Privacy Notice: Use of Magic Notes

This privacy notice sets out how West Berkshire District Council (the "**Council"**) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice explains what personal data (information) Adult Social Care hold about you, how we collect, how we use and may share information about you when recorded using the Magic Notes tool within Adult Social Care. We are required to give you this information under data protection law.

This notice relates to personal data collected by Magic Notes. We will use this information to process personal data by recording, transcribing and summarizing meetings through the use of Magic Notes, a generative Artificial Intelligence (AI) tool.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: April 2025

Update History:

	First issue of a new Privacy Notice

Directorate: People (Adult Social Care and Public Health)
Service: Adult Social Care

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
https://ico.org.uk/ESDWebPages/Entry/Z6825178

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
www.westberks.gov.uk/dpofficer

THE PERSONAL DATA WE HOLD ABOUT YOU

This document describes how and why we collect, store, protect, process and share the data you give to us. We collect personal data to help us work with you and to understand, plan and provide the Adult Social Care services you need.

WHO IS COLLECTING AND USING YOUR PERSONAL DATA?

We are responsible for collecting and using your personal data when it is recorded using Magic Notes within Adult Social Care. We act as the 'Data Controller,' ensuring that your data is processed in compliance with the Data Protection Act 2018 (DPA 18) and the UK General Data Protection Regulation (UK GDPR).

Contact details for the Data Protection Officer at the Council can be found at:
https://www.westberks.gov.uk/dpofficer

YOUR PERSONAL DATA – WHAT IS IT?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of data is governed by the General Data Protection Regulation 2016/679 (the "GDPR").

WHAT PERSONAL DATA DO WE COLLECT?

When using the Magic Notes tool, we may collect and record the following types of personal data:

- Personal information e.g. your name, address, telephone number, date of birth.
- Contact details for members of your family and support network.
- Information about your finances, e.g. bank details, income, benefits.
- Photographs, for instance, to help inform an Occupational Therapy Assessment.

Special categories of personal data:

- Information about your racial or ethnic origin, religious or philosophical belief and your sexual orientation.
- Information about health conditions or disabilities that may apply to you.

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of data is governed by the General Data Protection Regulation 2016/679 (the "GDPR").

HOW DO WE PROCESS YOUR PERSONAL DATA?

Magic Notes processes your personal data by recording, transcribing, and summarising meetings through the following steps:

1. User (the trained staff member, such as a social worker) seeks consent from you to use Magic Notes.

2. User (the trained staff member, such as a social worker) starts the recording.
3. The meeting is recorded and the audio file is saved.
4. User ends the recording.
5. Magic Notes creates a transcription of the audio file.
6. Azure's OpenAI model creates a summary of the transcript.
7. The user is sent a notification telling them that their meeting summary is ready and can be viewed securely, either on the user's phone or computer.
8. The user makes any edits required and copies the summary into the Council's social care case management system.

We comply with our obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

WHY DO WE NEED YOUR PERSONAL INFORMATION?

We use your personal information to create a secure and comprehensive record of all of the work that we do with and for you. West Berkshire Council's Adult Care Service will work with you to promote your health and wellbeing, designing services together that both suit you and meet your needs.

- Your name, address, telephone number, date of birth.
- Contact details for members of your family and support network.

To fully understand your needs we will also need the following:

- Information about you and your circumstances.
- Information about your needs and wishes.
- Information such as racial or ethnic origin, religious or philosophical beliefs, your sexual orientation.
- Your photograph (not always).
- Information about any health conditions or disabilities that may apply to you, including your mental health.

To arrange short/long term care solutions:

- Details contained in your care records and conversations held.

To liaise with agencies, companies and charities on your behalf:

- Relevant personal information held on our systems.

To keep you safe from harm:

- Information about any health and safety concerns that may be relevant.
- Process complaints and compliments regarding the services we have provided.
- Details contained in your care records and correspondence received.

To request and arrange installation of specialist equipment for you:

- Information about any health conditions or disabilities that may apply to you.
- Information about your needs and wishes.
- Your name, address, telephone number, date of birth.
- Contact details for members of your family and support network.
- Your photograph (not always).

To assess your financial contribution to your care:

- Information about your finances - bank details, income, benefits.

To work with you or your representative to create a Care and Support Plan:

- Details contained in your care records and conversations held.

To analyse the service that we are providing:

- Statistical reports output by our computer systems.

The sharing of information facilitates a joined-up approach with partner agencies, to provide you with the best possible care and support.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	**Our legal basis for using your information**
West Berkshire District Council is processing your data in line with its statutory duties, outlined in the Care Act 2014. Processing is also necessary in the public interest; in other words, as a public authority, West Berkshire District Council runs an Adult Social Care service to protect the people who live within the district. Processing may also be occasionally necessary in the “vital interests” of individuals – this means that where someone could be seriously harmed if it didn’t act, the Council is under an obligation to do what is necessary to protect them. We will use your data in Magic Notes. As we have a statutory basis for collecting your personal data, we do not need to ask for your permission to collect and share it, however we will only ever share your data on a basis of need, in line with legislation and will work transparently with you at all times.	**Vital Interests:** Article 6d of the GDPR namely the processing is necessary in order to protect your vital interests or those of another person. **Public Task:** Article 6e of the GDPR namely 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 Council. **Legal Obligation:** Article 6(c) the processing is necessary to comply with the law including: • Care Act 2014. • Health and Social Care Act 2012. • Health and Social Care Quality and Safety Act 2015 Section 251(b). • Mental Capacity Act 2005. • Mental Health Act 2007. • Housing Act 2004.

Why we use your information	Our legal basis for using your information
Specifically, when using Magic Notes, your consent will be requested at the outset of a call if it is being recorded using Magic Notes. Whilst the legal basis is not consent, the legal basis of public task allows an objection to be made. If anyone objects to the use of Magic Notes at the start of a call then it will not be used. However, if a recording is in progress when an objection is made, the recording will stop at that point, but the recording made up to that point will be used otherwise the meeting will have been ineffective. Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.	• Liberty Protection Safeguards. For special category personal data, the lawful basis we rely on for processing the information is Article 9 UK GDPR: (a) Your consent (g) Processing is necessary for reasons of substantial public interest (h) Processing is necessary for provision of health or social care treatment You can read the guide to lawful basis for processing special category data on the Information Commissioner's Office website

SHARING YOUR PERSONAL DATA

To make sure that we all work together for your benefit, we may need to share information about you with other organisations.

Your data will be seen by council employees who have direct involvement in your care and also by those managing and overseeing those employees. When required, we will also share information with a range of other statutory bodies in order to ensure you are supported and cared for.

Your information may be shared with:

- Health services, including your GP
- Other Council services
- Police or Fire services, should there be a risk to your wellbeing that would make contact with them appropriate
- Charities, providers and caring organisations that might provide services to help you

However, we will only share what others need to know so that they can provide you with appropriate services.

We will not usually share your information with family members or friends unless you have given us permission, but if your wellbeing is at risk we may have to do so to keep you safe.

Your NHS number is accessed through an NHS service called the Personal Demographic Service (PDS). Adult Social Care sends basic information such as your name, address and date of birth to the PDS in order to find your NHS Number. Once retrieved from the PDS the NHS Number is stored in the Council's adult social care case management system. You can 'opt-out' of the use of your NHS Number within the council's social care

system upon request. However, if you choose to 'opt-out' then the benefits that it brings may not be realised in terms of the provision of care.

The national data opt out was introduced on 25 May 2018 to allow you to opt out from the use of your data for anything other than your individual care and treatment. This will prevent it being used for research or planning purposes as listed above. The opt out is in line with the recommendations of the National Data Guardian in the Review of Data Security, Consent and Opt-outs.

The national data opt out applies to the NHS and some of the activities of the council. If you are happy with use of your data for research and service planning, you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

Health agencies and councils must check the NHS national data opt out system before using your data for research or planning.

You can change your national data opt out choice at any time by using the online service or by clicking on Your Health in the NHS App, and selecting choose if data from your health records is shared for research and planning.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

As a local authority, West Berkshire is legally required to report statutory returns at a Client Level to the Department of Health and Social Care (DHSC). This change takes effect from 1st April 2023. This means that in order for the Council to fulfil its information obligations to the government it is required to share data including personal and sensitive data with the DHSC.
The information being provided supports the Government's drive toward the integration of health and social care. Information provided will help understand current and future population needs, to help monitor service outcomes to inform future service development.

Details of this directive and requirement are set out in a Data Provision Notice: Collection of Client-Level Adult Social Care Data (No.2) that can be found here: *Collection of Client-Level Adult Social Care Data (No 2) Direction - NHS Digital*

Please note: The National Data Opt-Out mentioned above will not apply to the submission of data to NHS Digital, as it is a legal requirement that local authorities must comply with. Please also note that there is no requirement for the council to obtain consent and no opportunity for individuals to opt out or withdraw their consent. This is because it is a legal requirement which the council is obliged to comply with

HOW LONG WILL YOUR DATA BE KEPT?

Magic Notes recordings will be automatically deleted after 60 days. The information is only retained in Magic Notes to allow the West Berkshire Council User time to amend and extract the information into the Council's Social Care Case Management System.

Your data will not be kept any longer than necessary.

You can check how long the organisation will keep each type of data against West Berkshire District Council's retention schedule http://www.westberks.gov.uk/retention

HOW IS YOUR DATA STORED AND PROCESSED?

Your data will be held on electronic databases and hosted online storage with restricted access designed for social care and will be protected from unauthorized access using up-to-date technical and organisational security measures.

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

- **Request the transfer** of your personal information to another party.

- **Withdraw consent** to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: https://ico.org.uk/make-a-complaint/your-personal-information-concerns/

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.