

# Privacy Notice: Legal & Democratic Services Children, Adults and Health Team

This Privacy Notice tells you about what information we collect about you, how we use that information and who we share it with.

## Who we are and what we do

The Children, Adults and Health Legal team is part of the Legal and Democratic Services team of Durham County Council (the Data Controller).

The Children, Adults and Health Legal provide legal services to Durham County Council 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.

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

The type of personal information collected varies dependent upon the nature of the matter being dealt with. The type of information typically collected can include:

- Name
- Address
- Contact details
- Members of your family

We also collect and receive special category data such as:

- 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 information about you in the following ways:

- By consent or personal contact.
- 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 officers in the local authority.
- We receive reports from other professionals including Health, Education and Police.

## What is our lawful basis to obtain and use your personal information?

We collect and use your personal information so that either we can comply with our legal obligations, or we can perform a task in the public interest or for our official functions, under Article 6.

When we collect special category personal information we rely on one of the following Article 9 conditions:

- 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.

### **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

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

In certain circumstances your personal information may be shared with other council departments or external organisations, where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or for legal proceedings.

Some organisations your data will be shared with include:

- HM Tribunal and Court Service
- 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

### **How do we keep your information secure?**

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

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.

### **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 of service you receive will determine how long we have to keep your information.

Our corporate retention guidelines show how long we keep information for different services.

The retention periods for the Children, Adults and Health team include:

Childcare & adult services where no proceedings issued	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

### **Personal information processed outside of the European Union (EU)?**

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

### **Marketing**

At no time will your information be used or passed to others for marketing or sales purposes, or for any commercial use without your express consent.

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

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

- request a copy of the personal information the council holds about you
- have any inaccuracies corrected;
- have your personal data erased;

- place a restriction on our processing of your data; and
- object to processing.

To exercise your rights, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at [inforights@durham.gov.uk](mailto:inforights@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

## Further Information

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact our Data Protection Officer at [DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or write to:

DPO  
Floor 4 Room 143-148,  
Durham County Council  
County Hall,  
Durham County Council  
DH1 5UF

If we have not been able to deal with your query, 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