**Sandwell Metropolitan Borough Council Privacy Notice in relation to the Adult Social Care (ASC) Client Level Data (CLD) Return**

|  |  |
| --- | --- |
| What data is being processed | The Adult Social Care (ASC) Client Level Data (CLD) return is a collection relating to vulnerable adults and unpaid carers and activity data in respect to requests for support, assessments, services, and reviews. It also includes cost information for services provided.  The personal and personal sensitive data processed as part of the ASC CLD specification includes:  NHS Number, Forename, Surname, date of birth, date of death, gender, ethnicity, primary reason for support and health conditions.  **September letter to directors of Adult Social Services and contacts for national data collections**  <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/social-care-collection-materials-2023/september-letter>  **Adult Social Care Data Collections Data Provision Notice**  <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/adult-social-care-collections>  **ASC CLD Specification**  <https://www.ardengemcsu.nhs.uk/adult-social-care-client-level-data/#:~:text=Release%201%20(valid%20from%201%20April%202023)&text=Early%20publication%20of%20Release%201,period%2C%20Apr%2DJun%202023> |
| The purpose of the processing | **Purpose**  To assist Local Government and Clinical Commissioning Groups in fulfilling their statutory functions. For example, functions of local authorities under Part 1 of the Care Act 2014, such as:   1. Monitoring, at a population level, particular cohorts of service users and designing analytical models which support more effective interventions in health and adult social care 2. Monitoring service and integrated care outcomes across a pathway or care setting involving adult social care 3. Developing, through evaluation of person-level data, more effective prevention strategies and interventions across a pathway or care setting involving adult social care 4. Designing and implementing new payment models across health and adult social care 5. Understanding current and future population needs and resource utilisation for local strategic planning and commissioning purposes including for health, social care and public health needs.   Under the Direction, NHS Digital will also analyse and use the data for discovery and development purposes to enable an understanding of the data items and definitions recorded within the IT systems of CASSRs, and to support the development of a future England-wide mandatory collection of data. |
| The lawful basis for the processing | **Legal basis**  Directions given by the Secretary of State for Health requiring NHS Digital to establish and operate a pilot system for the collection and analysis of client-level adult social care data from participating local authorities, and provide the mandatory information specified, to support local health and care systems.  Sections 254(1) and (6), 260(2)(d), 261(3), 262(3)(b), 262(7) and 304(9), (10) and (12) of the Health and Social Care Act 2012 and Regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013.  The Collection of Client-Level Adult Social Care data Direction issued by the Secretary of State on 19/09/2017 will be revoked once the new collection is operational and its provisions fully meet the requirements set out in the 2017 Direction, as determined by the Department of Health and Social Care.  This Direction came into force 7 December 2020.  Further details:  <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/secretary-of-state-directions/collection-of-client-level-adult-social-care-data-no-2> |
| The legitimate interests for the processing | Sandwell Metropolitan Borough Council is fulfilling its information obligations to government e.g. statutory data returns and of NHS Digital in fulfilling its remit and obligations to publish analysis reports and data for the wider health and care system to improve the health and well-being of people in England under the Health and Social Care Act 2012. |
| The recipients, or categories of recipients of the personal data | The ASC CLD data described in the Direction, DPN and DSA will be shared with the following organisations. The data shared to these organisations will not be identifiable.  [Arden&GEM](https://www.ardengemcsu.nhs.uk/) Data Services for Commissioners Regional Office (DSCRO)  [NHS Digital](https://digital.nhs.uk/)  [Department of Health and Social Care (DHSC)](https://www.gov.uk/government/organisations/department-of-health-and-social-care)  Organisation can make a Data Access Request to access CLD and these are listed on the NHSD DARS registry  <https://digital.nhs.uk/services/data-access-request-service-dars/data-uses-register> |
| The rights available to individuals in respect of the processing & The right to withdraw consent | The data provided by the LA is mandatory and a legal obligation under the Health and Social Care Act 2012. There is no requirement for the LA to obtain consent and no opportunity for individuals to opt-out or withdraw their consent. |