

Privacy notice – ILA & Self Directed Support Forth Valley

This notice provides details of what information we collect from you, what we do with it and who it might be shared with.

Why do we collect this information?

The information is being collected for the following purposes; the legal basis for each purpose is set out below:

Legal basis	Purpose
Consent	1
Performance of a contract	1
Legal obligation	2
Vital interests	2
Task carried out in the public interest	
Legitimate interests	2

1. **Contract:** the processing is necessary for a contract we have with an individual, or because they have asked you to take specific steps before entering into a contract.
2. **Consent:** the individual has given clear consent for us to process their personal data for a specific purpose.
3. **Legal obligation:** the processing is necessary for us to comply with the law
4. **Vital interests:** the processing is necessary to protect someone's life should there be risk of harm or situations where abuse has been witnessed.
5. **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests

We collect information to ensure we can provide a service to supported individuals and our partner organisations. We control and process information to ensure the service is effective, while meeting our legal and statutory duties.

We collect data in order to.

- Assist with the assessment of supported individuals needs as part of SDS
- Guide people in the 4 options to live independently for as long as possible
- Provide information to people to manage their support and required outcomes, this includes follow up calls and visits

- Create membership of the Independent Living Association Forth Valley
- To protect people who may be at risk of harm
- Assist with the setting up of packages, enabling people to become employers and fulfil their legal & statutory duties as employers.
- Provide data and statistics to Local Authorities as part of our service level agreement,
- capture data from social and training events for the promotion of the service
- Help us plan and deliver better services

Why we hold the personal data we have?

We act on behalf of members of the public who have been assessed by social services and deemed to be in need of some aspect of support. SDS Forth Valley are also obligated to act on behalf of and in partnership with Falkirk, Clackmannan and Stirling Local Authorities provide this independent service

- Contact with people – a running commentary on the support given and sought
- Personal Identification information for getting in touch, understanding conditions and diseases they may be living with
- Aid recruitment
- Employment Law- contracts
- Support plans to aid Options in relation to Outcomes
- To report to Local Authorities regarding effectiveness and efficacy of funding investment as per contract
- Membership of ILA/SDS
- Training Events
- Invite to AGM
- Peer group development and involvement in organisation
- Staff details for employment
- Trustee information
- Passing to third partner parties as part of service provision – Payroll, Insurance. Service providers
- Feedback and updates to Local Authority personnel

We are a charity who provide independent guidance and support under The Social Care (Self-directed Support) (Scotland) Act 2013. The Act gives people a range of options for how their social care is delivered, beyond just direct payments, empowering people to decide how much ongoing control and responsibility they want over their own support arrangements. The Act places a duty on council's to offer people four choices as to how they receive their social care support

Key Legislation and standards are listed below

- Social Care (Self-Directed Support) (Scotland) Act 2013
- The Adults Support and Protection (Scotland) Act 2007
- Adults with incapacity (Scotland) Act 2000
- Equality Act 2010
- Human Rights Act 1998
- Health and Safety Act 1974
- Carers Act (Scotland) 2016
- Data Protection Act 2018
- Mental Health (Care and Treatment) (Scotland) Act 2003

As an **Independent Charity**, we are affiliated and report to

- OSCR
- Self-Directed Support Scotland

We report our performance to Falkirk, Clackmannanshire and Stirling local authorities. Our practice and standards are assessed by CVS, SDS Scotland and Local Authorities. Where data and statistics are provided for reporting reasons as part of our service level agreement, it is anonymised. This can also be for performance and improvement purposes.

What information do we collect?

We collect and document the following data to enable us to be effective in the service we provide. We also keep copies of your communications with us and our responses to be effective in the service we provide. The data we hold consist of

- Supported Individuals information we work with or provide a service to.
 - Name, Address, Postcode, Contact details, phone number, email address, date of birth, next of kin and their details, relationship, guardians, power of attorney, capacity to consent, family members, gender, sex,
 - Bank details, Insurance indemnity Number, other support organisations and contact details,
 - We may also collect information which describes conditions people are living with including mental and physical. Individual care and support needs, background to assessment and support, Care & Support Plans, hours of support, assessed packages in hours or financial budget, abilities and desired outcomes. Any medication requirements, language spoken and religious beliefs.
 - We keep and file copies of communications with us. We file copies of responses and guidance which may be verbal or written. This helps us monitor our performance, put improvement plans in place, provide continuity of support and provide opportunities for learning for the team.

- We receive CV's and application forms on behalf of clients which are passed on as part of "Becoming an Employer" support.
 - Social Worker contact details
 - Notes from support – running commentary
 - Sometimes we do hold bank details due to assisting with cases when issues occur, liaising between councils and payroll organisations.
 - Invoicing – contracts / training payments and receipts. Information comes into the office and leaves the office
- All physical / hard copy data is scanned and uploaded to our bespoke case records management (CRM) system - Agile Case. The physical / hard copy is then destroyed.
 - All uploading and downloading of documents within Agile Case takes place over secure SSL encrypted connections (using TLS 1.2 or higher). Documents uploaded to the platform are automatically assigned system generated, tokenised identifiers rather than retaining their original file names, reducing the exposure of potentially sensitive information. Access to upload or download documents is governed by strict role based access controls. Only authorised users are able to upload or retrieve documents.
 - Once stored within Agile Case, documents are encrypted at rest using industry standard AES-256 encryption. This ensures that data remains protected while stored on disk and cannot be accessed without appropriate authorisation and encryption controls. Stored documents reside within a private, logically isolated cloud environment and are protected by network security controls, audit logging, and continuous monitoring throughout their lifecycle.

We do take the controlling and processing of data seriously, ILA/SDS Forth Valley would like to assure you that the data we hold, process and control is proportionate to the service we provide. We will ensure that personal details are kept safe and secure and that our safeguards are effective. We train the team to handle information with the diligence and safety it deserves

Where do we collect information from?

We collect information from people using various methods, through email, by phone call, post and face to face from a variety of people and organisations. There are cases where we collect information from third parties, listed below.

- Falkirk Council employees
- Stirling Council employees

- Clackmannanshire Council employees
- NHS employees
- Falkirk Health & Social Care Partnership
- Clackmannanshire & Stirling Health & Social Care Partnership
- Members of the public, if they call seeking information/guidance.
- Payroll Companies (ICMS, Quill Accounts)
- Insurance companies (Fish, Mark Bates Ltd)
- Regulated Care and Support Providers
- Carer's Centre's throughout Forth Valley.
- Supported Individuals – including recruitment, applications assistance, the service we provide and carers.

Who might we share your information with and on your behalf?

- Falkirk Council employees
- Stirling Council employees
- Clackmannanshire Council employees
- NHS employees
- Falkirk Health & Social Care Partnership
- Clackmannanshire & Stirling Health & Social Care Partnership
- Members of the public, if they call seeking information/guidance.
- Payroll Companies (ICMS, Quill Accounts)
- Insurance companies (Fish, Mark Bates Ltd)
- Regulated Care and Support Providers
- Carer's Centre's throughout Forth Valley.
- Police Scotland

We do not share your information with anyone else, unless we are required to do so by law

We may check your information with the Local Authority for verification purposes and/or for the prevention of fraud. We may share your information with other organisations where we are asked to do so for the purposes of the avoidance or detection of crime.

Will we send your information out with the UK?

We do not transfer information out with the UK unless in matters stipulated in law.

How long do we keep hold of your information?

We keep your information for the amount stated below to enable us to provide the best service we can. Please refer to our Retention statement as part of our Data Protection policy.

Information we process	Length of time kept
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Information from service provided to Supported Individuals – Adults	5 years from creation, 3 years following death of an individual.
Information from service provided to Supported Individuals – Children	1. Last action = 5 years for both 2. Death

What are my rights in relation to the information held about me?

You have the following rights:

- To see any information held about you by making a subject access request
- To withdraw consent at any time, where the legal basis for processing is consent.
- To data portability, where the legal basis for processing is (i) consent or (ii) performance of a contract.
- To request rectification or erasure of your information, where data protection legislation allows this.

Do I have a right to complain about the way information has been used?

If you have a concern about the way we are collecting or using your personal data, please let us know and we will try to resolve this. If you are still concerned, you can contact the Information Commissioner:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF*

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Email: casework@ico.org.uk

Do I have to provide my personal data to you?

You do not have to provide information to us however we may not be able to provide you with a service. The information is required to fulfil contractual requirements. The guidance we provide enable you to be compliant with the laws in becoming an

employer or explore services that best suits your needs. If you are an employer or becoming an employer, there are consequences to failure to be legally compliant.

Do you use any automated processes to make decisions about me?

We do not use automated decision making processes in the course of our day to day processing of and working with data.