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| **Who are we?** |

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| **Name of controller:** | Scottish Commission for Learning Disability (SCLD) |
| **Project:** | Learning Disability Statistics Scotland |
| **Name of controller contact:** | Ruth Callander, Evidence & Data Adviser, SCLD |
| **Information Asset Owner** | Charlie McMillan, Chief Executive, SCLD |
| **ICO Registration Number** | Z946260X |
| **Date of Report:** | 30/5/2022 |
| **Review date:** | 30/5/2023 |

The Scottish Commission for Learning Disability is a **Scottish Charitable Incorporated Organisation**. Our Charity is SC032846. Our address is Suite 5.2, Stock Exchange Court, 77 Nelson Mandela Place, Glasgow, G2 1QY.

If you have any questions about this document, or how we use information, you can write to us at:

Scottish Commission for Learning Number Disability, Suite 5.2, Stock Exchange Court, 77 Nelson Mandela Place, Glasgow G2 1QY

email us at:

admin@scld.co.uk

or call us on:

0141 248 3733

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| **What is Learning Disability Statistics Scotland?** |

In May 2000, the Scottish Executive published “[The same as you?](https://www2.gov.scot/resource/doc/1095/0001661.pdf)” review of services for people with learning disabilities. Its 29 recommendations for developing learning disability services set out a programme for change over 10 years, including recommendation 9, which stated that Local Authorities should keep local records of the number of adults with learning disabilities in the area and the services they use in order to plan services to meet their needs. As part of the process for implementing “The Same as You?” a new annual survey began in 2003 collecting aggregated data on services for adults with learning disabilities. Data for 2003 was published in February 2004, with publications following annually up to March 2008.

There were significant changes made to the collection for the 2008 data. For the first time data was collected at an anonymised individual level and responsibility for collecting data moved from the Scottish Government to the [Scottish Commission for Learning Disability](https://www.scld.org.uk/who-we-are/) (SCLD) who began collecting and publishing the data on behalf of the Government. This was collected using their eSAY database. SCLD have continued to collect and publish information on individuals with a learning disability or autism spectrum diagnosis known to Local Authorities in Scotland. In addition, SCLD was designated as a producer of Official Statistics by the Official Statistics (Scotland) Amendment Order 2010.

In 2013, the Scottish Government published Scotland’s learning disability strategy “[The Keys to Life](https://keystolife.info/)” which builds on the success of ‘The Same as You?’ review. The dataset was renamed ‘Learning Disability Statistics Scotland’ (LDSS) in 2014. From the 2015 collection onwards, the collection was completed using the Scottish Government’s ProcXed system managed by the ScotXed team in the Scottish Government.

In 2021, the Scottish Government published “[Towards Transformation](https://www.gov.scot/publications/learning-intellectual-disability-autism-towards-transformation/documents/),” which included a commitment to deliver improvements in data collection to improve the visibility of people with learning disabilities. From 2021, the collection was completed using Public Health Scotland’s (PHS) GlobalScape system, as part of its Source (social care) return, with an extract of the data shared with SCLD. The project continues to collect individual level data on people with a learning disability or autism spectrum diagnosis who are known to Local Authorities.

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| **Personal Data** |

Personal data is information that identifies you. It includes things like your name, address, date of birth and postcode.

If the information contains details of any health care you may have received, it may be referred to as ‘special categories of personal data’.  This can include information such as care and treatment you have received and results of tests you have had, as well as health, lifestyle and cultural information such as ethnicity.

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| **Why do we collect and hold your data for LDSS?** |

There is a potential to make better use of information about people to improve health and social care services across the whole public health system.  Information about you is essential for us to provide the evidence required for providing the best quality health and care services and addressing inequalities in outcomes.

The main objectives of Learning Disability Statistics Scotland are to;

* Monitor the progress of the recommendations of ‘The same as you?’ review and the outcomes set out in ‘The Keys To Life’ strategy.
* Help plan services
* Identify where there are unmet needs
* Compare information across Local Authority areas and see what is happening nationally

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| **What we do with your personal data** |

We use some of your personal and non-personal data to do statistical calculations and then create charts, graphs, and reports which provide information about the population of people with learning disabilities in Scotland.

Our statistics comply with the [Code of Practice for Statistics](https://www.statisticsauthority.gov.uk/code-of-practice/the-code/) in terms of trustworthiness, high quality and public value.

SCLD receives the data as an extract from Public Health Scotland. The data is shared securely and legally.

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| **Our legal basis for processing your personal data** |

| **Legal condition(s) for personal data**  | **Legal conditions for any special categories of personal data** |
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| **Article 6(1)(f)** – processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child*.***Article 89(1)** Processing for … statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject. Those safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation. Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner. | 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 subjectArticle 9(2)(h) - processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional |

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| **How long do we keep your personal data?** |

Article 5(e) of the GDPR requires that personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

The pseudonymised LDSS data will be kept indefinitely as it does not contain Personal Data and individuals cannot be identified from it.

The personal data file will be permanently deleted two months after the LDSS are published.

More information on the types of data in these files can be found in our Data Protection Impact Assessment for the LDSS collection, which you can find on our website.

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| **Information for people with learning disabilities whose data is included in LDSS** |

You do not have to do anything.

LDSS asks for information from your Local Authority each year. The information that is collected will be used to write a report containing lots of numbers. We call these numbers ‘statistics’.

These statistics help Scottish Government and your Local Authority to plan for care and support services in the future. This will help to make services better for you and others.

Only people in the LDSS Team who need to see this information will be able to look at it.

No one will know the information that is in the report is about you.

Personal information like your name, date of birth and postcode will not be put in the report. You can look at the LDSS statistics reports by going to our website:

<https://www.scld.org.uk/what-we-do/population-statistics/>

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| **Subject access request, and data portability.** |

Individuals have the right to access their personal information and should, in the first instance, approach their current local authority who will follow their local procedures for access. The local authority may have more information on the individual.

For personal information held by SCLD, the individual can approach the Evidence and Data Adviser for SCLD: Ruth.C@scld.co.uk

Individuals have the qualified right to data portability in certain circumstances. However, as the personal data described in this agreement is being processed under the lawful bases as described above, which are neither based on consent nor on performance of a contract, the right to portability does not apply.

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| **Objection or restriction to processing, rectification and erasure** |

Individuals have the qualified right to object, restrict, rectify and erase their personal information. To exercise this qualified right, individuals should, in the first instance contact their current local authority who will follow their local procedures.

SCLD will consider requests on a case-by-case basis. It is important to note that personal identifiers are permanently deleted two months after LDSS is published, at which point we are not able to identify the data for a particular individual.

To object, restrict, rectify or erase personal information, the individual can approach the individual can approach the Evidence and Data Adviser for SCLD: Ruth.C@scld.co.uk

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| **Rights related to automated decision making, including profiling** |

No automated decisions are involved in the LDSS project.

No profiling is involved in the LDSS project.

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| **Direct Marketing** |

No direct marketing is involved in the LDSS project.

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| **Contacting us about your personal data in LDSS** |

We work to high standards and take our legal responsibilities very seriously when it comes to processing your personal data. If you have queries, concerns or complaints, please email our Evidence and Data Adviser for SCLD: Ruth.C@scld.co.uk

Or call us on: 0141 248 3733

If you remain dissatisfied, you can make a complaint about the way we process your personal data to the Information Commissioner’s Office.

Details about this are on their website at [www.ico.org.uk](http://www.ico.org.uk/) or call them on 0303 123 1113 (local rate call).