



Privacy Notice

Adult Social Care: Occupational Therapy

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

| | |
|----------------------------|---|
| Name | Cumbria County Council |
| Address | Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD |
| Registration Number | 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
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Purpose

The Occupational Therapy staff provide a service for adults who have a physical or mental impairment, illness or disability that requires intervention to promote wellbeing, The World Federation of Occupational therapy describes the profession as a "client-centred health profession concerned with promoting health and well-being through occupation. The primary goal of occupational therapy is to enable people to participate in the activities of everyday life". (WFOT 2012).

Occupational therapists employed in the local authority, (the council), work to the primary legislation of The Care Act 2014. Occupational therapists employed by the local authority must undertake an assessment for any adult with an appearance of need for care and support, we will conduct this in situations where there is a legal requirement. This is done with your consent or via the lawful route where individuals have made arrangements for others to deal with this, such as lasting powers of attorney or where powers exist to proceed without these. Occupational therapists will work with you, your families and carers to meet your assessed and eligible needs through a variety of means and will work in person-centred and strengths-based ways to promote wellbeing and positive outcomes. Occupational therapists will also work alongside other professionals to ensure that support and services are cohesive and have a multi-agency approach, especially when this is mandated in law.

We will provide relevant advice and information at any point of contact with the aim of preventing or reducing or delaying needs further.

We also provide independent mobility assessments for blue badge applications. This is under national guidance and local procedure.

You can be offered services and they may include:

- advice and Information relating to your enquiry
- assessment of your needs and support planning to address those needs
- reviewing your care needs and support plan
- providing advice relating to daily living activities
- advice or potentially provision of equipment, small adaptations, and or assistive technology
- advice about housing adaptations to meet assessed needs
- longer term professional support where required
- professional support to meet statutory safeguarding responsibilities
- Independent mobility assessments for blue badges applications and appeals

We will work with you and any carer or family member that you appoint for support, to achieve the outcomes that matter to you.

We will record any assessment of how you currently are and your needs and any support plan that may be written and share this with you, in a format that you or your nominated carer or family member can access. We will also record any contact that we make with you.

Data Collection

While providing the services described [above](#), we may collect data about you in the following ways:

- at point of contact, from yourself or others
- directly from other partner agencies.
- during assessments, Support Planning and Reviews,

- via telephone, face to face contact, video call or electronic methods, on line self- assessment tool, or communication via the post.

Data Types

The occupational therapy service 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:

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions:

- name
- address
- telephone number
- date of birth
- contact details for members of your carers, family and support network and professionals involved in your care.

The **Special Category Data** requirements are:

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- information about your racial or ethnic origin, religious or philosophical belief and your sexual orientation
- information about health conditions or disabilities that may apply to you
- information about you and your circumstances
- information about relevant health and safety concerns
- information about your needs and wishes
- information about your finances, e.g. bank details, income, benefits

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

- **Charges**
- **Allegations**
- **Offences**

Legal Basis for Processing Data

Where the Occupational Therapy 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) (a) Consent**
- **GDPR Article 6(1) (c) Legal Obligation**
- **GDPR 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) (a) Explicit consent**
- **UKGDPR Article 9(2) (b) Employment/social security and social protection**
- **UKGDPR Article 9(2) (c) Vital interests (where the data subject is physically or legally incapable of giving consent)**

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

- **UKGDPR Schedule 8(3) Protecting Individual's Vital Interests**
- **UKGDPR Schedule 8(4) Safeguarding Children and Individuals at Risk**

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- Care Act 2014
- Health and Social Care Act 2015
- Children's Act 1989
- Children and Families Act 2014
- Localism Act 2011
- Mental Health Act 1983 (Amended 2007)
- Mental Capacity Act 2005
- Homelessness Reduction Act 2017
- Housing Grant Construction and Regeneration Act 1996 (as amended)

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 [purpose](#) laid out above, the Occupational Therapy service will share [specific data](#) with:

- advocates, deputies, legal power of attorney
- borough and city councils, housing associations and landlords, prison
- cabinet members
- Care Quality Commission (CQC)
- central government i.e. Department for Work and Pensions (DWP)
- contractors or providers who provide council services
- county councillors
- Cumbria Fire and Rescue Service
- external providers and partner agencies
- family members and carers
- internal teams
- legal representatives, such as solicitors

- local government ombudsman
- MPs
- 'Nearest Relative' as defined under the Mental Health Act
- NHS providers, such as GPs and hospitals
- other professionals
- 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.

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
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
 Post: Cumbria County Council, Legal and Democratic Services, 1st 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: customerserviceswest@cumbria.gov.uk.

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

Post: Cumbria County Council, Legal and Democratic Services, 1st 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