

Working Well Update

When you started on the Working Well Programme, your Caseworker should have gone through an information leaflet, which explained fully how your information will be used for the Working Well Programme. Then they will have asked you to sign a consent form about the organisations they may share information with.

What the Law says about protection of personal information

The Law on Data Protection can be found in a number of places. These include the Data Protection Act and the incoming General Data Protection Regulation (the 'GDPR') which will come into force in May 2018. The GDPR states that personal data can only be processed if there is a legal ground to do so. Activities like collecting, storing and using personal information, as we do on the Working Well Programme would fall into the GDPR's definition of processing. The GDPR provides six legal grounds (reasons) under which personal information can be processed (used) in a way that is lawful. For the processing to be permitted by law (lawful), at least one of the legal grounds must apply. These new changes to the law mean that Trafford Council as the Data Controller can't use your consent as the legal grounds to use your data.

What legal ground will you be using instead?

For the purposes of providing the services you receive as part of the Working Well Programme we would be looking to use the following legal grounds for processing personal data:

Article 6 – 1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

For using "special categories of data" (sensitive data) we will be using the following legal grounds:

Article 9 – 2(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject

Article 9 – 2(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

Article 9 – 2(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional

For undertaking research we will also be using:

Article 9 – 2(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

What does this mean for me?

The change to legal grounds Trafford Council use to use your data will not change how we work with you or how we look after your data. If you have previously asked us not to share your data with organisations. Or if you did not want to be part of the research, we will respect your existing objections unless to tell us otherwise.

We will continue to:

- securely store your data and make sure that only people that need to use your data are allowed to see it;
- only share the minimum amount of data necessary;
- work with the same programme partners that you have been told about already;
- provide you with access to your data if you request it;

You will still be in control of your data and can ask us to change your preferences as to how we use your data anytime by speaking with your Caseworker.

