

HSCP Welfare Guardians or Powers of Welfare Attorney Privacy Statement Privacy Statement:

This notice is for adults who are applying for, or have been granted, Welfare Guardianship or Power of Welfare Attorney for a vulnerable adult. We are using your personal information as required to look into the circumstances of the vulnerable adult and your application for Guardianship or exercise of welfare powers. This is because we have legal duties to prepare reports in respect of applications for Guardianship, to supervise Guardians, give advice to welfare guardians and attorneys and investigate any complaints about the exercise of welfare powers by you. We also use your information to verify your identity where required, contact you by post, email or telephone, to maintain our records, manage any funding of services and your contribution to these and to demonstrate to our own auditors and external regulators that we are providing proper services in accordance with the law.

Legal Basis for using your information:

We provide these services to you as part of our statutory function as your local authority under the provisions of the:

- Social Work (Scotland) Act 1968
- Adults with Incapacity (Scotland) Act 2000 and
- Adult Support and Protection (Scotland) Act 2007 and
- related legislation applying to the protection of vulnerable adults in Scotland.

Processing your personal information is necessary for the performance of a task carried out in the public interest by the council as set out in the legislation referred to above. If you do not provide us with the information we have asked for then we will not be able to provide these services to you.

We also need to process more sensitive personal information about you for the purposes of the provision of social care and the management of health and social care systems and services as set out in the Data Protection Act 2018. It is necessary for us to process that data in order to provide such services to you and manage those services more widely.

We may also process data about any criminal convictions you may have or offences you may have committed. This is because we have responsibility for the protection of children and vulnerable adults as well as a responsibility to assess your needs. Information about criminal offences or alleged offences will be processed by us where relevant to your support needs or the protection of vulnerable people.

Who is your information shared with:

We are legally obliged to safeguard public funds and will verify and check your details internally for fraud prevention. We may share this information with other

public bodies (and also receive information from these other bodies) for fraud checking purposes. We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this.

We will generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. This may include sharing data with Disclosure Scotland in respect of your suitability to have any role in relation to vulnerable persons. Your information is also analysed internally to help us improve our services.

In preparing reports, supervising or investigating complaints relating to the exercise of welfare powers, information must often be shared with other relevant agencies. We would share information with any provider of care and support to the adult who may routinely be in contact with you, either their own private carers or those being paid to provide services to them. Those persons may have relevant information concerning your interaction with the vulnerable adult. We will share information with the Mental Welfare Commission (for Guardians) and Office of the Public Guardian (for Powers of Attorney).

In addition, we may share information with some other agencies depending on individual circumstances. These may include people employed by the NHS - your G.P, any specialist whose care you are under or allied professional - if your own physical or mental health or wellbeing is relevant to the manner in which you do, or are likely to, execute your role in relation to the adult. We may share information with the Department of Work and Pensions in terms of benefits you may receive, Police Scotland and Scottish Fire and Rescue Service if there are concerns about your protection or risk to yourself or others and The Care Inspectorate if concerns are raised by you about services provided to the adult. We will also share information with other council services where we are working with them to provide services to you.

This data sharing will only take place when necessary to discharge our legal duties based on your individual circumstances or to deliver effective services to you. It will be done in accordance with our Information Security Policy and Record Management Plan and covered in our full privacy statement on our website.

International transfers:

We do not anticipate any need to transfer your personal data outwith the U.K. We will advise you if any such need arises and explain the reasons to you or your legal representative.

How long do we keep your information:

We will hold your information for the minimum period of time necessary. This time is sometimes set out in the law, but in most cases it is based on business need, purposes being for recording, monitoring and/or managing the provision of Social Work service and expenditure of public funds by the council. We maintain a records retention and disposal schedule which sets out how long we hold different types of information on you.

Your rights under data protection law:

You have the right to:

Be informed about how we use your information – This notice is intended to give you relevant information to meet this right.

Access personal data held on you – You have the right to access personal information the HSCP holds about you by making what is known as a Subject Access Request.

Request rectification of your personal data – you have the right to request that the HSCP corrects any personal data held about you that is inaccurate.

Deletion of you information – you have the right to ask us to delete personal information about you where:

1. You think that we no longer need to hold the information for the purposes for which it was originally obtained,
2. you have genuine objection to our use of your personal information – see objecting to how we may use your information,
3. our use of your personal information is contrary to law or our other legal obligations

Restricting how we may use your information – in some cases you may ask us to restrict how we use your personal information. This right might apply if we no longer have a basis for using your personal information but you don't want us to delete the data

Object how we may use your information – You have the right to request that the council restricts processing of your personal data if you think the personal data is inaccurate, the processing is unlawful, the council no longer needs the personal data but you may need it for a legal purpose or you object to the council processing for the performance of a public interest task.

Complaints:

If you have an issue with the way the HSCP handles your information, you can contact the Council's Data Protection Officer by email at dataprotection@west-dunbarton.gov.uk.