

SAMH Service User Privacy Notice

Introduction

Please read this privacy notice carefully as it contains important information about who we are, how and why we are collecting, storing, using and sharing (known as ‘processing’) your personal data, your rights and how to contact us if you have any questions or concerns about how we process your personal data.

SAMH is a registered charity, a company limited by guarantee, and is registered with the Information Commissioner’s Office (ICO). We have been providing services and working to support people with their mental health and wellbeing since 1923. We want you to be confident about how your information will be looked after and used.

This Service User Privacy Notice describes **how we collect and process personal information about our service users** before, during and after your involvement with one or more of the services we provide, in accordance with the UK General Data Protection Regulation and Data Protection Act 2018 (hereinafter collectively referred to as the ‘data protection legislation’). It applies to all current and former service users.

We reserve the right to update this privacy notice at any time, and we will notify you of the new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data.

Data Protection Principles

We will comply with data protection legislation which states that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way;
2. Collected only for legitimate and specific purposes that we have clearly explained to you, and not used in any way that is incompatible with those purposes;
3. Relevant to the purposes we have told you about and limited to what is necessary in relation to those purposes;
4. Accurate and kept up to date;
5. Kept only as long as necessary for the purposes we have told you about; and
6. Kept securely and appropriately protected against unauthorised or unlawful processing.

Types of Personal Data and Purposes of Processing

Personal data, or personal information, means any information about an individual from which that person can be identified either directly or in combination with other information. It does not include data where the identity has been removed (anonymous data).

There are certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants a higher level of protection.

Depending on the service, we may collect and process the following categories of personal data about you:

- Personal identifiers and contact details such as name, title, addresses, telephone numbers and email addresses
- Personal details including date of birth, national insurance number, gender and bank details
- Next of kin and emergency contact information
- Employment details
- Details of any complaints
- Information about debt and finances, where appropriate

We may also collect and process the following more sensitive types of personal information:

- Information about your health, including a medical condition, disability, health and sickness records
- Information about criminal convictions and offences

We also collect, use and share aggregated data such as statistical or demographic data for performance monitoring purposes. This is not considered personal data as it does not directly or indirectly reveal your identity.

We may process the above noted personal and sensitive personal data for the following purposes:

- To assess suitability for services and register new service users
- To process and deliver services
- To manage our relationship with you
- To contact someone in case of an emergency
- To refer you to external organisations for additional services relevant to achieve your care goals
- To comply with any legislative, regulatory, insurance, contract or compliance requirements

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

We will not use the personal data you give us or which we collect from you for marketing purposes.

Collecting, Processing and Storing Your Personal Data

Personal data will be collected either directly from you or sometimes from a third party, such as in case of a referral from another organisation. Information will be securely stored in physical and/or electronic formats, as appropriate, and will not be processed outside the UK.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected data breach where we are legally required to do so.

In line with data protection legislation, we will rely on one or more of the following lawful bases of processing:

1. Consent – you have provided us with consent to process your data
2. Contractual obligation – to perform a contract we have entered into
3. Legal obligation – to comply with the law
4. Vital interests – to protect your vital interests or someone else's
5. Legitimate interests – where necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests

Sensitive personal information requires higher levels of protection and further justification for processing. In processing this kind of personal data, we will rely on one or more of the following grounds:

1. Your explicit written consent
2. The need to protect you or another person from harm
3. For the establishment, exercise or defence of legal claims
4. For the provision of health or social care or treatment or the management of health or social care systems and services on the basis of domestic law

Most commonly, your personal data will be processed on the basis of consent or legitimate interests we have in providing the services.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

We recognise that each service is different in the way it operates. Where this is seen as appropriate, we may provide you with an additional information sheet, alongside this privacy notice, which will provide details of personal data processed by a particular service.

Sharing Your Personal Data

We will not share data with third parties unless there is a legislative, regulatory, insurance, contract or compliance requirement to do so or where you have given clear consent. Most

commonly, this will be for the purposes of making referrals or where our services are provided in collaboration with a partner, such as a local authority. We will aspire to share the minimum amount of data necessary for the purpose and restrict the use of data that directly or indirectly reveals your identity.

Where any data sharing is expected to take place, you will be provided with further information about the third parties involved and the lawful bases relied upon. All our third party service providers or partners are required to take appropriate security measures to protect your personal information in line with data protection legislation.

Please note that we are legally required to share information where we become concerned about a risk of harm to yourself or another person.

Retaining Your Personal Data

The length of time we will retain your personal data for depends on the circumstances and the type of personal data. In general, we will retain service user personal data for a period of 6 years. The circumstance where this may be different includes if you are under the age of 18 when you start receiving services from us or if there are any child or adult protection concerns.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legislative, regulatory, insurance, contract or compliance requirements.

Your Rights

- You have the right to ask for a copy of your personal information. This right is subject to exemptions set out by data protection legislation which means that you may not always receive all the information we process.
- You have the right to ask for information to be rectified if you believe it is inaccurate and/or incomplete.
- You have the right to ask for your information to be erased, but this only applies in certain circumstances.
- You have the right to ask us to restrict the processing of your personal information, but this only applies in certain circumstances.
- You have the right to object to processing, but this only applies in certain circumstances.
- You have the right to ask that we transfer your personal data to another organisation, or to you, in certain circumstances.
- You have the right to complain (see below).
- You have the right to object to automated decision-making. We will always inform you if any automated decision-making is taking place.

Complaints and Queries

If you have any questions or concerns about this Service User Privacy Notice or about how we process your personal data, please contact dataprotection@samh.org.uk or your Service Manager.

You can also contact the ICO if you are unhappy with how we process your personal data. The ICO contact details are as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>