



Privacy notice: deputy supervision

Purpose

This privacy notice sets out the standards that you can expect from the Office of the Public Guardian (OPG):

- when we request or hold personal information ('personal data') about you
- how you can get access to a copy of your personal data
- what you can do if you think the standards are not being met

OPG is the data controller for the personal information we hold.

OPG collects and processes personal data for the exercise of its own and associated public functions. This includes Supervision of Court appointed deputies, investigating safeguarding concerns raised by third parties, and responding to complaints.

About personal data

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include information about finances, benefit entitlement or medical conditions.

We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent. This applies to the client, deputy and any third party concern raisers.

Any information received, from any source, can form part of a court application.

Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. This may include:

- reviewing the report of a court appointed deputy
- arranging a visit by a Court of Protection visitor
- offering guidance and support to deputies and answering queries
- processing a fee payment or application for remission or exemption of fees
- investigating any safeguarding concerns of a vulnerable adult

Purpose of processing and the lawful basis for the process

The information is processed so that OPG may carry out their lawful duties as set out in the Mental Capacity Act (MCA) 2005. The MCA states that the Public Guardian must, among other duties, establish and maintain a register of orders appointing deputies, supervise court appointed deputies and that for the purpose of carrying out these functions may examine and take copies of health records, records held by a local authority or any records held by a person registered under the Care Standards Act 2000.

Failure to comply with the reasonable directions or requests of OPG in the exercise of these functions may result in an application for the removal of the appointed deputy.

Who the information may be shared with

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we will comply with all aspects of the data protection laws. The organisations we share your personal information with include:

- Department for Work and Pensions (DWP)
- Court of Protection
- Court of Protection visitors
- Solicitors Regulation Authority
- the police
- the Local Authority or social services
- court approved bond provider
- Notify and Web service provider
- other government agencies
- prisons or probation services.

This list is not exhaustive and any decision to share information will be made on a case-by-case basis.

Although we make every attempt to protect your rights, under certain circumstances we have a legal duty to share your information, even if you do not consent. This might include prevention or detection of crime, interests of counter terrorism, safeguarding responsibilities including child protection.

Court appointed deputies are offered a free newsletter which we will only sent out with your consent.

If you agree to receive this your name, address and email address will be shared with a third party publishing company, CDS, in order to send our InTouch newsletter.

You can ask to be removed from this mailing list at any time by contacting us, and we will offer you the option to withdraw your consent with every correspondence.

Details of transfers to third country and safeguards

It may sometimes be necessary to transfer personal information overseas. When this is needed information may be transferred as necessary. Any transfers made will be in full compliance with all aspects of the data protection law.

Retention period for information collected

Information collected for the supervision of a court appointed deputyship will be held for seven years after the date the file is closed, either due to the client's death or the client regaining capacity.

Access to personal data

You can find out if we hold any personal data about you by making a 'subject access request'. See more information on making a subject access request at:

www.gov.uk/government/organisations/office-of-the-public-guardian/about/personal-information-charter

To request this information by post, please send your request to:

OPG information assurance
PO BOX 16185
Birmingham
B2 2WH

Under certain circumstances some or all of the information requested under a subject access request, may be withheld. This might include, but is not limited to:

- disclosing information about another individual
- information shared with the police or other government agencies whereby disclosing this may impact criminal or taxation investigations
- any information relating to the physical or mental health conditions of an individual that has been made by or on behalf of a health professional
- information passed to or received from social services may be restricted if it would likely prejudice the carrying out of social work by causing serious harm to the physical or mental health or condition of the requester or any other person

When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive:

- you can withdraw consent at any time, where relevant
- you can lodge a complaint with the supervisory authority
- protect it and make sure no unauthorised person has access to it
- only where appropriate and necessary share it with other organisations for legitimate purposes
- make sure we don't keep it longer than is necessary

- not make your personal data available for commercial use without your consent
- consider your request to correct, stop processing or erase your personal data

You can get more details on:

- agreements we have with other organisations for sharing information
- circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics
- our instructions to staff on how to collect, use or delete your personal information
- how we check that the information we hold is accurate and up-to-date
- how to make a complaint
- how to contact the Ministry of Justice Data Protection Officer

For more information about the above issues, please contact us:

OPG information Assurance
PO Box 16185
Birmingham
B2 2WH

Or alternatively you can contact:

MOJ Data Protection Officer:
Post point 10.38
102 Petty France
London
SW1H 9AJ

For more information on how and why your information is processed please see the information provided when you accessed our services or were contacted by us.

Data Protection Officer

If you have any concerns about how the OPG is handling your personal data, you may contact the Data Protection Officer (DPO).

The DPO provides independent advice and monitoring of our use of personal information.

You can contact the Data Protection Officer at:

Amie Alekna
Data Protection Officer
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Complaints

When we ask you for information, we will keep to the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection.

You can contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk