

Privacy Notice

Local Authority Social Work Services Staffing Return 2022

Background to this data collection

Under the Regulation of Care (Scotland) Act 2001, the Scottish Social Services Council (SSSC) has a delegated statutory duty to produce workforce information on the social services workforce. In June 2012 the Scottish Parliament approved the SSSC as a producer of Official Statistics specifically in relation to the production of the annual social services workforce data report. The SSSC is a Data Controller and a Public Authority for the purposes of the data protection legislation.

As part of the above duties the SSSC is collecting information on individual posts in Local Authority Social Work Services Departments (or equivalent) and the staff filling those posts. Local authorities are requested to collect this information for staff who were employed by the local authority in December 2022, and for staff who were employed in December 2021 but who were not employed in December 2022, and will supply the information to the SSSC by 3rd March 2023. Local authorities who do not provide information by this date may be excluded from the annual workforce data and MHO reports and our other statistical outputs that feed into national planning activities.

This data collection is known as the annual Local Authority Social Work Services (LASWS) Staffing return.

What data is being collected?

As has previously been the case the data gathered in the LASWS staffing return includes personal characteristics about the staff employed (e.g. date of birth). The name of the staff will not be included in the return, and the SSSC does not use any identifiable information to take any action in relation to individual staff, nor are individual staff identified in any reports. The return is a person-in-post level return, so some data refers to characteristics of the post and some data refers to the personal characteristics of the staff member holding that post.

The personal characteristics collected in the return are:

- Gender
- Ethnic Group
- Disability
- Religion
- Date of Birth
- Nationality (broad classification)

All of these data items have codes to account for the information not being known or disclosed by staff members.

A complete list of data items in the return can be found at:

<https://data.sssc.uk.com/what-we-do/lasws-survey-materials>

What is the lawful basis for processing the data?

The SSSC processes all formats of personal data in compliance with the principles and safeguards set out in the data protection legislation. The data protection legislation comprises:

- (a) The General Data Protection Regulation (GDPR)
- (b) The applied GDPR
- (c) The Data Protection Act 2018 (the Act)
- (d) Regulations made under the Act and
- (e) Regulations made under section 2(2) of the European Communities Act 1972 which relate to the GDPR or the Law Enforcement Directive.

Article 6(1) of the GDPR provides the lawful bases for the processing of personal data. The SSSC will process the personal data collected in reliance upon the lawful basis set out in Article 6(1)(e):

- the 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.

Under section 8(c) of the Act reliance on this lawful basis includes processing of personal data that is necessary for the exercise of a function conferred on a person by an enactment or rule of law. The SSSC has a delegated statutory function in terms of section 58 of the Regulation of Care (Scotland) Act 2001 to produce workforce information on the social service workforce and is a legally specified producer of Official Statistics, specifically in relation to the production of the annual social services

workforce data report. It is necessary to process the collected data in order that the SSSC can carry out these functions effectively.

Some of the data collected and processed is special category data. Article 9 of the GDPR provides the lawful bases for the processing of special category data. The SSSC will process the special category data collected in reliance upon the exception set out in 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.

Under section 10 of the Act processing only meets the requirements of this exception if it meets a condition in Part 1 of Schedule 1. The processing is necessary for archiving and statistical purposes, will be carried out in accordance with Article 89(1) of the GDPR (as supplemented by section 19), and is in the public interest. It therefore meets the condition set out in Paragraph 4 of Part 1, Schedule 1 of the Act.

Will the data be shared with any third parties?

Data may be disclosed to other agencies/researchers for statistical or research purposes only. Any such disclosures will be approved and controlled by the Scottish Social Services Council's Data Controller.

Data is transferred to the SSSC using a secure upload facility on our data website. This is currently hosted by MTC Media Ltd.

How will the information be used?

The SSSC will use the data for workforce intelligence and workforce planning; for informing policy developments; for monitoring progress in relation to National Outcomes; and to assist local authorities' own performance management.

The data will be used to produce aggregate outputs on an annual basis, including:

- The Workforce Data Report and its associated products
- The LA Posts data file
- The Social Worker Tool
- The Mental Health Officer (MHO) Report and the MHO data time series

The collection, transfer, processing and sharing of local authority social work services staffing data is done in accordance with the data protection legislation, the Code of Practice for Official Statistics and other legislation related to safeguarding the confidentiality of data on individuals.

Period of time we will store the data for

The data will be stored indefinitely as a statistical archive.

What rights does the data subject have?

The data protection legislation sets out exemptions from some of the rights and obligations in some circumstances. Because all of the personal and special category data collected is processed for archiving or statistical purposes and on the basis of the performance of a public task many individuals' rights do not apply. If they did, it would prevent or seriously impair the achievement of the SSSC's functions. The derogations from individuals' rights are provided for in Article 17(3)(b) and paragraphs 27 and 28 of Part 6, Schedule 2 of the Act. Individuals do have the right not to be subjected to automated decision making. The SSSC will not, however, process the data in this way.

A data controller must facilitate the exercise of data subject rights unless it can demonstrate it is not in a position to identify the data subject (even if the data subject provides additional information enabling his or her identification). Due to the nature of the data it may not be technically feasible to identify individuals definitively.

Individuals can complain to the Information Commissioner's Office (ICO) or another supervisory authority if they think that we have not complied with the General Data Protection Regulation in our processing of their personal data.

How can you get more information about this data processing?

If you have any queries regarding the LASWS staffing return or would like more information about the general work of the Workforce Intelligence team please contact:

Mike Docherty
Workforce Intelligence Manager
mike.docherty@sssc.uk.com
07788 514731

For any legal queries about this data processing please contact:

Anne Garness
Data Protection Officer
informationgovernance@sssc.uk.com
01382 721941

The postal address for the SSSC is:

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