

Your information and how we use it

Our guarantee about your social care record

Why we need your personal information and how we use it

As a local authority, by law we have to provide or arrange social-care support for those most in need in the community. If you ask us for support we have to:

- assess your needs (and the needs of your carer if they ask us); and
- work out whether you qualify for financial help from us for your support.

To do this, we must hold records about you and your personal circumstances, and about the support you receive or may need in the future. We guarantee to use your personal records only in ways that respect your rights and promote your health and wellbeing. For example, we use records about you to:

- agree with you what support you need;
- make sure your support is safe and effective;
- work with others who are involved with your support; and
- investigate any concerns or complaints you have .

The law says we must keep full and accurate records of the support we provide or arrange for you, and keep those records confidential, secure and accurate. Because it is good practice, we will also:

- discuss and agree with you what we will record about you;
- show you what is written and recorded about you;
- ask for your permission to share information with others involved with your support (such as your GP, care workers, health staff or voluntary organisations); and
- make sure you understand what has been shared, with whom and why.

We will make sure that our staff – and anyone else providing you with support – understand about keeping your information confidential and always follow the rules.

We will correct our records if you tell us we have made a mistake. If we have written anything you are unhappy with, we will record your comments. If you are experiencing serious distress or harm as a result of information in your record, you can ask us to remove or alter it.

You can choose not to give us permission to share your records with others. This will not stop you from getting support but may limit what we can offer you. We will discuss the options with you.

At some time, we might ask your permission to use records which could identify you, so that we can carry out research. We will always explain why we are doing the research. If you can give us permission to use your records it may help us to improve our service in future, but you do of course have the right to refuse permission for your information to be used in this way.

Sharing your information with others

We will only share information with the people you have agreed can see it. We will only give them the information they need to provide your support, or check on its quality. They must also keep the information confidential. We will keep a record of everyone who has permission to see the information, and what information has been shared with them.

You decide who can see your information and how much of it. If you decide to give access to, for example, your insurers, mortgage lender, employer or solicitor, you should be sure that it is necessary, and that they have access only to what they need to know.

We will take action if anyone tries to look at your record without permission or without a good reason. This could include disciplinary action against an employee, ending a contract with a provider, dismissing an employee, or criminal charges.

When we might have to use or share information without asking you

Your confidentiality is always a priority, but there are some situations where we might have to share information without asking you.

For example:

- If we must provide information by law, for example under a court order, or in cases involving mental-health law.
- If a serious crime has been committed.
- If there are serious risks to the public, our staff, or staff of other organisations.
- If you need emergency care.
- If there is a serious risk to your safety or you are at risk of being harmed, though we would always try to get your permission to tell others about your situation.

There may be rare occasions when the risk to others is so great that we need to share the information straight away. If that happened we would record exactly what we had done and tell you about it as soon as possible.

Normally, you are the only person who can decide how your information can be shared. However, if you are not able to make those decisions, the professionals involved in your care may decide that sharing the information will be in your best interests. They must take into account the views of your family and carers.

You can choose someone to take decisions on your behalf if you are unable to do so. This is called a 'Lasting Power of Attorney'.

Electronic social-care records

Like all local authorities, we are increasingly keeping records electronically on specially-designed computer systems that will keep your information secure.

Everything we say about your personal information and records applies equally to paper documents or to electronic records.

You can ask to see your information

Normally you should be able to ask the people who provide you with a service to let you see the information they keep about you. You can ask to see your records through the member of staff you are in contact with.

Although we will always keep you up-to-date with what is in your records, you have the right to ask to see all the information we have about you and your support. If you cannot ask us in writing, we will make sure there are other ways you can apply.

If you ask to see your records we must normally give you access to everything we have recorded about you. However, we will not do this if your records contain:

- confidential information about other people; or
- information that a care professional thinks will cause serious harm to your physical or mental wellbeing, or someone else's.

When you contact us, we will reply as quickly as possible and certainly within 28 days. We will tell you when and where you can see your records.

You can also ask to see your information using your rights under the Data Protection Act 1998. This is called a Subject Access Request.

You can make a request yourself, or you can ask someone else – your carer, for example – to do it on your behalf.

If you want to make a Subject Access Request to see your information, please contact:

Data Protection Officer
East Sussex County Council
County Hall
St. Anne's Crescent
Lewes
BN7 1UE
Phone: 01273 482913
Email: foi@eastsussex.gov.uk

Or, you can fill in an online Subject Access Request form by visiting www.eastsussex.gov.uk/foi

Even if you no longer have any contact with us, you are still entitled to see the information we have about you. Please contact Social Care Direct, our customer contact centre, who will put you in touch with the right person.

Social Care Direct

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Eastbourne
BN21 3UU
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