



## **Adult Social Care Services and Children's Services Privacy Notice**

This privacy notice is for the use of service users/customers of Walsall Metropolitan Borough Council's Adult Social Care Services and Children's Services in fulfilment of our responsibility as a data controller under data protection law.

We use your information to progress requests to access our services, or to administer our function as local authority. Your information may be manually and/or digitally processed through our systems by people in the UK. These may be internal council staff or external staff via public and private healthcare providers, other public authorities, contractors and other agencies. All people with access to your information will do so under strict adherence to Data Protection law, adequate safeguards and appropriate authorisation.

You are entitled to know what personal data we use, why we use it, how we store it and for how long, and who we might share it with and why. Personal data is any information that provides details about an individual to someone else. The individual must be identifiable from the information, if the information is fully anonymised it is no longer classed as personal information.

### **Information we collect and use**

Walsall Council collects processes and retains a range of information about you.

This can be classed as either Personal Data or special category (sensitive) Personal Data and includes information such as:

- Biometric data (special category – further details below)
- Date of birth
- Details of criminal investigation or convictions
- Ethnicity (special category – further details below)
- Financial information
- Gender (special category – further details below)

- Health (physical/mental) information (special category – further details below)
- Mental capacity information (special category – further details below)
- Name, address and contact details including email address and telephone number
- Next of kin, name and contact details
- NHS Number and internal reference numbers
- Other Agencies involved
- Referral/Assessment information (special category – further details below)
- Relationships information
- Relevant case information
- Religion (special category – further details below)
- Risks and vulnerabilities (we will record information regarding whether a person/family is at risk of harm or require safeguarding in accordance with our thresholds) (special category – further details below)
- Sexual orientation (special category – further details below)
- Trade union membership (special category – further details below)

We will collect the information in several ways.

Some will be provided directly by you when you contact us about a service. This may be when you visit Council offices, call or email us or when you contact us via our website or social media. A parent or guardian or other legal representative may also provide information.

We may receive information from third parties such as friends or neighbours or other individuals you have interacted with.

Some information will be collected from other organisations such as the NHS, the Police, Schools and other Education Providers, other Councils, Housing Associations, and Government bodies such as HMRC or the Department of Work and Pensions.

The council may also obtain information from certain external organisations or provide information to them in order to:

- verify the accuracy of the information supplied



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- prevent or detect crime
- protect public funds from fraud
- Collect and make the best use of public funds
- To safeguard and protect young and/or vulnerable people
- comply with the council's legal obligations
- assist with research and statistical purposes

The council may also collect, use and share information for the purposes of undertaking or participating in external audits and reviews:

- to ensure services are delivered appropriately and effectively
- to support local and national reporting requirements
- to comply with safeguarding reviews
- to make sure that we are accountable for our decisions.

### **Purpose for processing and lawful basis**

The lawful basis under which we process your information and the linked reason for processing are:

- The processing your information is necessary to cooperate with and conform to UK law or another legal obligation to which the Council is subject including but not limited to:
  - Children Act 1989
  - Children Act 2004;
  - Care Act 2014;
  - Adoption and Children Act 2002;
  - Children and Adoption Act 2006;
  - Local Authority Social Services Act 1970;
  - Children and Young Persons Act 2008;
  - Fostering Service Regulations 2011;
  - Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013;
  - Children and Social Work Act 2017;
  - Safeguarding Vulnerable Groups Act 2006;
  - Children and Families Act 2014;
  - Education Act 2002;
  - Education Act 2011
- The purpose of processing is to carry out a task in the public interest or the exercise of official authority vested in the controller – for example when we share relevant information with partner organisations to enable us to continually develop and improve the services offered



Walsall Council collects and uses special category data to provide some services. Special category data is information which is deemed particularly sensitive and which unlawful processing could create risks to you. The following information is classed as special category:

Race, Ethnicity, Political Opinion, Religious or Philosophical Beliefs,  
Trade Union Membership, Genetic and Biometric Information,  
Health, and Sexual Orientation.

When using your information we must make sure that we have a lawful reason to do so. The reasons the Council will primarily use your special category information are:

- processing necessary for provision of health or social care or the management of health or social care systems;
- processing is necessary for the purposes of carrying out obligations and exercising specific rights of the controller or of the data subject in the field of social protection law;
- processing necessary for reasons of substantial public interest.

In circumstances where none of the above lawful reasons apply we will only collect and use your information with your explicit consent. Please note you can withdraw your consent to this processing at any time by contacting us at our main address (detailed below).

### **Who we may share your information with**

In order to provide our services we may need to share your information with the following entities:

- Adult Social Care;
- Care agencies;
- Children's Social Care;
- City/District/Borough Councils;
- Government departments – for example Department for Work and Pensions, Ministry of Justice, HMRC;



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- Independent Safeguarding Boards;
- Education providers;
- Health agencies, the NHS Trust and the Clinical Commissioning Group;
- Housing Associations;
- Police;
- Adoption Agencies;
- Fostering Agencies;
- Quality Care Commission;
- Voluntary Sector Organisations and charities;
- Third party agencies working in contract with the council or on behalf of the council such as debt collections

There may also be occasion when we will share your information with relevant third parties when required to do so by law.

### **How long we will hold your information**

There are provisions in UK law that dictate how long we can keep your information.

The Council will only hold and archive your information in line with its corporate retention schedule which has been compiled in accordance with UK legislation such as, but not limited to, the Health and Social Care Act, the Public Records Act and the Local Government Act.

### **Your rights**

You have the following rights with regard to your personal information:

**Right to be informed** – You have the right to know the following:

- what information we intend to collect;
- why we need your information;
- the lawful basis under which we can process your information;



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- how we will process your information;
- whether we share your information;
- who we might share your information with;
- your rights under the law;
- how long we will retain your information and how you can contact us.

This Privacy Notice should have detailed all of the above but if for any reason you are dissatisfied with our stewardship of your information, you have the right to lodge a complaint with the Information Commissioners Office (ICO), contact details are provided below.

**Access to your information** – If you would like to know what information we hold and process about you, the category of information, who we share your information with, to ascertain the accuracy of the information and the criteria we apply in processing your information, you can make a request to us in writing.

To make a subject access request and receive a copy of your personal information, contact Information Rights at:

Information Rights  
Resource and Transformation Directorate  
Walsall Council  
Civic Centre  
Darwall Street  
Walsall  
WS1 1TW

Telephone: 01922 650000

By email: [informationrights@walsall.gov.uk](mailto:informationrights@walsall.gov.uk)

Please be aware we will need you to provide appropriate identification but you can find details of this and everything else about our Subject Access Request process on our website or by typing the link below into your computer browser:



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WE should respond to your request within 30 days of receipt but if the request is complex and more time is required we will inform you in writing.

**Rectification of your information** – If it is established that information we hold about you is incorrect, you have the right to request that we correct this information.

**Erase of your information** – In cases where the information we hold about you is no longer required in relation to the purpose for which it was collected and where there are no lawful grounds for holding your information, you can request an erasure of information.

**The Right to Restrict processing** – You can restrict us from using your information if you believe the data is inaccurate or if there are no lawful grounds for using the information but you do not want us to delete the information. In addition, you can prevent us from deleting information we no longer use or need if you require it for a legal claim or defence.

Following investigation, if it is determined that the right to restrict processing should not apply the Council will inform you of reasons for this before the restriction is lifted.

**Right to Data Portability** - You have the right to request that information we hold about you be transferred to another public authority or other controller. Your data portability request will have to be made in writing and we will assess your request in accordance with the provisions of the GDPR to ascertain if your request is covered under the law. Our response will contain our decision regarding the viability of your request and asking you to choose between the following:

- If you want the information handed to you;
- If you would like the information transferred directly to the public authority or other controller;

**Right to Object** – If you object to the Council using your information in the ways detailed about we will cease to process your information unless we can show there are legitimate reasons that override your interests



Whether or not you have legitimate grounds to object to processing of your information, the Council will respond to your request within one month stating that your request has been upheld or the reasons for not upholding your request if that is the case.

**Automated Decision Making-**You have the right not to be subject to a decision which affects you, which is solely based on automated processing. This will include profiling.

This right will not apply if the automated decision making is necessary in anticipation of entering into a contract or if it is authorised in law. You can give us explicit consent to be subject to automated decision making but you can remove this consent at any time.

Please be aware that the application of some of these rights is dependant upon the lawful basis for us to process your information. If you ask to enforce a right which is not applicable due to the reason for us processing the data we will explain the reasons for not upholding your request.

Walsall Metropolitan Borough Council's Data Protection Officer (DPO) is Paul Withers. If you have any questions about your rights under the GDPR, how the Council uses your information, or you wish to make a complaint about how we have processed or utilised your data, Paul will be able to help. How to contact our DPO:

**Contact Address:**

Office of the DPO  
Resources & Transformation  
Civic Centre 3rd Floor (HR Suite)  
Walsall Council  
Darwall Street  
Walsall  
WS1 1TP

**Email Address:** [Informationmanagement@walsall.gov.uk](mailto:Informationmanagement@walsall.gov.uk)

**Contact Telephone Number:** 01922 650970



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Should you be dissatisfied with the response you receive, you can contact the Information Commissioner's Office (ICO) with the details given below:

**ICO**

**Address:**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Email Address:** Use the online form via this link <https://ico.org.uk/global/contact-us/email/>

**Telephone Numbers:**

Calling from within the UK 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate.

Calling from outside the UK +44 1625 545 745.

