

## **Data Protection & Privacy**

### **Information provided under the GDPR Articles 13 and 14:**

#### **Prospective adopters**

#### **Who is Mid and West Wales Adoption Service (MWAS)?**

Mid and West Wales Adoption Service (MWAS) is a collaboration of four local authority adoption agencies, Carmarthenshire, Ceredigion, Pembrokeshire and Powys.

We carry out legal duties as an Adoption Service on behalf of the four local authorities and also provide a range of services that relate to adoption.

#### **General Privacy Notice**

As Carmarthenshire is the host organisation for MWAS, for further information about how Carmarthenshire County Council uses your personal data, including your rights as a data subject, please see our corporate [privacy notice](#) on our website.

For more information regarding this privacy notice and your rights, please contact:

Data Protection Officer  
Carmarthenshire County Council  
County Hall  
Carmarthen  
SA31 1JP

Email: [dataprotection@carmarthenshire.gov.uk](mailto:dataprotection@carmarthenshire.gov.uk)  
Tel: 01267 224127

#### **Additional Privacy Information**

The following information is additional information specific to how Mid and West Wales Adoption Service (MWAS) uses your personal information.

#### **MWAS Contact Details**

Our postal address is:

Mid and West Wales Adoption Service  
Building 1  
St David's Park  
Carmarthen  
SA31 3HB

We can be contacted on:

Telephone: 01267 246970  
Email: [adoptionenquiries@carmarthenshire.gov.uk](mailto:adoptionenquiries@carmarthenshire.gov.uk)  
Web: [www.adoptionmwwales.org.uk/](http://www.adoptionmwwales.org.uk/)

## **Why does MWAS need personal information?**

Our main activity is checking whether people who would like to adopt a child are suitable to be adopters. To do this we have to collect a lot of personal information about the potential adopters and the people who have been important in their lives. This is because the laws relating to adoption mean we must check thoroughly.

In addition to assessing adopters, we also work with a range of people affected by adoption and at times will need to obtain personal information from them. For example, we receive requests for post-adoption support and the 'letterbox' scheme. These do not require as much personal information as the adoption process itself, but will need us to obtain some limited personal information.

## **What information is collected?**

MWAS collects personal information about prospective adopters from themselves and from a range of people in their lives, such as friends, family, ex partners and referees. Additional information is gathered from relevant organisations, depending on the prospective adopter's circumstances, such as GP's, consultants and other local authorities where the applicants have lived.

In the early stage of assessing suitability, most information comes from the person themselves and the sources they provide.

The process of assessment gradually requires more information and eventually by the time we are able to make a decision about a prospective adopter we will need to know about:-

- Their personal and relationship history
- Their family history
- Their involvement in any criminal activity
- Their full medical history
- Their experience as a parent (if applicable)
- The confidential views of key people in their lives about their potential to adopt successfully.

We will also need to have a similar level of detail about anyone who lives with the prospective adopters.

We advise prospective adopters to ensure that people they live with are aware of the kind of information that is required before they apply to adopt.

## **Is MWAS allowed to collect this information?**

MWAS collects personal information about prospective adopters because the processing of this personal data is necessary for the performance of a task carried out in the public interest or in the exercise of the controller's official authority. This is known as a 'public task'.

The specific laws we follow are:-

- The Adoption Act 1976
- Adoption and Children Act 2002
- The Adoption Agencies (Wales) Regulations 2005
- Adoption Agencies (Panel and Consequential Amendments) (Wales) Regulations 2012
- Adoption Support Services (Local Authority) (Wales) Regulations 2005
- The Adoption and Children Act 2002 (joint Adoption Arrangements) Wales Directions 2015

We also take into account any relevant subsequent guidance related to these laws.

### **Who sees the information MWAS collects and records?**

MWAS uses the information only for the purposes set out in the law (see previous section). The law requires that assessment information about prospective adopter(s) must be considered by an Adoption Panel. The Adoption Panel includes independent members as well as employed members. It has an independent chair, independent members, adopters, adult adoptees, social workers and elected councillors.

The information seen by the Adoption Panel is heavily protected with special security measures used to make sure information cannot be seen by anyone else.

There are very limited circumstances in which anyone else can access the information held about you and only where these circumstances are explained in relevant adoption legislation, such as care inspectors appointed by Care Inspectorate Wales or the Children's Commissioner for Wales.

Prospective adopters will have access to Part 1 of the Adoption Report. They do not have any right of access to Part 2 of that Report as it contains the independent confidential references.

Post approval panel, the task of family finding commences. When a potential link is identified, the completed report is securely shared with the adoption agency who will read the report and consider the link. The report is only used by the adoption agency for the purposes of considering that link.

### **What are my rights over the personal information you hold about me?**

The GDPR provides a series of rights for citizens in regard to their personal information. However, the GDPR Article 23 also provides for those rights to be modified by government when they consider the public interest requires a different approach.

The following rights are modified by the fact that MWAS processes adoption information as a public task:-

<b>GDPR Citizen Right</b>	<b>Applies?</b>	<b>Notes</b>
The right to access data is	No	In the case of adoption records, Schedule 4 of the Data Protection Act 2018 makes explicit that any information gathered under the adoption legislation is exempt from Article 15 of GDPR. This means that MWAS does not have to provide access to the content of any material gathered or prepared within the adoption process.
The right to erasure	Maybe	Each request will be considered individually. The law permits refusal where to comply would be lawful and would not prejudice the delivery of the service.
The right to correct inaccuracies	Maybe	Each request will be considered individually. The law permits refusal where to comply would be lawful and would not prejudice the delivery of the service.
The right to restrict processing	Maybe	Each request will be considered individually. The law permits refusal where to comply would be lawful and would not prejudice the delivery of the service.
The right to object to processing	Maybe	We do not use any automated decision making processes. Each request will be considered individually. The law permits refusal where to comply would be lawful and would not prejudice the delivery of the service.
The right to data portability	No	This right does not apply to any public task data.

### **Further relevant information**

Information on adopters who are approved is kept for 35 years. And enquiry that does not proceed is kept for 15 years. Information on children is kept for 100 years.

Access to an individual's own adoption records is by means of the provisions of the adoption legislation. A person cannot access their adoption records using GDPR Article 15 rights or Data Protection Act subject access rights.

### **How do I complain about how MWAS handles my personal information?**

You can complain to MWAS direct, or you may contact the Carmarthenshire County Council Data Protection Officer.

### **What if I am still unhappy?**

You can find out more about your personal data rights by going to the Information Commissioner's Office (ICO) website at <https://ico.org.uk/your-data-matters/>

For further independent advice about data protection, and your personal data rights, you can contact:

Information Commissioner's Office – Wales  
2nd Floor, Churchill House  
Churchill Way  
Cardiff  
CF10 2HH  
Tel: 02920 678400  
Fax: 02920 678399  
E-mail: [Wales@ico.gov.uk](mailto:Wales@ico.gov.uk)  
Web: [www.ico.org.uk](http://www.ico.org.uk)