

**Service Area: Deputyship Service
Directorate: Finance and Resources, Customer Support
PN-231**

April 2024

The **Deputyship Service** is part of Nottingham City Council, who are the data controllers for the personal data (or personal information) that we process about you. When we process personal information relating to you, we will only do so when it is necessary and where we have a lawful reason to do so.

We will use the information provided by you for a number of reasons, depending on the service or reasons for interacting with you. This includes:

- The Deputyship Service manages the financial affairs and property of Nottingham citizens who have been assessed to lack mental capacity under the Mental Capacity Act under a Deputyship Order granted by the Court of Protection or as the Corporate Appointee appointed by the Department for Works and Pensions
- The Deputyship Service will use the information in carrying out its requirements as Deputy or Appointee in managing all aspects of your financial affairs and property. This may involve sharing your information with third parties as necessary, such as the DWP, Local Authority Benefit and/or Council Tax Departments, financial advisers, Office of the Public Guardian, care and support providers, probate genealogists and family.

When we process your personal information, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

What personal information will the Council process?

The information that we collect about you to fulfil the purposes, objectives, or to deliver the services outlined above relates to your:

- Name, address, date of birth, national insurance number
- Financial information including; all income, outgoings, debts; bank accounts, savings, investments, property and other assets.

- Court of Protection documentation and Office of the Public Guardian reports and correspondence.
- Contact details about your circle of care: care and support provider, care home, family members, next of kin, partners, children, friends, landlord, GP, other medical professionals, other professionals involved in your care i.e. social workers or community psychiatric nurses.
- All activity relating to your case (conversations, meeting records, letters, statements) contained in case notes / running records and saved within Nottingham City Councils Servers.

The information provided by you will include the following 'special categories of personal data':

- Physical or mental health

Lawful basis for processing

The basis under which we use your personal information for these purposes is that this is necessary for the performance of a task carried out in the public interest by the Council and in the exercise of official authority vested in the Council.

The condition under which we process 'special categories of personal data' is that such use is necessary for reasons of substantial public interest (the Safeguarding of economic well-being of certain individuals) and in accordance with the provisions of the UK General Data Protection Regulation and the Data Protection Act 2018.

Will my information be shared with other organisations or used for other purposes?

The Council will only share your personal information with other departments within the Council, and with other organisations when it is necessary to provide the services to you, and when we have a lawful reason to do so. The Council may also share your information when we are obliged to by law.

In relation to this service, the Council will share your personal information with:

- The Department of Work and Pensions: for the purpose of claiming benefits
- Other Departments within Nottingham City Council or another Local Authority: such as Housing Benefit, Council Tax, Financial Assessments Teams (who assess and collect contributions you are required to pay towards your package of care and support) Legal Team, and other Adult Social Care Teams (such as Direct Payments, Social Care Teams).
- Care and Support Providers: who are involved with providing your day-to-day care and/or accommodation.
- Office of the Public Guardian: to provide annual reports and respond to any questions about your case. This may include sharing information with Court of Protection Visitors if your case is selected for review.

- Court of Protection: for any court applications that need to be made.
- Solicitors: if we need to instruct one in relation to a legal matter on your case.
- Independent social workers or specialist assessors: for the purpose of completing visits to you or carrying out capacity assessment and/or best interest decisions.
- Landlords or mortgage providers: where we are managing your property.
- Creditors: for example Utility companies or entertainment companies, or where you have debts that need to be managed.
- Financial Advisers: Where we need to seek financial advice to managing your capital and assets.
- Probate Genealogists: where we need to trace family or next of kin.

The information provided by you may also be used for the purpose of any other function carried out by the Council. This may include sharing your information across the Council, or with external organisations. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

Do I have to provide the information?

You are not obliged by statute to provide the information that is specified here. However, if you do not provide the information we require, we will not be able to provide you with a Deputyship Service.

How long will the Council retain the data for?

The information that you have provided will be kept whilst we have an active case for you, and in most cases for 7 years after we cease to provide a Deputyship Service to you.

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Information Rights

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information

- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House
Station Street
Nottingham
NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .