

## Privacy Notice

### 1. Who we are and what we do

The Children, Adults and Health Legal Team sit within the Legal Services department of the Council and provide legal services to Durham County Council (the Data Controller) in respect of children and adults in County Durham. For further information about services provided please ask your worker or see the Durham County Council website.

### 2. What type of personal information do we collect and how do we collect it?

We collect the following personal information about you such as:-

- Name
- Date of Birth
- Address
- Members of your family
- Information about your involvement with the local authority and with other professionals including Health, Education and Police
- Details of your criminal convictions including information held by the police which may have been gathered but has not led to a prosecution

We collect and receive information about you in the following ways.

- We use the Social Services database which we can access electronically or print and read in paper format.
- We are provided with reports about you and your family by social workers and other staff in the local authority.
- We receive reports from other professionals including Health, Education and Police.

### 3. What is our power to obtain and use the personal data?

When we collect and use your personal information we rely on the following lawful basis under Article 6:

- processing is necessary in order to protect the vital interests of the data subject or of another natural person – such as when someone is in danger;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – such as when the Council is fulfilling its statutory obligations to protect children and vulnerable adults.

### **Special Category Data**

Conditions that we use for processing special category data under Article 9 include:

- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.

#### **4. What is your personal information used for?**

To provide advice and ensure compliance with statutory functions relating to Children, Adults and Public Health. Examples are

- To issue and conduct care proceedings.
- To provide advice in relation to fostering and adoption functions.
- To provide advice about whether someone has capacity under the Mental Capacity Act to make decisions about where they live and with whom they should have contact and if necessary to make an application to the Court of Protection in relation to these matters.
- To provide advice about where someone is ordinarily resident to determine whether the local authority is required to complete an assessment to determine eligibility for support under the Care Act 2014

#### **5. Will your personal information be shared?**

We do share your personal information with organisations when meeting our statutory obligations, such as.

- Family courts
- Court of Protection
- Health professionals
- Police
- Education
- Other legal professionals including your own solicitor and solicitors representing other parties to any proceedings you are involved in.
- Other local authorities who request access to files held by the local authority in accordance with the Family Procedure Rules 2010.
- Local Government and Social Care Ombudsman

## **6. How do we keep your personal information secure?**

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

We use two systems to communicate securely with you and other organisations, namely:

- Safedrop - a system which lets users send audited secure messages and files to anyone with an email address with security features such as recipient verification, customisable terms of use, read receipts, expiry receipts, full audit trails, encryption and self destruct after delivery
- Egress - a system which helps users manage risk by enabling them to identify sensitive data wherever it resides on networks, cloud storage and within emails and manages access to the data with a view to preventing data breaches. It also provides data security and privacy when data is shared, encrypting it in transit and at rest.

We use electronic files within a secure case management system and have encryption on our local authority computers to ensure that if the computer is accessed by another person they cannot read any information contained on it.

We secure information by controlling access to systems and networks, which allows us to stop people who are not allowed to view your personal information from getting access to it.

We also provide training for our staff which allows us to make them aware of how to handle information and how and when to report when something goes wrong.

#### **7. How long will we keep your personal information?**

After we deliver a service to you, we have to keep your information as a business record of what was delivered. The type service will determine how long we have to keep it. Our corporate retention guidelines [[insert hyperlink](#)] show how long we keep it for different services. This ranges from months for some records to decades for more sensitive records.

The retention periods for this service are as follows.

- Childcare & adult services            7 years from last action
- Paper court bundles pre digital      Permanent
- Digital court bundles                    Permanent
- Paper back up of digital bundle      1 year from last action

#### **8. Is your personal information processed overseas?**

If you or your family are based outside of the EEC we may need to contact them to complete an assessment to determine where a child should live in future.

#### **9. Marketing (if applicable)**

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

#### **10. What are your Information Rights?**

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data;
- object to processing; and
- request your data to be ported (data portability).

**To exercise any of these rights please contact [dpo@durham.gov.uk](mailto:dpo@durham.gov.uk) .**

You also have the right to request a copy of the personal information council holds about you. To do this, please use the following [link](#)

To learn more about these rights please see the ICO website.

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer at [dpo@durham.gov.uk](mailto:dpo@durham.gov.uk) or by calling 03000 268050.

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

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

**Telephone:** 0303 123 1113 (local rate) or 01625 545 745

**Fax:** 01625 524 510