

This policy provides information about how *MindSenseAbility Ltd* will use (process) personal data about individuals including: its staff, individuals/young people and families using our service, individuals/organisations who employ us to undertake work for them, individuals undertaking courses/training with us, other individuals who contact us or use our services. This is to comply with the General Data Protection Regulations (GDPR) 2018.

Staff, parents, individuals/young people and external organisations working with us are encouraged to read this policy and understand our GDPR obligations.

## 1. 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 personal data is governed by the General Data Protection Regulation (the "GDPR").

Data that *MindSenseAbility Ltd (MSA)* normally collect, use and retain includes:

- Name, email address, postal address, phone details and other contact details
- An individual/young person's education records and social history
- Sensitive information including – ethnicity, gender, religion, health and therapeutic records, developmental history, previous safeguarding records, sexual orientation.
- Details of professionals/organisations involved in an individual/young person's care
- Details of individuals who have employed MSA to provide services
- Bank details and other financial information (including pension plans, national insurance number)
- Staff records including car registration, car insurance, DBS certificates, proof of identity documentation, bi
- Images of young people engaged in activities with MSA staff (in accordance with MSA policy on taking, storing and using images of young people)
- CCTV images

## 2. Who are we?

*MindSenseAbility Ltd.* is the data controller (contact details below). This means it decides how personal data is processed and for what purposes. A Data Protection officer oversees our GDPR obligations.

## 3. How do we process personal data?

MSA complies with its 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.

Generally MSA receives personal data from the individual directly (including, in the case of children from their parents). This may be via a form, telephone call, or simply in the ordinary course of interaction or communication (such as conversation, email or written reports/referrals). However in some cases personal data may be supplied by third parties (e.g. a school, other professionals or authorities working with an individual) or collected from a publicly available resource.

*Stored data:* MSA stores your personal data within an electronic patient record and diary system that is fully password protected and is in a secure building in a secure filing cabinet. Anti-virus/security protection software is used and updated on all electronic devices used by MSA staff.

*Collecting data over the telephone:* When staff record information that is personal or sensitive in nature, they will explain to the data subject that this information will be shared with the appropriate professionals as previously agreed/requested. When appropriate a Telephone Log of the conversation will be included in the data subjects file.

If staff members use the answer phone to collect enquiries, they will use an Answer Phone Log form and the information will be shared with the appropriate professional as previously agreed/requested.

#### **4. Why do we process personal data?**

In order to carry out its ordinary duties to staff, young people, parents and other individuals using our services, MSA may process a wide range of personal data about individuals (including current, past and prospective staff, young people or parents) as part of its daily operation.

Some of this activity MSA will need to carry out to fulfil its legal rights, duties or obligations – including those under a contract with its staff, professionals/external organisations, individuals, families and young people.

We use personal data for the following purposes: -

- For the purpose of establishing if a young person/individual can access MSA services.
- To provide the specialist education, health, therapeutic or outreach interventions that we are contracted to provide by professionals, individuals and their families;
- To safeguard young people's welfare
- To enable young people to take part in national or other assessments
- To undertake consultancy activities with external organisations

- To inform you of news, events, activities and services running at MSA;
- To contact individuals via surveys to conduct research about their opinions of current services or of potential new services that may be offered.
- To enable relevant authorities to monitor our performance and to intervene or assist with incidents as appropriate
- To meet our obligations to the staff we employ
- To promote the interests of the business;

### 5. What is the legal basis for processing personal data?

1) Explicit consent by the data subject (yourself) so that we can provide the services delivered by our organisation, but also to keep you informed about news, events, activities and services. This consent can be revoked at any time.

2) To comply with legal and regulatory obligations.

3) In order to fulfil our contractual obligations to individuals and organisations.

### 6. Sharing personal data:

Information about the young people and families that use our service is important to our business, and this personal data will be treated as strictly confidential. For the most part, personal data collected by MSA will remain within MSA, and will be processed by appropriate individuals in accordance with access protocols.

However, we will share personal data for very limited reasons and in limited circumstances including:

1) Health, Education and Social care professionals – with your consent we may be required to share information to allow continuity of therapy, care and education.

2) Service providers – we engage certain trusted third parties to perform functions and services for our business, such as external speech and language and occupational therapy services. We will share information with these third parties but only to the extent required to perform these services and with your consent.

3) Compliance with laws – we may be required to collect, use, retain and share your information if we have to comply with a legal obligation or court order.

4) Safeguarding concerns – MSA have duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents or concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as MASH teams, LADO or police. For further information about this, please refer to MSA's Safeguarding policy <sup>1</sup>. MSA will notify parents/carers/the Local Education Authority should a safeguarding referral be undertaken.

## **7. How long do we keep personal data?**

We will keep personal data only for so long as necessary to provide you with our services as described in this data protection notice. *MindSenseAbility Ltd* will review the data that we hold on individuals each 12 months, to ensure we are not retaining information unnecessarily.

We may also be required to retain this information to comply with our legal and regulatory obligations, to resolve disputes and to enforce our contracts/agreements. The retention of health records is normally a minimum of 8 years from the last contact with a service.

For individuals who are not direct clients we will keep any data you have provided for a minimum of 6 years in line with tax legislation.

With regards to staff members, MSA will retain the personal information of employees, including contact details, appraisals and reviews for at least 5 years, and employees' financial information for at least 3 years since HMRC may request to see them during this time.

## **8. Responsibilities as an Employee of MindSenseAbility Ltd**

As an employee (or sub-contractor), staff are legally obliged to process data fairly and lawfully, according to the terms and conditions of the GDPR 2018 guidance, and in accordance with the guidance provided within this policy.

In particular employees must:

- ensure they should never leave information about clients on their desk when it is not being used/supervised.
- any information about a client must be kept in a secure place
- requests for a disclosure by outside agencies or persons must not be immediately processed. Such queries for information should be made to a Director or the team administrator and staff must then have written consent to release information from the data subject.
- all reports must be password protected, and agreement to send a report by email should be obtained from the young person or parent with responsibility for that young person.

It is also the employee's responsibility to notify changes in personal circumstances/relevant information to a MSA Director (e.g. change in bank details, moving house) to maintain the accuracy of information held by MSA. However, an MSA Administrator will check annually to ensure information is up to date.

## **8. Monitoring of MSA Information Technology provision**

MSA will monitor the IT provision through annual reviews with an Information technology service to ensure we provide a secure method of processing and storing personal data.

## **9. Rights of the individual with regards personal data**

Unless subject to an exemption under the GDPR, individuals have the following rights with respect to personal data:

- The right to request a copy of your personal data which MSA holds about them;
- The right to request that MSA corrects any personal data if it is found to be inaccurate or out of date;
- The right to request personal data is erased where it is no longer necessary for MindSenseAbility Ltd. to retain such data;
- The right to withdraw consent to the processing of data at any time
- The right, where there is a dispute in relation to the accuracy or processing of personal data, to request a restriction is placed on further processing;
- The right to lodge a complaint with the Information Commissioners Office.

Parents/Carers and Legal Guardians hold the responsibility of informing MSA about changes to their circumstances.

## **10. How to request to see Personal Data**

Individuals who request disclosure of their own personal data held by MSA must place the request in writing. This letter must be returned with evidence of identification to the Data Protection Officer, and the information will be supplied within 30 working days.

## **11. Further processing**

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

## **12. Breach in Data Protection**

MSA will notify the Information Commissioners Office of a breach in data protection where it is likely to result in a risk to the rights and freedom of individuals – if for example it could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any significant economic or social disadvantage.

In other circumstances internal procedures are in place to effectively detect, report and investigate a personal data breach.

### 13. Confidentiality

To ensure all those working with MSA adhere to the principles of good practice within their professional roles, it is the responsibility of employees to respect the confidentiality of the clients attending MSA and their colleagues.

Individuals using MSA services need to be clear that employees cannot offer unconditional confidentiality in accordance with the MSA Safeguarding Policy <sup>1</sup>. Should any Safeguarding issues occur, all correct procedures will be followed.

With regards to Social Media, staff members must be aware that should information be shared on social media it must adhere to the MSA Social Media Policy <sup>2</sup>.

### 14. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact The Data Protection Officer, MindSenseAbility Ltd, Beck Farm Studios, St. Leonard's Road, Sowley, Lymington, Hampshire. SO41 5SR

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

### 14. Consent

By signing this form you are confirming that you have read this Data Protection Notice and that you are aware that *MindSenseAbility Ltd.* will be holding and processing your personal data (and if applicable your child's) in order to provide *specialist education, health, therapeutic or outreach assessments, interventions and consultancy services.*

Please also indicate if you consent to *MindSenseAbility Ltd* holding and processing your personal data in order to:

*To keep you informed about news, events, activities, and services;*

*To take part in surveys about events/training/quality of service provided*

By email       by text       by post       by phone

Where you do NOT grant consent we will not be able to use your personal data [e.g. *to send you details of future events or handouts of events attended*], except in certain limited

situations, such as where required to do so by law or to protect members of the public from serious harm.

If you do grant consent, please note you can withdraw your consent to one or both of the above purposes at any time by contacting [[info@mindsenseability.co.uk](mailto:info@mindsenseability.co.uk)]. Please note that all processing of your personal data will cease once you have withdrawn consent but this will not affect any personal data that has already been processed prior to this point, and will not affect data that we are required to retain for legal and regulatory obligations.

Signature:		Dated:	
Name:			
Name of child if appropriate:			
Address:			
Telephone:			
Email address:			

Policy's available to support this document:

- 1 = *MSA Safeguarding Policy*
- 2 = *MSA Social Media Policy*