

Privacy Notice for Adult Social Care



Adult Social Care

This privacy notice relates to our Adult Social Care services. It provides additional information that specifically relates to this particular service and should be read together with our [general privacy notice](#), which provides more detail.

It is important that you read this notice, along with any other privacy information we may provide at specific times when we collect your personal data, to ensure you fully understand how and why we use your information

Information may be collected and stored through various methods.

Your Adult Social Care Record

If you receive or have received social care and support from Bolton Council, we will hold a social care record about you.

Your record will contain:

- Basic details about you such as your name, address and date of birth.
- The names and contact details of your close relatives and carers.
- Information about your health, your ability to carry out day-to-day tasks, and your home situation.
- Information about your finances, employment status or education.
- Letters, notes and reports about the support we provide for you and about the help you need.
- Plans for providing support, and details of support you receive.
- Things that other organisations (such as health or other care services) tell us about your situation to help us to better understand your needs.
- The names of your family members, carers, and information about any support services or professionals who have worked or are working with you

Some of the information we hold in your social care record will be more sensitive personal details about you, such as your race or ethnic origin, sex and sexual orientation, religious beliefs, your physical and mental health, criminal offence data. This is known as Special Categories of Personal Data.

It is important for us to know this information, for example, if you have a disability or language issue, as this may influence the way our services need to be delivered to meet your needs. We also use this information for equalities monitoring purposes, so we can be sure that we're reaching and responding to all sectors of the community, inclusive of ethnicity, age and disability.

What your personal data is used for

We use your personal data for the following reasons:

- To assess you or a family member's needs and identify appropriate services or support.
- To provide our social care services to you or a family member; for example, in order to plan and provide care for you or a family member.
- To maintain records of the care and services we provide.
- To monitor the quality of the services we provide and check how our services are performing overall, for example by requesting your feedback.
- To carry out financial assessments, for example under the Care Act 2014.
- To ensure compliance with safeguarding policies and procedures.
- To log and respond to any complaints about our services.
- In order to improve our delivery service, we may use personal information to create statistics which help us to see how our services are being used and how they should be funded.
- To calculate finances and keep track of spending towards your care
- To apply for Corporate Appointeeship or Court of Protection
- For research and analysis which is then used to plan new services, assess our performance, commission new services, market shaping and development
- To complete statutory government returns around health and social care

We are the Data Controller. This means we decide how to use the personal information we hold about you. We hold your personal information in an electronic system which is accessible by our social care staff, as well as some partner organisations commissioned to deliver services on our behalf.

Lawful basis for processing

We process your personal data in accordance with Article 6 of the UK General Data Protection

Regulation (UK GDPR). The lawful bases we rely upon are:

- Article 6(1)(c) – Legal obligation: processing is necessary for compliance with a legal obligation to which the Council is subject.

- Article 6(1)(e) – Public task: 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 Council.
- Article 6(1)(d) – Vital interests: where necessary, processing may be undertaken to protect the vital interests of you or another individual. This is most likely to apply in emergency situations where there is a risk of serious harm or threat to life.

The Council's legal obligations and public tasks arise from legislation including, but not limited to:

- The Care Act 2014;
- The Mental Health Act 1983;
- The Mental Capacity Act 2005;
- The Local Government Act 2003; and
- The Local Government Finance Act 1992.

This list is not exhaustive and may include other legislation that confers functions, duties, or powers on the Council.

Special category and criminal offence data

In some circumstances we process special category personal data (such as health or social care information) and criminal offence data where the law permits us to do so.

For special category personal data, we may rely on:

- Article 9(2)(h) of the UK GDPR – processing is necessary for the purposes of health or social care, including the provision, management and administration of health or social care services.
- Article 9(2)(f) of the UK GDPR – processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- Article 9(2)(b) of the UK GDPR – processing is necessary for employment purposes
- Article 9(2)(J) of the UK GDPR – processing is necessary for archiving, research or statistical purposes
- Article 9(2)(c) of the UK GDPR – processing is necessary to protect your vital interests or those of another person where the individual is physically or legally incapable of giving consent, such as in an emergency.

Where we process criminal offence data, we do so in accordance with Article 10 UK GDPR and the relevant provisions of Schedule 1 of the Data Protection Act 2018, where applicable.

Sharing information

Personal data usually comes from you. We do receive personal data from your family members, carers, the NHS and other providers of care and support.

Your personal data may be shared securely with other departments within the Council, only where it is both necessary and appropriate to do so for the reasons given above.

In order to provide our services to you, we will need to securely share your personal to other organisations outside the Council. For example, we may share your data with:

- Commissioned Delivery Partners who are delivering a service on our behalf.
- NHS Bodies and Health Agencies
- Police
- Schools and other education providers
- Government Agencies
- Housing Agencies
- Fostering and Adoption Agencies
- Third Sector/Voluntary Agencies
- Other specialist Agencies, such as Substance Misuse
- With your legal representative or the Courts if there are any claims or proceedings
- Safeguarding agencies and partnerships

We may share information with the organisations listed above in order to provide a service to you or where we are required to do so by law, to safeguard public safety, and in risk of harm or emergency situations. We may also share information to safeguard public funds administered by the Authority.

In most situations, other people must have your permission before we can give them information about you. For example, members of your family, the Department of Works and Pensions, or HMRC.

However, there are some circumstances when we are obliged to share information without your permission, for example:

- To protect you or another person in an emergency (for example with the police, NHS or with Immigration/Border Control)
- For the administration of justice (such as providing information to Court)
- To meet other legal obligations, such as:
 - where we are required to share safeguarding information by law to other agencies and partnerships, and/or other Councils
 - where we are required to provide information to an auditor or standards body such as Care Quality Commission (CQC), or as part of any formal inquiry or investigation

Where the law allows, the information collected about you when you use health and social care services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

National Data opt out

To find out more or to stop your confidential information being used for research purposes please refer to our [national data opt out privacy notice](#).

Your NHS number

If you are receiving support from adult social care, then the NHS may share your NHS number with us. This is so that the NHS and ourselves are using the same number to identify you whilst providing your care.

The council also uses the Personal Demographic Service (PDS) to trace and verify your NHS number to help assure us we have the correct NHS Number for you.

Automated decisions

All the decisions we make about you involve human intervention.

Use of AI (FormFlow)

We use an Artificial Intelligence (AI) tool called FormFlow by System C. FormFlow is a tool installed on a practitioners' council issued mobile phone. Practitioners will use FormFlow to record conversations (audio file) with residents, carers and others involved in the delivery of services to residents.

The practitioner will then upload the conversation (audio file) into their Case Management System (CMS). At this point, the audio file is then deleted from the mobile phone and the practitioner will be able to listen to the audio and will also see a transcription of the recording created by FormFlow. This is then used to pre-populate the assessment the practitioner will be writing and sharing back with yourself. The assessment is **always** reviewed by the practitioner to ensure accuracy. Depending on the type of assessment being carried out this is also checked and signed off by a team manager.

The use of FormFlow will:

- improve the recording of notes which will then inform the final assessment
- reduce manual typing up of conversation notes
- allow practitioners to focus on listening and improving the quality of the conversation with you rather than less time spent note taking
- deliver better reviews and creation of care plans in a timely way
- improve data quality and security by removing paper transportation between practitioners' homes and the office.

FormFlow involves the processing of personal information, health information and care needs. This will depend on what you say in the meeting. Once the practitioner has checked the outputs from FormFlow, the data will be stored on our CMS. At this point, audio files are deleted from the CMS but the transcription remains.

How you'll be informed when FormFlow is used, and how to object

You'll be told at the start of a meeting if it's being recorded using FormFlow. While the legal basis is not consent, the legal basis of public task allows an objection to be made.

If you, or anyone else present or on the call, objects to the use of FormFlow at the start of the meeting then it will not be used.

If anyone makes an objection once a recording is already in progress, the recording will stop at that point. However, the recording made up to that point will still be used, otherwise the meeting will have been ineffective.

Data retention

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

Rights of individuals

You have certain rights in relation to the council's use of your personal information. Your rights apply to the information held by the Council as a data controller, and the information we hold on behalf of the other data controllers.

To find out more about how these rights apply in particular circumstances, please refer to our [guide to exercising your rights](#) or alternatively visit the [Information Commissioner's website](#).

If you wish to exercise your rights or raise a concern about how the Council handles your personal data, please contact our Information Governance Team at information.security@bolton.gov.uk.

You also have the right to complain to the [Information Commissioner's Office](#) if you're unhappy about how we process your information.

Updates to privacy notice

We may update or revise this Privacy Notice at any time so please refer to the version published on our website for the most up to date details.