



# Privacy Statement

This statement outlines the guiding principles for information sharing, based on legal and ethical requirements. It aims to provide a framework for the secure sharing of service user-identifiable information between partner organisations and also covers wider issues of disclosing information to third parties.

Under the Data Protection Act 2018 and the General Data Protection Regulation, we are required to explain to you why we are asking for this information about you, how we intend to use the information you provide and whether we will share this with anyone else.

## Data Protection Officer

Our Data Protection Officer is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.

If you have any concerns or questions about our use of your personal data, you can contact our Data Protection Officer by writing to The Data Protection Officer, 5 Beattyville Gardens, Ilford, IG6 1JN or emailing [tm@teammotivate.org.uk](mailto:tm@teammotivate.org.uk)

## Definitions

**Personal confidential data:** information that relates to an identified or identifiable individual. This data should not be processed without a clear legal basis. Personal confidential data should only be disclosed with consent or under statute, and any disclosure must always be limited and accompanied by a contractual agreement that mitigates the risk of misuse and inappropriate disclosure. The contractual agreement needs to set out, as a minimum, the legal basis for the data flow, the purposes to which the data can be put, the safeguards that should be in place to protect data and how the public are informed about these.

**Service user identifiable information:** all personal health information is held under strict legal and ethical obligations of confidentiality. Information given in confidence should not be used or disclosed in a form that might identify a service user without his or her consent. Service users should be involved in decisions about the use of their personal health information in most circumstances. Service user identifiable information includes:

- name
- address
- full post code
- date of birth

- NHS number
- National Insurance Number
- pictures, photographs, videos, audio-tapes or other images of the service user, as even a visual image (e.g., photograph) is sufficient to identify an individual. Any data or combination of data and other information, which can indirectly identify the person, will also fall into this definition.

**Non-person-identifiable information:** can be classed as confidential, such as confidential business information (e.g., financial reports and commercially sensitive information, e.g., contracts, trade secrets and procurement information) which should also be treated with the same degree of care.

**Special categories of personal information:** previously known as 'sensitive' personal data, defined by the Data Protection Act 2018 as refers to personal information about:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade-union membership
- processing of genetic data
- biometric data (for the purpose of uniquely identifying a natural person)
- data concerning health
- data concerning a natural person's sex life or sexual orientation.

## Why are we collecting your information?

At application stage, we will use information provided to us in order to assess the suitability of our service for you and to understand your needs.

The information that is used at application stage is the information provided to us:

- on an application form
- on other supplementary information forms if needed;
- during initial meetings with us;
- by telephone; and
- in your electronic and written communications.

Should you become a client of ours, we will use your personal information to provide you with personalised services in relation to:

- your care and/or support;
- risk management; and
- management of your tenancy or license with us.

The information that is used should you become a client of ours is the information provided during the application stage and information provided during on-going:

- face-to-face meetings and interactions;
- telephone calls; and
- electronic and written communications.

## **What information are we collecting?**

5.1 During your application for our services, we will collect the following information:

- your name, date of birth and personal contact details;
- your National Insurance number;
- your language preferences and communication needs;
- the gender you identify as;
- the ethnicity you describe yourself as belonging to;
- your religious beliefs;
- whether anyone acts on your behalf and you whether you have capacity.
- your income and financial health;
- any cautions or unspent convictions you may have.
- your housing history, including any arrears or debts you may owe;
- relevant details of your family, including your marital status, whether you have any children or whether you are pregnant;
- details in relation to your health; and
- relevant details of your personal life and any care or support requirements you may have.

Should you become a client of ours and receive services from us, we will use the information provided during your application in order to provide you with our services. We will also collect the following information to support you in managing your tenancy or license and to provide you with our care, support, and action planning services:

- the contact details of next of kin, relatives and other named contacts;
- images of you to assist us to co-ordinate and personalise your care and support;
- details in relation to your care and/or support requirements, including progress against your personalised outcomes;
- details in relation to your well-being, physical, and mental health;
- details of your contact and interactions with us in person, by telephone and in electronic and written communications;
- information provided by third parties in relation to complaints or anti-social behaviour that is relevant to your care and support, risk management or tenancy support;
- financial records about payments relating to the housing and services you receive from us, any outstanding amounts and associated recovery action; and

- information about any repairs and maintenance requirements you have during your tenancy with us.

We have CCTV in operation at some of our locations; if there is CCTV in operation, there will be signs clearly visible to indicate that this type of recording is taking place. CCTV is only used in public areas.

## **What we are going to do with your information**

Your information will be stored and used by us in accordance with this privacy statement and also in accordance with your rights under the Data Protection Act 2018 and the General Data Protection Regulation.

At application stage, the information provided to us will be used for the following purposes:

It will be collected and used by us fairly and openly for the purpose of assessing the suitability of our services for you and understanding your care and/or support requirements; and

It will be used to ensure that our services are fair and accessible to all.

Should you become a client of ours, the information provided to us will be used for the following purposes:

Collected and used by us fairly and openly to support you in managing your tenancy with us and to provide you with care and/or support services; and

Used to understand your personal situation and individual requirements so we can provide a tailored service that meets any cultural, financial, learning, mental or physical needs that you may have. It will also be used to improve the services you receive from us.

## **What is the legal basis for using your information?**

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for processing personal data which are set out in the data protection laws.

The lawful bases on which we rely in order to use the information which we collect about you to at application stage and should you become a client of ours are:

Using special categories of information about your health, personal life and any care or support needs you may have is necessary in relation to providing health or social care;

Using your information in this way is necessary for us to take steps at your request prior to entering into a contract and to perform the contract between us;

You have provided explicit consent to our use of your information. There is a limited amount of special category information that we use on the basis of your consent. We will inform you prior to collecting or processing your information based on consent and keep a record of your consent;

Using your information is necessary for us to comply with a legal obligation to which we are subject; and

It is necessary to use that information to protect someone's vital interests (which will usually be a 'life or death' situation).

## **Regulators and other legal obligations**

We may be required to share your information with our regulators who are permitted access to this information by law and with other organisations where we have a legal obligation to share the information with them. For example, LA, the Care Quality Commission.

## **Other organisations**

We may from time to time share your information with other organisations, such as:

Organisations with a function of auditing and/ or administering public funds for the purpose of detection and prevention of fraud; and

Local authority teams such as social services, environmental health, council tax departments and benefit agencies.

The police for the purpose of detection and prevention of crime;

## **Security of your information**

The information that you provide will be uploaded, stored securely on our systems. Our security measures and procedures reflect the seriousness with which we approach security and the value we attach to your information.

Only relevant members of staff will access the information you provide to us.

## **Storing your information and deleting it**

We will hold your information securely during the period of our relationship and for a set period afterwards in line with legal requirements, best practice and any follow up that may be necessary.

At application stage, if you decide not to take your application any further hold your personal information for 6 months after your last contact with us.

Should you become a client of ours, we will hold the information collected at application stage and while you are a client during the period of our relationship and for set periods of time afterwards. For example, normally, we will retain your support and service user records for six years after our relationship ends in-line with the Limitation Act 1980 and NHS Code of Practice.

Once the relevant set period has come to an end, unless there is another identifiable reason for which it necessary to hold on to your information, we will delete your information.

## **Your rights**

In relation to the information which we hold about you, you are entitled to:

Ask us for access to the information;

Ask us to rectify the information where it is inaccurate or is incomplete;

Ask us to erase the information that is used on the basis of your consent and take steps to ask others who we have shared your information with to also erase it;

Ask us to limit what we do with your information;

Object to our use of your information and ask us to stop that use; and

Instruct us to provide you with the information we hold about you in a structured and commonly used format or transmit that information directly to another organisation (for example, if you want the information to be sent to another housing provider or support provider).

Our obligations to comply with the above rights are subject to certain exemptions.

Where we are using your information because you have provided your consent to that use, you are entitled to withdraw your consent at any time. The lawfulness of our use of your information before consent was withdrawn is not affected.

To exercise any of the rights referred to above, you should contact our Data Protection Officer by writing to The Data Protection Officer, 5 Beattyville Gardens, Ilford, IG6 1JN or emailing [tm@teammotivate.org.uk](mailto:tm@teammotivate.org.uk)

You also have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF