



East Lothian Council Privacy Notice

Section 1: Our contact details

Your personal information is being collected by:

East Lothian Council
Health & Social Care Partnership
Randall House
Business Park
Macmerry
EH33 1RW
01875 824309
Communitycare@eastlothian.gov.uk

Data Controller:

East Lothian Council
John Muir House
Haddington
EH41 3HA

Data Protection Officer:

East Lothian Council
John Muir House
Haddington
EH41 3HA
Telephone: 01620 827827
Email: dpo@eastlothian.gov.uk

Section 2: Why we need your personal information

East Lothian Council provides a range of Adult Services because the law says that we must do this. The services we provide are in the following area:

- ❖ Support and advice services for Asylum Seekers
- ❖ Support and advice services for Carers
- ❖ Community Support including Day centres for disabled people and older people
- ❖ Care Services including Older Peoples Residential Care Homes
- ❖ Support and advice for those dealing with social issues such as alcohol and drugs dependency
- ❖ Supporting Adults who need support from a Social Worker and/or Social Care Practitioner
- ❖ Supporting Children with disabilities from our Occupational Therapy Service
- ❖ Supporting Adults who need support from our Criminal Justice Service

East Lothian Council is legally required to protect the public funds it administers. For this reason, your information may also be used to prevent and detect fraud, and we may share your information with other organisations responsible for auditing and administering public funds. For more information, please visit https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies/1

Section 3: Legal Information

In order for us to collect and use your information, we have to have a 'legal basis' for doing so. The legal basis for processing your personal information is:

We have a legal obligation to process your information under the following legislation for example:

- ❖ Adults With Incapacity (Scotland) Act 2000
 - ❖ Adult Support and Protection (Scotland) Act 2007
 - ❖ Crime and Disorder Act 1998
 - ❖ Criminal Procedure (Scotland) Act 1995
 - ❖ Disability Discrimination Act 1995
 - ❖ Mental Health (Care and Treatment) (Scotland) Act 2003
 - ❖ Social Care (Self-directed Support) (Scotland) Act 2013
 - ❖ Social Work (Scotland) Act 1968
 - ❖ Public Bodies (Joint Working) (Scotland) Act 2014
 - ❖ Welfare Reform Act 2012
 - ❖ Immigration and Asylum Act 1999
 - ❖ Community Justice (Scotland) Act 2016
 - ❖ Community Empowerment (Scotland) Act
 - ❖ Carers (Scotland) Act 2016
 - ❖ Children (Scotland) Act 1995
 - ❖ Children and Young People (Scotland) Act 2014
- (this is not an exhaustive list)

We are processing your information as part of our public task as a local authority.

The kinds of personal information we are collecting include:

- a. Name
- b. Previous name
- c. Address
- d. Date of birth
- e. Information about other people, such as emergency contact details, power of attorney, legal guardian
- f. Unique Identifier, such as a Social Work Client ID Number
- g. Medical/health information
- h. Criminal convictions/offences
- i. Racial or Ethnic origin
- j. Religious or Philosophical beliefs

The types of information listed in points g-j above are known as 'special category' personal information. We need an additional 'legal basis' in order to process these kinds of information.

The legal basis for processing your special category information is:

- ❖ You have given us explicit consent to process your information.
- ❖ We need to process your information to protect your or another person's life.
- ❖ We need to process your information to provide social care and to manage health and social care systems and services.

Section 4: Sharing and transfer

We may share your personal information with the following:

- Other services within East Lothian Council
- NHS
- Police
- Central Government or government agencies
- Courts
- Solicitors
- Professional forums
- Charities and advice organisations/third sector partner organisations
- Associations, such as Housing Associations
- Contractors
- Councillors
- Landlords, hostels and accommodation providers
- Carers

Your personal information will not be transferred outside of the EU, with the exception of those customers using prepaid cards. The supplier of this service uses third party processors based in the USA. East Lothian Council has inserted a clause into its contract that obligates the Supplier to bind the sub-processor to maintain GDPR-level data protection practices.

Section 5: How long will we keep your personal information?

We keep your personal data in line with our data retention policy, called a Retention Schedule. For a downloadable copy of the Council's Retention Schedule, please visit our website at www.eastlothian.gov.uk and search for 'Retention Schedule'.

Section 6: Your rights

1. You have the right to be informed about how your information will be used.
2. You have the right to access your personal information. Normally this is done by placing a 'Subject Access Request' with the Council. For more information on placing Subject Access Requests, please visit https://www.eastlothian.gov.uk/info/210598/access_to_information/12300/access_to_information/1
3. You have the right to ask us to correct inaccurate or incomplete information.
4. In certain circumstances, you have the right to have your personal information erased.
5. In certain circumstances, you have the right to ask us to limit the ways we use or share your information.
6. In certain circumstances, you have the right to ask us to move, copy or transfer your information to another organisation in an electronic format.
7. In certain circumstances, you have the right to object to the ways we process your information.
8. In circumstances where your data is processed automatically, without human intervention, you have the right to certain protections.

You can find more information about data protection and your rights on the Information Commissioner's Office (ICO) website at <https://www.ico.org.uk>.



Section 7: Complaints

We take your privacy seriously, and would like to know about your concerns so that we can address them as soon as possible. If you wish to make a complaint, we recommend that you contact the Council's Data Protection Officer using the contact details at the start of this Privacy Notice.

If we are unable to resolve the issue to your satisfaction, you have the right to complain to the Information Commissioner's Office (ICO). You can find further information about raising a concern with the ICO on their website: <https://ico.org.uk/concerns/>.

You can contact the ICO by post at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113 / 01625 545 745

Section 8: Consent

If we have asked for your consent in order to process your personal information. You have the right to withdraw this consent in whole or in part at any time by contacting the Council Service listed at the start of this Privacy Notice.

When you contact us, we will explain the consequences of withdrawing consent. If you choose to continue, we will stop using your personal information for the purpose(s) stated on this Privacy Notice.

Section 9: Information about other people

If you have provided anyone else's personal details on this form, please make sure that you have told them that you have given their information to East Lothian Council. We will only use this information when necessary.