

Southwark Disablement Association (SDA)

General Data Protection Regulation (GDPR)

Privacy Notice for Service Users

Revision 19/11/18

1. Introduction – The Purpose of a Privacy Notice

The new General Data Protection Regulation (GDPR) is a European-wide Legislation supported by the UK Data Protection Act 2018. It places greater obligations on organisations on how your personal data is handled, provides you with more control over how your personal information is used and offers you more protection. These changes have been in effect since 25th May 2018.

Southwark Disablement Association (referred to as SDA) is a non-profit organisation registered as a charity in England & Wales and a company limited by guarantee, also registered with and regulated by the Care Quality Commission (CQC) to provide care and support services to people with disabilities.

This Privacy Notice is a public document available to everyone and applies to SDA Service Users to explain what information SDA collects, why it is collected, what SDA does with it, who SDA shares it with as well as your rights to know about it.

Please refer to this Notice when you provide information and/or report change of circumstances to SDA, so you are aware of how and why such data is used.

2. Responsibility

SDA is the Data Controller and Data Processor in their own right whose head office is located at: Cambridge House, 1 Addington Square, SE5 7JZ - Tel: 020 7358 7744

What is a Data Controller? - The organisation who (either alone or in common with other people) determine the purpose for which, and the manner in which data / your information are processed

What is a Data Processor? - A person or organisation who process data on behalf of and on the orders of a data controller. For the purposes of data protection legislation, the terms 'process', 'processed' or 'processing' apply to any activity involving the personal data, such as:

- collecting
- storing
- sharing
- destroying

(please note, this list is not exhaustive)

What is a Data Protection Officer? – A person appointed by SDA to carry out impact assessments and oversee compliance- the SDA Chief Executive Officer.

The SDA Management Committee, having formally adopted this Privacy Notice, accepts the overall responsibility for its implementation and for monitoring its effectiveness, determining the purpose and manner in which data is processed. SDA has a duty to inform Service Users how it processes the data that is within its control.

The Management Committee though remaining responsible for the effective implementation of this Notice, delegates the Data Protection Officer to ensure appropriate measures are taken and any necessary actions are completed.

3. Further Information – Privacy Notice

This Privacy Notice is also available on the SDA website for its existing and prospective Service Users so that it is easily accessible at all times. Alternatively a paper copy can be provided on request by contacting the SDA office.

For more information on Privacy Notices and the changes required as a result of GDPR, please see the ICO (Information Commissioners Office) website: <https://ico.org.uk/>

4. What information (data) we collect about you

4.1. The information SDA requires from you in order to be able to support you as effectively as possible is listed below.

- Full name and contact details
- Date of Birth
- Protected characteristics such as gender, ethnicity*, religion*, disability, nationality & sexuality*
- Cultural and individual needs and/or preferences*
- Details of your care and support needs, your disabilities and medical conditions*
- Your next of kin's and carer's contact details and anyone authorised to act on your behalf, if applicable
- Your GP contact details
- Basic details (names) of all household members and pets if applicable
- Other personal information that will vary on an individual basis to assist in resolving your issues, complaints and safeguarding.
- Financial information – SDA may use this to assist with your financial issues, benefits, arrears etc.

5. How we collect your information

SDA collects and handles personal information about their Service Users and their carers, prospective Service Users, other customers stored both electronically and in a manual filing system from a variety of sources that include:

- Completion of Service User Contact & Registration form, signed by the Service User or appropriate person
- Advice Sessions and other interactions with SDA staff
- Care Assessment, Support Plan and other documentation supplied by Social Services or other health and social care professionals in other settings
- Home visits to the Service User
- Health & Safety assessments
- Information given by staff in their supervision sessions
- Survey / User Satisfaction Questionnaires
- SDA website
- Bank accounts
- Letters / Emails / Text messages
- Telephone calls (recorded audio messages may be held for a period of two months, unless used as evidence when taking legal action.)

On rare occasions SDA may use photography to capture evidence of a problem, repairs, faulty equipment, or crime etc.

SDA may also take photographs at their events or premises to use for general marketing and publicity. However, photographs of individuals will only be used for those purposes with your consent.

SDA may receive information about you from third parties including:

- Your council or benefits office
- Social Services or other health and social care professionals in other settings referring you to SDA
- Police, welfare or support organisations working with you
- Councillors, MPs or other representatives acting on your behalf / instruction
- Financial institutions when you apply for our services
- Previous service providers

6. SDA's legal basis for processing the information collected

When you complete the SDA Client Contact and Registration form you are requested to sign the form which gives SDA your consent under this legislation to use the data you have submitted. Where necessary SDA may also process your data for the following other legal reasons.

- 6.1 The information SDA requires from you is used to provide and manage your care and support or other contractual obligations between you and SDA. Please read your contract carefully, if you have one, for the provision of care and support services and its terms and conditions, as this is the legal basis for processing your information and for delivering the SDA care and support services. We may change the purposes where this is compatible for the purpose for which we obtained the data originally, especially where this is required or permitted by law. Explicit consent may be requested in certain cases, e.g. to obtain a reference
- 6.2 The processing activities that SDA may conduct can be summarised as:
- Managing referrals for care and/or support or advice
 - Managing provision of care and/or support or advice
 - Managing assessments and setting up care and/or support packages
 - Monitoring and reviewing care and/or support packages
 - Monitoring and ensuring terms and conditions for provision of services are complied with
 - Complying with relevant legislation and regulation including requirements laid down by CQC (Care Quality Commission)
- 6.3 SDA may conduct research, surveys and statistical analysis to help improve the services offered to service users and staff, to ascertain satisfaction and make improvements based on feedback.
- 6.4 SDA operates a range of information and communication systems for the efficient operation of its business. Personal information is stored in the house files and I.T. system which has a backup for archiving and disaster recovery purposes. All data is held within the UK.

7. Children's information

SDA currently does not provide services directly to children, but will record children's basic information (name and age) if they live in the Service User's home. Data protection law requires SDA to give such information additional protection where we collect or use it. This is required to check and ensure that children are safe and protected from any harm and abuse. SDA may receive children's information when involved in a safeguarding case as part of a multi-agency approach.

Further details of Service Users children, however, such as their telephone number(s) and email address etc will be stored and used if they are adults.

8. How SDA Protects Data

SDA takes the security of your data seriously. SDA has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where SDA engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data in line with the GDPR.

9. How SDA communicates with you

9.1 SDA communicates with its existing and prospective Service Users and their families, carers, friends and relatives as well as its staff and job applicant through:

- Written correspondence – Letters / Memos / emails / Text messages
- Telephone calls
- Video link
- Meeting in person – at the office / service user's home / public places as necessary
- SDA literature including magazine, leaflets, annual reports etc
- SDA website - See the 'Privacy & Cookie Policy' on the website.

9.2 Service Users and staff receive the SDA Annual Review with information about what is going on within the organisation. SDA keep their Service Users informed and offer opportunities for user involvement. Service Users may opt-out of receiving this by contacting: sda@sdail.org

9.3 SDA will only discuss or communicate your care and support with you and those named on your care or support plan, or those authorised (temporarily or permanently) by you. You can authorise someone for a temporary period and advise us verbally over the phone, but if permanent then in writing.

10. Sharing data

10.1 SDA shares limited personal data (name / address / medical conditions) with their care and support staff or volunteers who are involved in the provision of such services for you. The employees are all required to fully comply with data protection legislation at all times.

10.2 SDA may share your information with a language translation service if it is necessary to translate any information on or for you into or from another language for you.

10.3 SDA may need to share personal information with government departments and agencies, with its regulator and auditor, health and social services, other care providers where appropriate, with the Police or where we are legally required to do so. SDA may need to share information with solicitors, court agents, or next of kin in your vital interest in the event of an emergency.

11. How long SDA keeps your data

Information relating to service users care or support will be kept for a period not exceeding three years after our last contact with you unless otherwise stipulated by law. Any contract or agreement however will be kept for as long as the agreement is active and where money is owed where services are paid for. The basic history of who received services from SDA may be held indefinitely.

12. Your rights

12.1 **Access** - You have the right to request a copy and have access of the data SDA hold about you. Please contact sda@sdail.org if you wish to request access to any of your personal data, free of charge, stating what personal data you want to see, what it relates to and within what timeframe, to assist the search. <https://ico.org.uk/your-data-matters/your-right-of-access/>

- SDA may make a charge of £10 when a request is unfounded or excessive and/or repetitive requests for copies of the same information. SDA will respond within one month, which can be extended a further two months where numerous requests are made.
- If a request is excessive or repetitive, SDA have the right to refuse to respond.

12.2 **Consent** – In some cases you may be asked to give your consent, freely and without ambiguity, for data to be processed. SDA would need to explain why the consent is required i.e. to perform a contract, statutory checks.

Consent is not required where:

- the personal data is necessary for effective provision of your care and support
- it is necessary to fulfil a legal obligation
- for a vital interest (notifying next of kin / social services in an emergency)
- for your legitimate interest

12.3 **Correction / Rectification** – The data SDA holds must be accurate and of good quality. Individuals are entitled to have their personal data rectified if it is inaccurate or incomplete. Please advise SDA of any changes or corrections by contacting the Chief Executive Officer on 020 7358 7744 or email: sda@sdail.org

- 12.4 **Erasure** - You have the right to ask SDA in certain circumstances to erase any data held about you (the right to be forgotten) if it is no longer necessary to keep on file. You can object to SDA processing data unless SDA can establish a legitimate reason for continuing.
- 12.5 **Restricting processing** – You have the right to ‘block’ or suppress processing of any information what was previously provided with your consent. However, SDA has the right to override your request after considering whether or not SDA has legitimate grounds to deny such a request (personal data for care provision) or the processing is for the establishment, exercise or defence of legal claims.
- 12.6 **Data Portability** – You have the right to obtain and reuse your personal data for your own purposes across different services, carried out by automated means by copying or transferring personal data more easily. You have other rights which can be seen by visiting the Information Commissioner’s Office (ICO) website at: <https://ico.org.uk/>
- 12.7 **Right to Object** - You have the right to object to processing based on legitimate interests or the performance of a task in the public interest / direct marketing. You can complain about any matter relating to SDA’s service, including how SDA use your personal data:
- In the first instance please contact the Chief Executive Officer on 020 7358 7744 or email: sda@sdail.org
 - If you continue to not be happy with the service you may complain in writing to the SDA Management Committee at Cambridge House, 1 Addington Square, London. SE5 7JZ.
 - If you are still not happy with the service you may complain to the Parliamentary and Health Service Ombudsman at: <https://www.ombudsman.org.uk/>

13. Complaints

If you wish to complain about SDA’s use of your personal data you may complain to the Information Commissioner’s Office (ICO) at: <https://ico.org.uk/>

14. Review

This Privacy Notice will be reviewed as and when necessary and amended accordingly when required.