Privacy Notice

Adult Social Care: Rehabilitation Officers for Visual Impairment (ROVI) Service

When processing your personal, special category personal or criminal/law enforcement data, Cumberland Council ('the council') is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this Privacy Notice.

This notice explains what the council will collect, who it will be shared with, why we need it and how we will use it. The council will continually review and update this Privacy Notice to reflect service changes, feedback from customers and changes in the law.

The council is also required to comply with the data protection principles as laid out in the UKGDPR, to ensure that personal data is:

- processed lawfully, fairly and in a transparent manner
- collected for specific, explicit, and legitimate purposes
- adequate, relevant, and limited to the purposes for which it was collected
- accurate and up to date
- kept for no longer than is necessary for the purpose(s) for which it was collected
- secured using appropriate technical or organisational measures

Local Government Reorganisation (LGR)

On 1 April 2023, Cumberland Council replaced Allerdale Borough Council, Carlisle City Council and Copeland Borough Council, as well as services previously delivered by Cumbria County Council.

Local Government Reorganisation is a complex process and there will be a period of transition to allow for services and support systems to be securely transferred.

During this time existing arrangements for data processing will be maintained until they can be reviewed, and new Privacy Notices issued. Individuals wishing to understand more about how their data is processed should refer to the following Privacy Notices:

- Cumbria County Council
- Allerdale Borough Council

- Carlisle City Council
- Copeland Borough Council

Registration

As an organisation that processes large amounts of personal, special category personal or criminal/law enforcement data, referred to in legislation as a data controller, the council is required to register with the Information Commissioner's Office (ICO)

Name:	Cumberland Council
Address:	Cumbria House, 117 Botchergate, Carlisle, Cumbria, CA1 1RD
Registration Number:	ZB512758

The council's Registration Certificate

About the Service

The Rehabilitation Officers for Visual Impairment (ROVI) provide a service for adults who have a visual impairment. People may be categorised as sight impaired or severely sight impaired by an NHS consultant ophthalmologist.

Cumberland Council holds a register for people with sight impairment, this is referred to as the Sight Register. Inclusion on the Sight Register is voluntary and may entitle you to receive benefits and information about support services. (See Consent for details of how you can withdraw this consent)

Anonymous data can also be used to help the council know about the type of people with visual impairment to help shape services that they need and be inclusive in design. You can be offered services regardless of registration and they may include:

- advice and Information relating to your enquiry
- assessment of your needs and support planning to address those needs
- reviewing your care needs and support plan
- registering your sight impairment category on the Local Authority Sight Register and contacting you to ensure that your registration is accurate
- contacting you with relevant information that may be useful to you
- providing rehabilitation programmes i.e. orientation and mobility, activities of daily living and teaching of Braille
- compensatory advice or potentially provision of equipment, small adaptations, and or assistive technology
- to ensure that information about services is accessible where possible e.g. to ask if support could be given to assist with participation in electoral events

We will work with you and any carer or family member that you appoint for support, to achieve the outcomes that matter to you.

We will record any assessment of how you currently are and your needs and any support plan that may be written and share this with you, in a format that you or your nominated carer or family member can access. We will also record any contact that we make with you.

We are also responsible for keeping the Sight Register up to date for people who are sight impaired and severely sight impaired and wish to be registered with the council. To ensure that the data we hold remains accurate and relevant, registered individuals will be contacted every three years to update, amend or remove their details unless they have explicitly requested to remain on the register without a review. This would be decided by the person as their preferred option when their sight impairment is not likely to change and would be effective from the date that they inform the council. For individuals lacking mental capacity to make their own decisions, removal from the Sight Register will be balanced alongside any ongoing service requirements or best interest considerations.

Data Controller Arrangements

In most cases Cumberland Council is the data controller, however there may be instances where data is shared with another party as joint Data Controllers, or where the Council is operating as a data processor for another party.

What is personal data?

UKGDPR Article 4 defines personal data as: any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

What is special category personal data?

UKGDPR Article 9 defines special category personal data as: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What is criminal/law enforcement data?

The council is a competent authority as described in Schedule 7 of the Data Protection Act 2018 and is permitted to process data for law enforcement purposes that include: the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

What information does the council collect about me?

The **ROVI Service** is required to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust recommendations and decisions.

The **Personal Data** requirements are:

- name
- address
- telephone number
- date of birth
- contact details for members of your carers, family and support network

The **Special Category Data** requirements are:

- information about your racial or ethnic origin, religious or philosophical belief and your sexual orientation
- information about health conditions or disabilities that may apply to you including eye diagnosis and any impairments
- information about you and your circumstances
- information about relevant health and safety concerns
- information about your needs and wishes
- information about your finances, e.g., bank details, income, benefits

The **Criminal/Law Enforcement Data** requirements are:

- Not Applicable

How does the council collect data about me?

As part of this service the council will collect personal, special category personal or criminal/law enforcement data from you in the following ways:

- at point of contact, from yourself or others
- direct from the NHS in the form of a Certificate of Visual Impairment
- during assessments, Support Planning and Reviews, and during Rehabilitation Programmes
- via telephone, face to face contact, video call or electronic methods, or communication via the post

Why does the council collect my personal data?

The **ROVI Service** collects personal, special category personal or criminal/law enforcement data to enable it to:

- create a secure and comprehensive record of all of the work that we do with and for you
- contact members of your family and support network

- fully understand your needs
- promote your health and wellbeing in partnership where applicable with NHS Bodies
- arrange short/long term care solutions
- liaise with agencies, companies and charities on your behalf
- keep you safe from harm
- request and arrange installation of specialist equipment for you
- assess your financial contribution to your care
- work with you or your representative to create a Care and Support Plan
- details contained in your care records and conversations held
- analyse the service that we are providing

The sharing of information facilitates a joined-up approach with partner agencies, to provide you with the best possible care and support.

Who does the council collect personal data from?

To provide the **ROVI Service** personal, special category personal or criminal/law enforcement data may be collected from or about the following:

- businesses, customers and suppliers
- carers or representatives
- claimants
- complainants, enquirers or their representatives
- healthcare users
- landlords
- licence and permit holders
- offenders and suspected offenders
- patients
- people captured by CCTV images
- professional advisers and consultants
- recipients of benefits
- representatives of other organisations
- staff, persons contracted to provide a service
- councillors
- students and pupils
- traders and others subject to inspection
- witnesses
- speaking members of public at committee meetings, including virtual committee meetings
- other departments within the council

The **ROVI Service** may receive personal, special category personal or criminal/law enforcement data about you from the third parties mentioned above and other public bodies and organisations. In this case, we will tell you the source of the information unless we are unable to do so by law.

Who does the ROVI Service share personal data with?

Where there is a lawful reason to do so the **ROVI Service** may share personal, special category personal or criminal/law enforcement data with:

- Advocates, Deputies, Attorneys (LPA)
- Carers
- Central Government i.e. Department for Work and Pensions (DWP)
- Emergency Services i.e., Police, Fire and Rescue Service, Ambulance Service
- External Providers
- Family Members
- Housing Associations and Landlords
- Legal Representatives
- MPs, Members or Councillors
- 'Nearest Relative'
- NHS i.e., GP, Hospitals, Pharmacies
- Other Local Authorities
- Partner Agencies
- Regulators i.e., Care Quality Commission (CQC), Local Government Ombudsman (LGO), Information Commissioner's Office (ICO)
- Schools

We will also comply with requests for specific personal, special category personal or criminal/law enforcement data from other Local Authorities or regulatory and law enforcement bodies where this is necessary and proportionate. Before sharing we will always ensure that our partners have sufficient measures in place to protect your information in the same way we do.

We will never share your personal, special category personal or criminal/law enforcement data for marketing purposes, without your express consent.

Legal Basis

Where the **ROVI Service** identifies the requirement to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under UKGDPR Article 6
- for special category/sensitive data, a condition under UKGDPR Article 9
- for criminal/law enforcement data, a purpose under Data Protection Act 2018 - Schedule 8

If we are relying on consent to process your personal, special category personal or criminal/law enforcement data, you have the right to object at any time by contacting the service or officer the data was provided to.

If **personal data** is being processed the **ROVI Service** must select at least one legal basis from the list below:

- **UKGDPR Article 6(1) (a) Consent**

- **UKGDPR Article 6(1) (c) Legal Obligation**
- **UKGDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

Where the **ROVI Service** is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed below.

If **special category personal data** is being processed **ROVI Service** must select at least one condition from the list below:

- **UKGDPR Article 9(2) (a) Explicit consent**
- **UKGDPR Article 9(2) (b) Employment/social security and social protection**
- **UKGDPR Article 9(2) (c) Vital interests (where the data subject is physically or legally incapable of giving consent)**

If **criminal/law enforcement data** is being processed the **ROVI Service** must select at least one condition from the list below:

- **Not Applicable**

Relevant Legislation

- Care Act 2014
- Health and Social Care Act 2015
- Children's Act 1989
- Children and Families Act 2014
- Localism Act 2011
- Mental Health Act 1983 (Amended 2007)
- Mental Capacity Act 2005
- Homelessness Reduction Act 2017

Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: UK GDPR - Article 4(4) and further information can be found at: ICO - Automated Decision Making and Profiling

We **do not** use your information for automated decision-making or profiling purposes.

CCTV and Surveillance

We operate surveillance equipment within some of our services for the purpose of either, public and staff safety, or the prevention and detection of crime. CCTV is also installed on the outside of some of our buildings for the purposes of monitoring building security and crime prevention and detection.

Civil Enforcement Officers (CEOs) who undertake the enforcement of Public Space Protection Orders (PSPO) and parking restrictions, are each equipped with a Body Worn Video Device (BWVD), which has both video and audio recording capability.

Images captured by CCTV will be kept in accordance with the council's Retention and Disposal Schedule. However, on occasions there may be a need to keep images for longer, for example where a crime is being investigated. Images can be requested by writing to: dataprotection@cumberland.gov.uk

We will only disclose images and audio to other authorised bodies who intend to use it for the purposes stated above. Images and audio will not be released to the media for entertainment purposes or placed on the internet for public viewing.

We operate CCTV and disclose in accordance with the codes of practice issued by the Information Commissioner and Biometrics and Surveillance Camera Commissioner.

Please note: From 1 April 2023, for a transitional period, individuals wishing to make enquiries about the deployment of CCTV and Surveillance, should in the first instance search the relevant council website, as listed below:

- Cumbria County Council
- Allerdale Borough Council
- Carlisle City Council
- Copeland Borough Council

Once new systems and processes have been agreed and implemented, they will be made available via the Cumberland Council website.

National Fraud Initiative/Data Matching

The Council participates in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise. For further information please see: National Fraud Initiative: Public Sector Data Requirements.

For further information on how your data is processed by the council please see:

- Cumbria County Council
- Allerdale Borough Council
- Carlisle City Council
- Copeland Borough Council

Elected Members

In order for Elected Members to act on your behalf and resolve the issues you have raised they may need to collect some personal, special category personal or criminal/law enforcement data. This could include your name and address, and/or sensitive personal data, which could be concerning your health or ethnic origin.

In some circumstances your explicit consent may be needed to allow for the processing of your data. If this is needed the relevant Elected Member will contact you directly.

Elected Members will:

- only share data with the organisations necessary to deal with your enquiry i.e., different council departments, and to resolve any issues you have raised
- not share your data with third parties, unless it is required for law enforcement purposes to prevent or detect crime, to protect public funds or where required or permitted to share data under other legislation
- keep your data secure using the council's secure IT and email systems
- retain/destroy your data in accordance with the council's Retention and Disposal Schedule

You have the right to access your personal, special category personal or criminal/law enforcement data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances.

You can withdraw your consent for your personal, special category personal or criminal/law enforcement data to be processed as described above at any time. If you would like this to happen or you have a complaint about how your data is handled, please contact your Elected Member.

If you are not satisfied with the response or believe the Elected Member is not processing your personal, special category personal or criminal/law enforcement data in accordance with the law you can complain to the Information Commissioner's Office (ICO).

Data Transfers

It may sometimes be necessary to transfer personal, special category personal or criminal/law enforcement data beyond the UK to comply with legal or other obligations.

Where data is required to be transferred to the European Union or other adequate countries the council will ensure that all relevant safeguards are in place before this takes place and that all aspects of the UKGDPR/Data Protection Act 2018 are complied with.

Data requested for transfer to non-adequate countries will be subject to a Transfer Impact Assessment, that includes the identification of appropriate safeguards prior to data being authorised for transfer.

Data Security and Retention

The council is required by UKGDPR Article 32 to ensure that appropriate organisational and security measures are in place to protect your personal, special category personal or criminal/law enforcement data.

Security measures include: anonymisation, pseudonymisation, encryption, access controls on systems, regular testing of our systems, security training for all employees. You can find further information in the following documents:

- Information Security Policy
- Data Protection Policy
- PSN Connection Compliance Certificate

If you access information online, the council website does not store or capture personal information, but merely logs a number called your IP address which is automatically recognised by the system. The system will record personal information if you:

- subscribe to or apply for services that require personal information
- report a fault and give your contact details for us to respond
- contact us and leave your details for us to respond

For further information visit our Cookies Policy.

Cumberland Council will only store your information for as long as is legally required in accordance with the council's Retention and Disposal Schedule or in situations where there is no legal retention period established best practice will be followed.

To help you understand the Schedule the council has published a Retention Schedule - Quick User Guide.

If you have any questions about the Schedule or the Quick User Guide, please contact record.centre@cumberland.gov.uk.

If you experience any problems in relation to your personal data or you see something that doesn't look right, contact the council by email at: databreaches@cumberland.gov.uk.

Contacting the Council

Emails

If you email us, we may keep a record of your contact and your email address and the email for our record keeping of the transaction. We suggest that you keep the amount of confidential information you send to us via email to a minimum and use our secure online forms and services. Where available, you can sign up for email alerts for selected services using an external service from GovDelivery, with control over your preferences.

Telephone Calls

The council will inform you if your telephone calls are being recorded or monitored and will not record any financial card details if you make payments by telephone.

Your Rights - Data Subject Access

The UKGDPR provides you with the right to access the personal, special category personal or criminal/law enforcement data the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable

We will not disclose:

- any information that relates to a third party as this will breach their rights under UKGDPR/Data Protection Act 2018
- where a professional thinks disclosure would cause serious harm to you or someone else
- information that may hinder the prevention or detection of crime.

Individuals wishing to make a subject access request should follow the guidance on the Cumberland Council website.

Your Rights - Other

In addition to your right of access the UKGDPR gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data, then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information. Where your personal data has been shared with others, we will ensure those using your personal data comply with your request for erasure.
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal, special category personal or criminal/law enforcement data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on - in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal, special category personal or criminal/law enforcement data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: dataprotection@cumberland.gov.uk
Post: Cumbria House, 117 Botchergate, Carlisle, Cumbria, CA1 1RD

Verifying Your Identity

When exercising the rights mentioned above, please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you have concerns about the way the council has processed your data, please contact:

Email: dataprotection@cumberland.gov.uk
Post: Cumbria House, 117 Botchergate, Carlisle, Cumbria, CA1 1RD

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO)