

Fair Processing Notice

Social Services

1. Why do we collect and keep your personal information?

We collect and use your personal information so that we can:

- safeguard Children, Young People and Adults
- act upon referrals
- carry out investigations
- assess people's needs to decide what support or services may be required
- provide access to the relevant support and services
- monitor the support and services being provided to our customers
- commission the appropriate services for our customers
- share information with other internal departments, and external organisations such as health and social care providers to ensure that the support and services are tailored to meet each customer's individual needs
- share information with appropriate internal department's and external organisations to ensure compliance with safeguarding policies and procedures
- appropriately place children and young people in Foster Care and Adoption
- help the Council evidence that it has met its duty to assess people for social care and support as stated in the Social Services and Well-being (Wales) Act 2014
- prepare accurate information about the number of people using our services and their different needs to help us provide the right services and plan better for the future
- undertake different types of analysis, such as price benchmarking, government returns, placements and services, and calculations of rates for services
- be audited and regulated

The Processing of your personal data is because of one or more of the following:

- you have given your explicit consent
- it is necessary for the performance of a contract to do so
- we have a legal obligation to process in accordance with:
 - Social Services and Well-being (Wales) Act 2014
 - Children Act 2004
 - Mental Health Act 2007 and Mental Capacity Act 2005
 - Local Government Act 2000
- processing is necessary to protect the vital interests of a data subject or another person
 - it is necessary for the performance of this task to do so in line with the above Acts and relevant legislation covered by Social Services and Well-being (Wales) Act 2014
- it is necessary for the purposes of legitimate interests to do so

Some types of personal data are more sensitive than others, and need more protection. This is classed as 'special category data' and in terms of Social Services it could include information about your health/and or disability. We process this type of data as it is necessary for one or more of the following reasons:

- You have given your explicit consent
- Carrying out the obligations and exercising specific rights of Pembrokeshire County Council as an authority in relation to Social Protection
- Protecting your vital interests
- Information has already been made available in the public domain by you
- Relevant legal or court action
- Substantial public interest
- Provision of Health and Social Care services
- Archiving in the public interest, scientific or historical research or statistical purposes

2. How Information about you is used.

The information that you provide and that we receive about you will be processed in accordance with the General Data Protection Regulation 2016, the Data Protection Act 2018, the Social Services and Well-being (Wales) Act 2014 and the relevant legislation covered by this Act.

In order to deliver the services and subject to the reasons for processing your data listed in point 1, we may share relevant information about our customers with internal departments and/or external organisations. All organisations with whom we share your information also have to ensure compliance with the General Data Protection Regulations 2016.

The Care Council for Wales, who are sponsored by the Welsh Government, regulates the social care workforce. They may have access to your information in order to be able to carry out their work.

Your data will be kept secure and confidential at all times and we will only collect the personal information that is required to provide you with our services listed in section 1.

We will not make any disclosures to third parties for marketing unless you have provided explicit consent for us to do so.

We have a duty to protect the public funds we administer and may use the information provided by you to carry out data matching or to detect and prevent fraud. We may cross check the information with other relevant bodies, organisations or other sections of Pembrokeshire County Council and other Councils.

We will also make any disclosures required by law and we may also share this information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds to ensure money is targeted and spent in the most appropriate and cost effective way.

The personal information we have collected from you will be shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance, or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection rights, can be found by visiting <https://www.cifas.org.uk/fpn>

Information may be shared with other internal departments within Pembrokeshire County Council and with The Auditor General for Wales.

3. How long do we keep hold of your information?

We will retain the information provided to us as follows:

- **Adult Care**
 - **mental illness** - 20 years after our last contact with you/closure of your file or 8 years after date of death, whichever is the sooner
 - **residential homes** - is 25 years after our last contact with you/closure of your file or 8 years after date of death, whichever is the sooner
 - **all other areas** - 10 years after our last contact with you/closure of your file.
- **Children's Services**
 - **looked after children (includes adoption and fostering)** - 75 years from 18th Birthday or for a period of 15 years after date of death
 - **prospective carers for adoption and fostering** -
 - where a child is not placed - 10 years either from date of approval, from date of formal application if not reached panel stage or from last contact if formal application not submitted
 - where a child is placed - 75 years after 18th birthday of younger child looked after
 - **child protection** - 75 years from 18th Birthday
 - **adoptions (child's records)** -
 - for Adoptions pre-30th December 2005 - 75 years from date of the Adoption order.
 - for Adoptions Post-30th December 2005 - 100 years from date of Adoption order

Your information will be securely disposed of once this period has lapsed.

4. Access to my personal information?

You can find out if we hold any personal information by making a subject access request under the General Data Protection Regulation 2016. To make a request for any personal information we may hold you need to put your request in writing addressing it to:

Access to Records Team
Pembrokeshire County Council
County Hall, Haverfordwest, SA61 1TP
accesstorecords@pembrokeshire.gov.uk

5. Your Rights.

Under the General Data Protection Regulation 2016, you have rights as an individual which you can exercise in relation to the information we hold about you, not all rights will apply it will depend on the legal basis for processing your data.

- The right to be **Informed** – Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR
- The right of **Access** – you are entitled to request access to and a copy of, information we hold about you
- The right to **Rectification** – you have the right to ask to have your information corrected.

In some circumstances you may have the right to:

- The right to **Erase** – this is not an absolute right and will depend on the reason for processing your personal information
- The right to **Data Portability** – This only applies to data processing that is carried out by automated means
- The right to **Restrict** processing may apply – you may request that we stop processing your personal data however, this may delay or prevent us delivering a service to you. We will seek to comply with your request but may be required to hold or process information to comply with our legal duties.
- The right to **Object** – this is not an absolute right and will depend on the reason for processing your personal information.

6. Complaints or Queries.

Pembrokeshire County Council endeavours to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this seriously. We encourage people to bring to our attention if they believe that our collection or use of information is unfair, misleading or inappropriate.

This privacy notice does not provide exhaustive detail of all aspects of our collection and use of personal information. However we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address below:

Jo Hendy, Data Protection Officer
Pembrokeshire County Council
County Hall, Haverfordwest, SA61 1TP
Email: dataprotection@pembrokeshire.gov.uk Telephone: 01437 764551

If you want to make a complaint about the way we have processed your personal information, you can contact the Information Commissioner's Office as the statutory body which oversees data protection law:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, SK9 5AF
Email case worker@ico.org.uk Telephone No: 0303 123 1113

7. Changes to this privacy notice.

We keep our privacy notices under regular review.