



**OXFORDSHIRE
COUNTY COUNCIL**

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Guidance for Foster Carers on looking after personal information

This booklet is provided to help you understand what is required when handling personal information in your role as a foster carer. In it you will find practical advice on what the Data Protection Act means and how to ensure that you comply with its requirements.

The Data Protection Act 1998

The Data Protection Act 1998 is a piece of legislation that is designed to protect anyone whose personal information is being held and used by an organisation such as the county council. It doesn't matter how the information is being held in - paper, electronic, CCTV or audio recording etc. - the Act will apply to it.

What is Personal Information?

Personal information is anything that is about a living individual and from which the individual it is about can be identified. It is safest to assume that all information about a child or young person who is being cared for is personal information.

In your role as a foster care you will be using what the Act terms 'sensitive' personal information, which includes things such as physical or mental health. The Act requires that this type of information is subject to the highest levels of protection.

Almost all use of personal information, such as collection, storing, using and even disposing of it, is subject to the requirements of the Act.

How does the Data Protection Act affect me?

As a foster carer working within the councils Foster Carer Agreement you need to use personal information for which the county council is responsible. You will regularly both be sent and produce personal information so that you can provide the best possible support to children and young people in your care. Whilst the county council has overall responsibility for ensuring that this information is kept safe and is used correctly, as a foster carer using council sensitive information you also have a responsibility to comply with the requirements of the Act to ensure that you keep the information of those you provide care for safe.

Data Protection and the rights of the data subject

The Act gives Data Subjects, i.e. those who we are holding personal information on, the following rights:

- To be told what personal information is being held and what it is being used for.
- To have access to the personal information.
- To have any inaccuracies corrected.
- To receive compensation where damage and distress by failure to comply with the Act is proven.

If you receive a request for access to the information from anyone other than the person who the information is about you should pass the request on the council.

There is no formal guidance available on when a young person is deemed to have the capacity to understand the concept of privacy and sharing and be able to make such a request or provide consent but the council has agreed that anyone under 12 will not have the necessary understanding, anyone over 15 should, and in between these ages they need assessing in order to determine this.

Sharing personal data

Sharing means passing personal information, for whatever reason, to another person/organisation. Under the Act personal information can be shared legally under the following circumstances:

- In order to help provide care, i.e. with a GP or teacher.
- To protect vital interests - safeguarding/child protection.
- If there is a legal requirement to do so, e.g. on receipt of a court order.
- With the Police in order to prevent crime.
- With the consent of the person the information is about.

If you receive a request to share personal information contact your supervising social worker or team manager, or the Emergency Duty Team if out of hours and urgent.

Before sharing you must confirm the identity of those who will be receiving it before any sharing can take place. For example you shouldn't give out information over the phone unless it is urgent, and unless you either know the caller or you have rung them back using a telephone number obtained independently.

Information Security.

Sensitive information must always be protected from loss and inappropriate disclosure. Below are some useful do's and don'ts when handling such information:

Do not:

- Leave sensitive information unattended - lock it away when no longer being used
- Allow sensitive information to be seen by anyone who doesn't need to see it.
- Discuss personal information where you can be overheard by someone who doesn't need to know about it.
- Save any sensitive information to your own personal computer, tablet, phone or other equipment.

Do:

- Lock sensitive information away when not in use.
- Set up a password or PIN to control access to any PC, tablet, phone etc. used to handle sensitive information, i.e. when received by e-mail.

- Lock the equipment when leaving it unattended (on PC's using the Ctrl, Alt and Delete keys, plus Return).
- Keep details of any PIN's or passwords safe, and not with the equipment it allows access to.
- Apply strict 'need to know' to any sharing of sensitive information.
- Dispose of sensitive information that is no longer needed securely - i.e. by shredding or returning to the council.
- Only remove personal information from your home if absolutely necessary.
- Ensure that any personal information that has to be taken out is kept out sight at all times.

Use of e-mail

Egress Switch (or other secure e-mail that may be provided in future) must always be used if sending personal information in an e-mail.

Use of Faxes

Fax machines must not be used to send sensitive information unless this has been agreed with the county council.

Security Incidents

If sensitive information is ever lost, stolen or compromised in any way the incident should be reported to the council as soon as possible. This will allow measures to be taken to limit any damage that could result from the breach, and allow lessons to be learnt so that a similar incident is less likely to happen again.

Need more advice or assistance?

If you need any help concerning any of the above please contact your supervising social worker in the first instance.