

Adults' Health and Care

YOUR INFORMATION

How we use your information
and how you can access your records

May 2018



Hampshire
County Council

www.hants.gov.uk

Introduction

Hampshire County Council complies with the General Data Protection Regulation and is a registered Data Controller (Reg. No Z7534309). We are committed to keeping your personal information accurate and up to date. We will not keep your information longer than necessary. This booklet explains:

- how we use your personal information
- the ways in which we protect your privacy
- how you can give permission for your information to be shared
- your rights in respect of your information.



I. About your information

What we record

When you contact the County Council, we will ask you for information about you and your situation and will keep what you tell us on your record. Records may be kept on computer, paper, images and in audio files. The information stored in your record could include:

- details of discussions with you and about you
- assessments of need
- plans for your care and our regular reviews of your needs
- if you are registered disabled or have section 117 status
- details of services that we arrange for you
- copies of letters, emails and records of phone calls and webchat about you or between yourself and us
- any information we receive about you from anyone else, such as your doctor, carers or relatives
- details of any relatives and other people who you wish us to contact or share your information with
- financial information including assessments, invoices and payments towards your care.

2. How we use your information

a. When we can use your information without seeking your explicit consent:

We may use your information under Article 6 and Article 9 of the General Data Protection Regulation in certain situations without seeking your consent.

In particular we may use your information under Article 6 (1) b for the performance of a contract when you are a party, under Article 6 (1) c where necessary to comply with a legal obligation or under Article 6 (1) e where the processing is necessary for the performance of a public task carried out in the public interest or in the exercise of official authority vested in the controller.

We may process your information under Article 9 (2) b for carrying out obligations in the field of social protection law, Article 9 (2) g for reasons of substantial public interest or Article 9 (2) h for the provision of social care or to manage social care services.

Using information to facilitate your care

We use your information to plan, arrange and review your care and support as part of our legal duty under the Care Act 2014 to meet an adult's eligible needs for care and support.

Care and support may be provided by the County Council or other organisations such as care homes and home care agencies, organisations that provide telecare, and direct payments services. The County Council will need to provide them with information about you in order that they



can provide the service. We will only share with each organisation the information they need in order to provide their services to you, such as your name, address, contact details for your carers and/ or family members and information about your social care and health needs.

If you are a young person aged 16-25 we will also share your information with our Children's Services Department so that they can help with planning, arranging and reviewing care and support for you.

If you move to another area, legal responsibility for your care may move to that other authority and the County Council therefore needs to provide information as to your needs to that authority as part of the transfer of responsibility to them for your care. In situations where the County Council retains responsibility for your care (out of county placements) the County Council may ask the local authority to review your care on its behalf.

We allow student social workers to use your information to plan, arrange and review your care and support under our supervision.

We also use some other companies to process personal information on our behalf. These other companies are acting only on our instructions and in accordance with a contract that we have with them. We use Argenti to process information in order to provide telecare. We use software provided by a number of companies including OLM and Oxford Computing Consultants to process personal information we have about you. We store the information on our own servers. We use a system called Create Software Solutions Pro Cloud to process information about Hampshire Equipment Store.

Using information to plan and manage services

We also use the information we hold about you and about other people who use our services to understand supply and demand and inform the commissioning of care and support services for Hampshire residents. This includes analysing information to look at what services residents use and how often they use them to help us plan and manage services and funding.

We may use computers to sort, analyse and evaluate your information and the information belonging to other people. For example, evaluating or predicting the social care needs of individuals and groups of people, so that we can plan, assess and manage how needs can be met.

We may also look at information we hold about you for quality and monitoring purposes, for example checking that staff are following correct procedures.

Monitoring of services

We monitor services as part of our duty of care.



b. When we rely on your consent:

Consent to share your information

In the circumstances detailed below, we can only share your information if we have your consent to do so. 'My Permission to Share' is the form which you can use to give your consent for the sharing of your information with specific people and organisations for specific purposes. If you do not wish to give consent for the sharing of your information as set out on the form then you do not have to do so.

Sharing your information with health organisations and other local authorities for your care and support

In order to help improve and co-ordinate your care, you can choose to allow the sharing of your information with relevant health service providers and local authorities who are involved in your care. The advantages may include:

- only having to tell your story once
- better informed, quicker decision-making.

If you want us to share your information with particular health service providers, your GP or local healthcare commissioner (CCG) when they are involved in providing or assessing your care and support (e.g. if you go into hospital, or if you require a service that is provided by the NHS and Adults' Health and Care working together), you can choose to agree to this on the form.

Health Service providers include community health services, hospitals, mental health services, hospices and ambulance services. With your consent, we will only share with each organisation the details they need in order to provide their services to you, unless otherwise permitted by law.

Care and Health Information Exchange (CHIE), formerly the Hampshire Health Record

The Care and Health Information Exchange (CHIE) is an electronic system which shares health and social care information from health and social care organisations, including GP surgeries, hospitals, community and mental health services, ambulance services and Local Authorities Adult social care. If you choose, we can add part of your social care record to the system. This would be:

- the contact details of the people who are involved in your care and support (professionals and any friends and family listed)
- your assessments
- details of any care services you have in place.

Only health and social care professionals who are involved in your care would be to allowed access relevant information for your care and support through CHIE.

To find out more about CHIE, see www.hantshealthrecord.nhs.uk or contact:

The Hampshire Health Record,
NHS South, Central and West Commissioning Support Unit
Building 003 Fort Southwick,
James Callaghan Drive,
Fareham,
PO17 6AR

If you want details about your social care to be included in CHIE, then please let us know on your 'My Permission to Share' (consent) form.



Sharing information with consultancy agencies, Universities or Health organisations working in partnership with us to develop or improve social care and health services in Hampshire

We sometimes work in partnership with consultancy agencies, Universities or Health organisations to explore how social care and health services in Hampshire can be developed and improved. If you give consent for us to share your information with such partners for these purposes, your information would be used to help us make informed plans about developing and improving services. You can give your consent to us by filling in the relevant section of a My Permission to Share form.

Sharing your information with friends and family

We will only share relevant information about you with carers, friends, or relatives to help them support you with your care, if you give us specific permission to do so. It may be that you are happy for certain people to have some information about you, but there are some things you would like to keep private. For example, some people do not want family members to know about an illness they have, or to have information about their sex life, or to get information about their finances. The My Permission to Share form allows you to list any specific types of information that you do not want to share with the people you have listed.

You can withdraw consent to share information with family and friends at any time by contacting Adults' Health and Care.

Verification

When you contact us, or someone contacts us on your behalf, we will use the details that you have given us to check your/their identity and entitlement to any information about you.

Sharing your information with other departments and organisations so they can offer services to you

On the My Permission to Share form we ask if you would like to consent to sharing your contact details with other departments of Hampshire County Council and with other organisations to see if they can offer you additional types of support or services.

For example, with your permission, we could give your contact details to:

- organisations who do health checks, such as your GP, a pharmacy, or another health service, so they may offer a health check
- Trading Standards so they may offer help to protect you from scams, doorstep crime and cold callers
- Hampshire Fire and Rescue Service so they may offer a safety check
- relevant District and Borough Councils so they may offer support with housing and housing benefits
- relevant Housing Associations so they may offer support with housing
- the Department of Work and Pensions so they may offer help with benefits
- providers of Meals on wheels and Telecare.

We cannot guarantee that they will be able to offer you a service. You are free to refuse any offers of support that are made to you.



Sharing your information with community, charity and voluntary organisations so they can assist you

If you give us permission, we will share your contact details with certain community, charity and voluntary organisations who may be able to assist, for example by offering meals delivery or befriending services.

We cannot guarantee that they will be able to offer you a service. You are free to refuse any offers of support that are made to you.

Sharing information without your consent

There are some circumstances where we can share your information without your consent. For example:

- where information needs to be shared in order to protect vital interests
- where there is a court order requiring us to provide information
- where information is needed to detect, prevent or investigate a crime
- and where otherwise permitted by law.

In each case, we make an individual decision about sharing information without consent.

People who are unable to give their consent

There are some people who receive services who lack capacity to give their consent to allow us to pass on personal information about them. In those cases a decision to share information will be made on a best interest basis to ensure the provision of care and treatment. Where there is a Welfare Deputy or Health and Welfare Attorney with the explicit power to authorise sharing of data in relation to care and support then they will be asked to consent on behalf of the individual. Most deputies and attorneys do not have this explicit power and decisions will be made on a best interests basis under the Mental Capacity Act 2005.

Changing your consent

If you have any queries or would like to make a change to your consents for sharing your information, contact Hampshire County Council on **0300 555 1386** or email adult.services.sar@hants.gov.uk.

Storing your information

We keep all records securely, and have strict rules for staff who deal with them. Only authorised employees can see records and only for the purpose of carrying out their work. Your records will be held by us for a specified length of time, depending on the type of record and type of service we provide to you. Some of these time periods are specified by law. However, where there is no relevant legislation, the times given are agreed by the County Council's Records Management Service.



3. Asking to see my own or someone else's information

It is our policy to discuss with you what we are putting in your records.

How do I apply to see information about me (my own personal information)? This is referred to as a Subject Access Request.

If you currently have a social worker or care manager, you can ask them any questions about your care and support and they may be able to supply you with information.

Whether you are currently using our services, or used them in the past, you can make a formal request to view your information.

For a copy of the relevant application form (Subject Access Request Form), please contact Adults' Health and Care, Subject Access Requests on **0300 555 1386**

Alternatively the Application form can be downloaded or accessed online at: www.hants.gov.uk/subjectaccessrequest

Please note that if your personal information is held by a private care agency or care home that you will need to apply to them directly.

What if I believe the information held about me is wrong or incomplete? (rectification)

If factual details are wrong (such as your date of birth) we will correct them when you give us evidence of the correct information, indicating the changes you would like us to make.

YOUR INFORMATION

If you disagree with what is written in your records – for example, if your view of what happened is different from what has been recorded - we will add your account of events to your file.

If you believe the information we have about you is incomplete, you can ask us to make it complete.

Right to be forgotten (erasure)

You have the right to have information we hold about you erased without undue delay in certain circumstances.

If you wish to make such a request please contact Adults' Health and Care, Subject Access Requests on **0300 555 1386** or email adult.services.sar@hants.gov.uk setting out what information you would like to be removed. We may require further information in order that we can consider your request.

Right to restriction of processing

You have the right to request that we do not use information we hold about you (e.g. by making the pieces of information unavailable to our staff) in certain circumstances.

If you wish to make such a request please contact Adults' Health and Care, Subject Access Requests on **0300 555 1386** or email adult.services.sar@hants.gov.uk setting out what information you would like to be restricted. We may require further information in order that we can consider your request.



Applying to see information about someone else

For information on circumstances in which you can apply to see information about someone else, and how to apply, please contact Adults' Health and Care, Subject Access Requests on 0300 555 1386 for a Subject Access Request Form. Alternatively the Application form can be downloaded or accessed online at: www.hants.gov.uk/subjectaccessrequest

Complaints

If you are not happy with any aspect of the services you have received from us or with the way you've been treated, please speak first to the person you have been dealing with or their manager. If things can't be resolved this way, you can download a copy of 'Tell us what you think', which tells you what to do if you want to make a complaint, at: www.hants.gov.uk/adults-publications

You can also request a hard copy or make a complaint by calling Hampshire County Council's Adults' Health and Care department on: **0300 555 1386**.

In addition you may report any concerns you have about our information rights practices to the Information Commissioner's Office (ICO) on **0303 123 111** or via their website at www.ico.org.uk/concerns

The contact details for our Data Protection Officer are as follows:

The Information Governance Team, Hampshire County Council, The Castle, Winchester, SO23 8UJ Tel: 01964 847374 Email: data.protection@hants.gov.uk

Further information regarding how Hampshire County Council uses and looks after your information can be found at www.hants.gov.uk/dataprotection

Adults' Health and Care

YOUR INFORMATION

If you have any enquiries relating to the content of this booklet, or to request access to adult social care records, contact:

**Adults' Health and Care Subject Access Requests,
The Castle Winchester,
SO23 8UQ**

Tel: **0300 555 1386**

Email: adult.services.sar@hants.gov.uk

Calls to 0300 numbers from landlines or mobiles cost no more than a standard-rate national call from landlines. 0300 numbers are included in the 'free minutes' which are part of some telephone contracts.