

Privacy Notice: Financial Assessments (Residential and Non-Residential Care), and Deputy and Appointeeships

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

1. Who we are and what we do

The Financial Assessment Team is responsible for the administration of the financial assessments of the Councils discretionary charges for both residential and non-residential care.

The Deputy and Appointee Team is responsible for acting as a public deputy and/or appointee in relation to property and financial affairs.

We will only collect and use personal information to enable us to identify you and locate your personal data on our systems.

For the purposes of Data Protection, Durham County Council is the Data Controller

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

You may be asked to enter personal data on one of our forms or asked to give personal information if you call us. 'Personal data' means any information relating to an identified or identifiable natural person.

The personal information we collect could be:

- name
- address
- family make-up including names and date of birth of dependent children
- occupancy status such as how many adults reside in the property and who they are
- who the liable party for council tax is
- who the Universal Credit claimant is
- employment and benefit details including employer name, payslips, type of benefit and amount
- contact details: telephone number, email address
- income and expenditure details
- bank details for payments to be made.

The above list is not exhaustive. The information we request will be the minimum necessary in order to provide our services effectively and to perform our statutory duties.

We collect information about you in the following ways:

- paper-based forms
- by telephone
- by email
- by paper correspondence
- online web forms and web enquiries from the council's website

- information received from other parts of the council such as Adults and Health Services
- information given to staff within customer service centres and to our call team

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

Under the Welfare Reform Act 2012 & The Social Security (Information sharing in relation to Welfare Services etc.) regulations 2012, the County Council is able to access DWP data directly.

The purpose of this access is to support the financial assessment process and to assist in some claims to state benefits that the customer may be entitled to.

This will also enable the County Council to deliver a more streamlined process by reducing the time taken to complete the financial assessment and the need for the customer to continually provide the same information.

With regard to personal data:

Article 6(1)(c) – Legal obligation: the processing is necessary to comply with the law

With regard to special category data:

Article 9(2)(h) – Provision of health and social care

The legislations, policies and guidance that relate to this service includes, but is not limited to:

- Mental Capacity Act 2005
- The Care Act 2014

4. What is your personal information used for?

We collect and process information about you for the following purposes:

- to calculate assessments for residential and non-residential care charges;
- to respond to requests for advice and guidance;
- seek your views or comments on the services we provide;
- notify you of charges to our services;
- to ensure we meet the OPG standards;
- to respond to a complaint;
- to respond to Councillor or Member of Parliament enquiries;
- to monitor our performance;

assess your entitlement to support with the costs of residential and non-residential services in line with Council policies.

Personal data collected will include all data that needs to be recorded to satisfy the requirements of the Office of the Public Guardianship (OPG) Deputy Standards (SD607.15 and/or the duties of a DWP Appointee.

5. Will your personal information be shared?

We may share your personal information in certain circumstances:

- where we have a statutory obligation to do so, such as for the purposes of the prevention, detection and prosecution of crime or in the interests of public safety.
- for enforcement action and legal proceedings in respect of unpaid taxes,
- if the benefits to a child or young person that will arise from sharing the information

- outweigh both the public and any individual's interest in keeping the information
- confidential.

Agencies we share information with:

- Department for Work and Pensions
- Office of the Public Guardian
- HMRC
- Carers and Care Service Providers
- Suppliers of goods and services
- NHS

We share information with the above to prevent fraud and to ensure we are making awards and payments to the correct liable parties.

6. 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.

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 of service will determine how long we have to keep it and this is detailed in our corporate retention guidelines.

There are strict legal guidelines in place relating to the deletion of this data and all data must be retained for:

- 20 years following the closure of the case
- 8 years following the date of death of the customer

We review our retention periods for personal information on a regular basis. We are legally required to hold some types of information to fulfil our statutory obligations. We will hold your personal information on our systems for as long as is necessary for the relevant activity, or as long as is required for us to satisfy our statutory obligations.

8. Personal information processed outside of the European Union (EU)

We do not process your personal data outside of the EU

9. 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.

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:

- 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;
- 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

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

11. 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 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