

## Leicestershire County Council Fair Processing Notice

This notice is to tell you about why we need your information and how we will handle it. This notice is for:

### **Adult Social Care in the Adults and Communities Department**

#### **What information do we need from you?**

- Your name, address, telephone, date of birth and next of kin;
- Details of each contact that we have with you, including visits and telephone calls;
- Records of your care and wellbeing;
- Details of your care and investigations that have been undertaken; and
- Relevant information from people who care for you, including health and other care providers, carers and relatives.

This information is referred to as Person Confidential Data and we have to ensure that it is treated in confidence and with respect.

#### **Why do we need this?**

Your records are used to guide social care professionals in providing the care you receive:

- To help inform the decisions that we make about your care;
- To ensure that your care is safe and effective;
- To help us to ensure we are providing a safe, high quality service;
- To help us to investigate concerns you may have about contact with our services;
- To help us to investigate complaints, legal claims and untoward events;
- To help us to teach, train and monitor staff and their work, and to audit and improve our services and ensure they meet your needs;
- To help us to prepare statutory statistics on local authority performance;
- To assist with social care research and development;
- It may be shared if you see other care or health professionals and/or if you are referred to a specialist for the purposes of direct care;

#### **Coronavirus:**

The Secretary of State for Health & Social Care has given notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002 that the Council is required to process and share necessary health and social care data for the following purposes:

- understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
- identifying and understanding information about patients or potential patients with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19;

- understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care;
- monitoring and managing the response to Covid-19 by health and social care bodies and the Government including providing information to the public about Covid-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within the health services and adult social care services
- delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with Covid-19, including the provision of information, fit notes and the provision of health care and adult social care services; and
- research and planning in relation to Covid-19

### **Test and trace**

- We will be assisting Public Health England (PHE) on the COVID-19 Test and Trace service. We will ask you for basic contact details if you enter some of our buildings e.g. libraries, museums and children's centres. This data will be kept safely for 21 days and then securely destroyed. It will be shared with Public Health England's Test and Trace service, if there is a positive case of COVID-19 identified that you may have been exposed to, and PHE's Test and Trace team may contact you. Further details on why we need to do this is available at GOV.UK.
- We will also be exchanging personal data with PHE of patients and service users in order to make the contact tracing service as successful as possible. The Council may use its existing databases to enable us to contact you by telephone or in person if PHE's contact tracers have been unable to contact you after you have tested positive for COVID-19.

### **COVID-19 help for vulnerable groups**

- As well as receiving data from the Ministry of Housing, Communities and Local Government (MHCLG) in order to support people who may be shielding due to COVID-19 and receiving government food parcels, we will also share personal data with The Department for Environment, Food and Rural Affairs (DEFRA) and Tesco in order to help provide supermarket priority delivery slots to those who may not be deemed clinically extremely vulnerable but still cannot go out for reasons such as self-isolation and disability.

### **COVID-19 Vaccination Programme**

- The Department of Health and Social Care is rolling out a COVID-19 Vaccination Programme based on cohorts meeting specific criteria. In order to ensure you are given the opportunity to take up this vaccination we may share minimum and proportionate information about you to our NHS partners. Your rights under Data Protection Law remain unaffected.

## **Using information for direct care purposes**

Adult Social Care holds information about you in order to support your care. There are measures outlined in law which protect the information that is held by us. These measures ensure that information is only shared appropriately and in line with your wishes.

Organisations will use this information to support you with any service or contact that you may have, which is known as 'direct care'. It helps them provide the most appropriate care for you as an individual and they may share information with others including health professionals to ensure that they can make informed decisions. Where this information is shared, your confidentiality and privacy will be protected. To make sure this takes place, there are clear rules in our own procedures as well as national legislation.

## **Who can access your information?**

Our adult social care staff will only have access to the information that is necessary for them to do their work. This is reflected in the principle that access to your information should be on a need to know basis only. Staff access of information is monitored to ensure your confidentiality is maintained.

## **Using information for purposes other than direct care**

As well as this information supporting your care, analysis and reports are produced which contain information to help plan future care services, which is termed non-direct care (or secondary use) purposes. This information is used to identify areas where our services need to expand, improve or change in order to support our population fully and also to support the flow of funding from one organisation to another.

## **The range of information we use**

Clearly there is a range of your information available for us to use depending on circumstances. This will include information that directly identifies you at one end of the scale, to information that is so general it won't identify anyone.

We will use as little information about you as possible for our work. Where practical we will use [de-personalised information](#) (where personal information is replaced by something else such as a reference number – also known as pseudonymised information) or anonymous information (where personal information is removed altogether).

The County Council has a specialised Business Intelligence Service based in the Chief Executive's Department who have been suitably trained to process and anonymise and pseudonymise information for Adult Social Care. These team members have all been approved to carry out this work by our Caldicott Guardians.

For all other uses of your personal information we will either directly ask for your consent or use data that does not directly identify you:

- Processing information – changing information so it can be used for secondary purposes;
- Research;
- Local and national benchmarking;

- Working with partners to manage, plan and integrate services across health and social care;
- Audits;
- Service management;
- Commissioning and commissioners reports;
- Contract monitoring;
- Capacity and demand planning;
- Reporting, including public health alerts, performance and board reports
- Teaching and training;
- Sharing best practice/serious case reviews/incident management of adverse events;
- Staff and patient/service user surveys;
- Personal development/review (particularly for social workers);
- Subject access requests; and
- Risk stratification.

### **Why are we allowed to process your information?**

Data protection law allows us to process your information under certain conditions. In this case we are using our legal obligation or public task under various UK laws including but not limited to:

- The Health & Social Care Act 2012
- The Health and Social Care (Safety and Quality) Act 2015
- The Care Act 2014
- The Mental Capacity Act 2005
- Mental Health Act 1983, 2007
- Local Safeguarding Children & Adults Boards Regulations 2006 (SI 2006/90)
- The Welfare Reform Act 2012
- The Localism Act 2011

as the lawful condition for us to do this.

We also need an appropriate lawful reason to processing sensitive data. In this case we are processing your sensitive personal data because of health or social care requirements.

### **Who will we share this with?**

There are circumstances where we need to share information without your consent. For example, when the health and safety of others (including members of staff) is at risk, to ensure we provide you with the correct care, to protect public health or when the law requires information to be passed on. Or for the prevention or investigation of serious crime, under a court order, when sharing is in the public interest, where there are safeguarding concerns for vulnerable people.

Information may be withheld if it is believed it may cause serious harm or distress to you or to another person.

Sometimes it is necessary for us to share information with another organisation. For example, you may be receiving care from the NHS and we may need to share information about you so we can all work together for your benefit.

We will only ever use or pass on information about you if others involved in your care have a genuine need for it. Anyone who receives information from us is also under a legal duty to keep it confidential and secure.

Additionally, The Health and Social Care Act 2012 requires health and social care to work more closely and integrate and plan services across Leicester, Leicestershire and Rutland. In order to understand how and why service users and/or patients use the various services, we need to link our information to information from other care providers, local health providers, emergency service providers, NHS Digital and local councils including the districts. This linking is done using the NHS number which is then replaced by a reference number.

The resulting pseudonymised information is used to analyse, manage and plan services across the sector and indicate where dependencies exist and problems might occur. This will help improve health and care services to the people of Leicestershire. Although we are sharing your social care information with our health partners, this is done using information that has been pseudonymised by the data controller before it is linked which means no-one will be able to identify you.

We share your information with organisations such as:

- Other care providers including third party providers and charities;
- NHS Trusts (Leicestershire Partnership Trust (LPT));
- Community and locality staff and district nurses;
- Local Acute Services (University Hospitals of Leicester (UHL));
- The ambulance or other emergency services (East Midlands Ambulance Service (EMSS));
- General Practitioners, Local Clinical Commissioning Groups (CCGs) (Leicester CCG, West Leicestershire CCG and East Leicestershire and Rutland CCG);
- Child and adult safeguarding services;
- Other Health Services;
- Other Local Authorities (Leicester City Council and Rutland County Council; Local District Councils);
- NHS 111;
- Care Quality Commission, Information Commissioners Office and other regulated auditors;
- Public Health England
- [Better Care Together Partners](#) to support Better Care Funding initiatives and Strategic Transformation Projects

### **Information/Data sharing agreements**

Leicestershire County Council is bound by data and information sharing agreements with our partner organisations. These sharing agreements ensure that we only share information in a way that complies with the law. Regular information sharing is supported by information sharing agreements with our partner organisations to ensure all parties are clear in how this

information may be used and their legal obligations to protect and keep your data safe and secure.

### **National Data Opt-Out**

Confidential patient information is used to provide you with support and care and to organise the services you need. It may also be used for wider planning or research in health and social care. To find out more or to stop your confidential patient information being used for this, see our [national data opt-out fair processing notice](#).

### **How do we keep your records confidential and secure?**

Everyone working in the County Council has a legal and professional duty to ensure that all your information is safely and securely protected and kept confidential. All organisations providing care for the County Council or on its behalf must follow the same strict policies and controls.

The sharing of your information is strictly controlled. We will not pass on information about you to third parties without your permission unless there are exceptional circumstances, for example, where we are required to by law. In all cases, where personal information is shared, either with or without your consent, a record will be kept.

Our networks are kept secure, internal and external IT is protected using appropriate safeguards, and audits ensure we protect your right to privacy and confidentiality. We only keep your records as long as we need to and are required to by law, after which they are securely destroyed.

### **How long will we keep it for?**

We will only keep this information for as long as necessary or as the law requires. Please see the [Information Asset Register/Retention Schedule](#) for details of how long we keep specific information sets.

### **What are your rights?**

You have the right to confidentiality under the Data Protection Act 2018 (DPA), the Human Rights Act 1998 (HRA), the Health and Social Care Act 2012 (HSCA) as well as the common law duty of confidence. The Equality Act 2010 may also apply in some circumstances.

You have the right to know what information we hold about you, what we use it for and if the information is to be shared, who it will be shared with.

You have the right to:

- [Apply for access and other rights](#);
- Obtain a copy of your record in a permanent form; and
- Have the information provided to you in a way you can understand and explained where necessary, such as when abbreviations are used.

Where you agree, the access right may be met by enabling you to view your record, without obtaining a copy.

Under normal circumstances we will not transfer your information outside of the European Economic Area, however there may be occasions where you require this information to be sent. In these instances, we will ask for and record your consent to do so and will take reasonable steps to ensure the safety of the information that is sent.