



**The lowdown's**

# Privacy Notice for Service Users

**APPROVED BY:**

**Print Name:** Stephen Edmonds

**Dated:** 16<sup>th</sup> September 2022

**Date of next Review:** September 2023

|                                       |                  |
|---------------------------------------|------------------|
| <b>PERSON RESPONSIBLE FOR POLICY:</b> | SHARON WOMERSLEY |
|---------------------------------------|------------------|

All members of the lowdown Management Committee are to hold this responsibility.

Individuals have a legal right to be informed about how our organisation uses any personal information that we hold about them. To comply with this, we provide this 'privacy notice' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals who access our services.

We, the lowdown, 3 Kingswell Street, Northampton NN1 1PP, are the 'data controller' for the purposes of data protection law.

Our data protection champion is Rachel Welsh (see 'Contact us' below).

### **The personal data we hold:**

We hold some personal information about you to provide you with an appropriate and effective service.

This information may include:

- NHS Number
- Contact details
- Date of birth and sex
- Next of kin and emergency contact details
- Difficulties being faced
- Personal history
- Safeguarding information
- Information relating to the involvement of any other organisations relevant to the service we are providing you with, for example CAMHS or Social Services.
- The name and address of the family GP and school if appropriate

We may also collect, store, and use information about that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, sexual orientation, gender identity, pronouns, chosen names and religious beliefs
- Health, including any medical conditions and medication currently being prescribed.

### **Our legal basis for using this data.**

We only collect and use your personal data when the law allows us to. Most commonly, we process it where:

- It is necessary to fulfil a contract we have entered with you.
- We have obtained consent to use it in a certain way.

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. For example: Funders may be provided with information on the numbers of individuals presenting with particular difficulties to show appropriate use of funds.

Less commonly, we may also use personal data in situations where:

- We need to comply with a legal obligation.
- We need it to perform an official task in the public interest.
- We need to protect your interests (or someone else's)

Where we have got permission to use your data, **you may withdraw this at any time**. We will make this clear when we ask for permission and explain how to go about withdrawing consent.

Some of the reasons listed for collecting personal data overlap, and there may be several grounds which justify our use of this data.

### Why we use this data.

The purpose of processing this information is to help us ensure your welfare and receive an effective service, this includes:

| Purpose  | Legal basis                                       |
|--|---|
| Getting in touch with you when we need to  | Contract  |
| Getting in touch with your next of kin when we need to   | Consent and Legal obligation                      |
| Comply with the law relating to data sharing   | Legal obligation                                  |
| Looking after your wellbeing and addressing the difficulties you are facing                    | Contract  |
| To 'measure' well-being and identify improvements and areas of need                            | Contract  |
| Safeguarding   | Contract & Legal Obligation                       |
| Seek medical assistance if required  | Consent, Legitimate interest, and Vital interests |
| Complying with health and safety obligations, completion of accident book and RIDDOR reporting | Legal obligation and Legitimate interests         |
| Promoting the charity and services on the website and social media pages                       | Consent   |
| To provide evidence of appropriate use of funds to funding bodies                              | Legitimate interest                               |
| To identify changing needs of service users  | Consent and Legitimate interest                   |
| To undertake research and evaluations to influence future services                             | Consent and Legitimate interest                   |

|   |         |
|---|---------|
| To provide student counsellors with evidence for their qualifications | Consent |
|---|---------|

## Collecting this information

We collect personal data by a variety of means, including from yourself, parents/carers (if appropriate) and sometimes from third parties such as a GP, school, or Social Services. We collect information during the referral process and throughout the duration of your involvement with our services. Information collected may be provided verbally or in writing.

We may need to collect additional personal information that is not currently identified on the above list but before doing so we will provide you with a written notice setting out details of the purpose and the lawful basis of why we are collecting that data, its use, storage, and your rights.

While in most cases you must provide the personal information we need to collect, there are some occasions when you can choose whether to provide the data.

We will always tell you if it is optional. If you must provide the data, we will explain what might happen if you do not.

## How we store this data

We keep personal information about you while you are accessing our services and for a period time after you have stopped receiving a service from us. This is to ensure we comply with our funding contracts and with our legal obligations. Information is kept in accordance with our records retention policy, extract below.

| <u>Youth Groups</u>          |   |  |
|------------------------------|---|--|
| Basic file description       | Statutory Provisions  | Retention Period [Operational]   |
| Registration forms           |   | Date of registration + 14 years<br><br>This takes into account the fact that if there is an incident requiring an accident report the register will be submitted with the accident report and kept for the period of time required for accident reporting. |
| Child protection information | "Keeping children safe in education<br><br>Statutory guidance for schools and colleges" (2018); | DOB of the child + 40 years<br><br>This retention period was agreed in consultation with the Safeguarding Children Group on the understanding that the principal copy of this information will be found on the Local Authority Social Services record.     |

|                      |   |                        |
|----------------------|---|------------------------|
|                      | “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children” (2018) |                        |
| Attendance registers |   | Current year + 2 years |

| Counselling and support services       |  |   |
|--|--|---|
| Basic file description                 | Statutory Provisions   | Retention Period [Operational]  |
| Diary                                  |  | Current year + 2 years  |
| Client file                            |  | For under 18s records are kept until their 25 <sup>th</sup> Birthday<br><br>For over 18s records are kept for 7 years after the last session  |
| Referral forms where service not taken |  | Date of referral + 2 years  |
| Child protection information           | “Keeping children safe in education<br><br>Statutory guidance for schools and colleges” (2022);<br><br>“Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children” (2018) | DOB of the child + 40 years then reviewed.<br><br>This retention period was agreed in consultation with the Safeguarding Children Group on the understanding that the principal copy of this information will be found on the Local Authority Social Services record. |

The personal data we collect may be held as an electronic record on secure data systems or as a paper record in locked filing cabinets. The records are only seen by those who need the personal data so they can do their job. The security of the data follows the lowdown's Data Protection Policy.

## Data sharing

We do not share personal information about you with anyone outside the charity without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Your family and representatives
- Our regulators e.g. the Charity Commission etc.
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Your school (if appropriate)
- Central and local government
- Health authorities
- Police forces, courts, tribunals
- Professional bodies

In certain circumstances, this information may be shared even if you are no longer accessing our services.

Notes for any service accessed within the agency are kept on the same database system. Should you access multiple Lowdown services these notes may be visible to a Lowdown worker; however, staff are ethically and legally obliged only to access notes where there is a relevant and appropriate reason to do so including, but not limited to: appointment booking, recording support and for safeguarding purposes. Staff's access to notes is recorded via an internal audit log that is routinely monitored; they are also bound by organisational confidentiality policies. Should you wish for your notes to be kept separate please email [rachelwelsh@thelowdownnorthampton.co.uk](mailto:rachelwelsh@thelowdownnorthampton.co.uk).

## Your rights

### How to access personal information we hold about you

You can find out if we hold any personal information about you, and how we use it, by making a **'subject access request'**, if we judge that you can properly understand your rights and what they mean.

If we do hold information about you, we will:

- Give you a description of it

- Tell you why we are holding and using it, and how long we will keep it for
- Explain where we got it from
- Tell you who it has been, or will be, shared with
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)
- Give you a copy of the information

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

If you want to make a request, please contact our data protection champion Rachel Welsh by emailing [rachelwelsh@thelowdownnorthampton.co.uk](mailto:rachelwelsh@thelowdownnorthampton.co.uk)

### Your other rights over your data

Unless subject to an exemption under the GDPR, you have other rights over how your personal data is used and kept safe, including the right to:

- Say that you do not want it to be used if this would cause, or is causing, harm or distress.
- Stop it being used to send you marketing materials.
- Say that you do not want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted, or destroyed if it is wrong, or restrict our use of it
- **Withdraw your consent to the processing at any time, where consent was the lawful basis for processing the data**
- Claim compensation if the data protection rules are broken and this harms you in some way
- You can choose to opt out of your data being used for research and planning purposes by the NHS reference <https://www.nhs.uk/your-nhs-data-matters/>

If you wish to exercise any of these rights, please contact our data protection champion [rachelwelsh@thelowdownnorthampton.co.uk](mailto:rachelwelsh@thelowdownnorthampton.co.uk).

### Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we have done something wrong.

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

You can make a complaint at any time. Our complaints policy and procedure can be found on our website <https://thelowdown.info/about-us/our-policies/>

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection champion**:

- Rachel Welsh, Clinical Manager, [rachelwelsh@thelowdownnorthampton.co.uk](mailto:rachelwelsh@thelowdownnorthampton.co.uk) or call 01604 634385.