understand your needs
- promote your health and wellbeing in partnership where applicable with NHS Bodies
- arrange short/long term care solutions
- liaise with agencies, companies and charities on your behalf
- keep you safe from harm
- request and arrange installation of specialist equipment for you
- assess your financial contribution to your care
- work with you or your representative to create a Care and Support Plan
- details contained in your care records and conversations held
- analyse the service that we are providing

The sharing of information facilitates a joined-up approach with partner agencies, to provide you with the best possible care and support

## Data Collection

Your data will be collected in the following ways:

- Online via [Adult Social Care – Website](#)
- In Person
- By Email
- By Telephone

## Data Types

Adult Social Care is required to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust recommendations and decisions.

The **Personal Data** requirements are:

- Name
- Address
- Telephone Number
- Date of Birth
- Contact Details - Family, Support Network

The **Special Category Data** requirements are:

- Finance e.g., bank details, income, benefits
- Physical Description/Photographs
- Racial or Ethnic Origin

- Religious or Philosophical Beliefs
- Sexual Orientation
- Gender
- Physical/Mental Health including health conditions, disabilities or medication
- Personal Circumstances/Living Conditions

The **Criminal/Law Enforcement Data** requirements are:

- **Not Applicable**

## Legal Basis for Processing Data

Where the [Insert Service or Project Name] identifies the requirement to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under **UKGDPR Article 6**,
- for special category/sensitive data, a condition under **UKGDPR Article 9**
- for criminal/law enforcement data, a purpose under **UKGDPR Schedule 8**

The following **legal bases** apply to the processing of your personal data:

- **UKGDPR Article 6(1) (c) Legal Obligation**
- **UKGDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

Where the LGR Programme is relying on UKGDPR Article 6(1)(c) all [Relevant Legislation](#) should be listed below.

The following **conditions** apply to the processing of your special category/sensitive data:

- **UKGDPR Article 9(2) (b) Employment/social security and social protection**

The following **purposes** apply to the processing of your criminal/law enforcement data:

- **Not Applicable**

## Relevant Legislation

- Care Act 2014
- Health and Social Care Act 2015
- Children's Act 1989
- Localism Act 2011
- Human Rights Act 1998
- Mental Health Act 1983 (Amended 2007)
- Mental Capacity Act 2005
- Homelessness Reduction Act 2017

## Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: [UK GDPR - Article 4\(4\)](#) and further information can be found at: [ICO - Automated Decision Making and Profiling](#)

We **do not** use your information for automated decision-making or profiling purposes.

## Data Transfers

Your personal data **is not** transferred to a third country or international organisation.

## Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Sharing

To achieve the [purposes](#) laid out above, Adult Social Care will share [specific data](#) with:

- Advocates, Deputies, Attorneys (LPA)
- Carers
- Central Government i.e. Department for Work and Pensions (DWP)
- Emergency Services i.e., Police, Fire and Rescue Service, Ambulance Service
- External Providers
- Family Members
- Housing Associations and Landlords
- Legal Representatives
- MPs, Members or Councillors
- 'Nearest Relative'
- NHS i.e., GP, Hospitals, Pharmacies
- Other Local Authorities
- Partner Agencies
- Regulators i.e., Care Quality Commission (CQC), Local Government Ombudsman (LGO), Information Commissioner's Office (ICO)

- Schools

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations.

All reasonable efforts will be made to contact you if this processing is going to have an impact on your rights or privacy.

## Data Security and Retention

The data, collected from or supplied by you, will be kept on a secure system and can only be accessed by authorised employees.

Cumbria County Council will only store your information for as long as is legally required in accordance with the council's [Retention and Disposal Schedule \(EXCEL 267KB\)](#) or in situations where there is no legal retention period established best practice will be followed.

To help you understand the Schedule the council has published a [Retention Schedule - Quick User Guide \(PDF 787KB\)](#).

If you have any questions about the Schedule or the Quick User Guide, please contact: [recordcentre@cumbria.gov.uk](mailto:recordcentre@cumbria.gov.uk).

**Please note: Privacy Notices cannot be finalised and published without identifying the correct retention period.**

## Great Northern Care Record (GNCR)

Cumbria County Council Adult Social Care is now a partner in the Great North Care Record (GNCR) and is now required to request and share your information from and with other relevant parties who are part of your care provision and ongoing support. This includes NHS Providers (such as General Practitioners, Acute Health Providers, Ambulance Services and Mental Health Care Providers) and Adult Social Care.

Full details of the member organisations of the GNCR, what data may be viewed across the GNCR network, and what are the benefits to being part of the GNCR are available from the GNCR website – <https://www.greatnorthcarerecord.org.uk/>

If you wish to opt-out of your data being shared via the GNCR, or you wish to speak to someone about this use of your data you can contact the GNCR helpline on 0344 811 9587.

Please note that this will only prevent your information being shared via the GNCR and will not opt you out of sharing with those organisations who are currently providing you with your care or may provide it in the future. Your consent is not required to do this as it is necessary to ensure you receive the safest and highest quality of care and treatment. Exclusion from the GNCR may have a detrimental effect on the service we can provide to you. We will always seek to comply with your request, but in some

circumstances, there may be additional reasons where the sharing of your information may be necessary, for example a Court Order or where information is required to be shared should there be a concern that yourself or others are at risk of harm.

## Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request (DSAR) by contacting:

Email: [information.governance@cumbria.gov.uk](mailto:information.governance@cumbria.gov.uk)  
 Post: Cumbria County Council, Information Governance Team  
 Parkhouse, Baron Way, Carlisle CA6 4SJ  
 Telephone: (01228) 221234  
 Online: [Contact Form](#)

## Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
 Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
 Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
 Online: [Contact Form](#)

## Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

## Complaints

If you have any concerns about the information contained in this Privacy Notice, please contact:

Allerdale and Copeland	<a href="mailto:customerserviceswest@cumbria.gov.uk">customerserviceswest@cumbria.gov.uk</a>
Barrow-in-Furness	<a href="mailto:customerservicessouth@cumbria.gov.uk">customerservicessouth@cumbria.gov.uk</a>
Carlisle	<a href="mailto:customerservicesnorth@cumbria.gov.uk">customerservicesnorth@cumbria.gov.uk</a>
Eden	<a href="mailto:customerservicesnorth@cumbria.gov.uk">customerservicesnorth@cumbria.gov.uk</a>
South Lakeland	<a href="mailto:customerservicessouth@cumbria.gov.uk">customerservicessouth@cumbria.gov.uk</a>

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
 Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
 Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
 Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information

Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

## Reviews and Updates

In accordance with UK GDPR Article 13(3) where either, the extent of the data being collected or the purpose for collecting it changes this notice should be updated and republished, to ensure that data subjects are properly informed