**GENERAL PRIVACY NOTICE**

**(FOR MEMBERS, GENERAL PUBLIC, FAMILIES & CARERS, ETC)**

**Your personal data** – **What is it?**

This is any information about a living person which allows them to be identified from that data (e.g. a name, photograph, video, e-mail address, address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living person.

The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulations (the GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

**Who are we?**

This Privacy Notice is provided to you by the Jo Benson Day Centre which is the Data Controller for your data.

**Other data controllers the Day Centre works with:**

* Wiltshire Council Adult Social Services
* Wiltshire Council Learning Disability Services
* General Practitioners
* Multi-disciplinary healthcare professionals, e.g. Physiotherapist, OT
* Member’s care providers
* Wiltshire Council Court of Protection
* Wiltshire Council Finance Department
* Member’s transport to and from Day Centre

We may need to share your personal data we hold with them, so they can carry out their responsibilities to you and the Day Centre. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the Day Centre and the other data controllers may be “joint data controllers” which means we are collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights, or wish to raise a complaint, you should do so directly to the relevant data controller.

The Day Centre will process some or all of the following personal data where necessary to perform its tasks:

* Your name, address, telephone number and date of birth
* Next of kin – name, address & telephone number
* Emergency contact name and telephone number
* GP name, address & telephone number
* Social Worker’s name and contact information
* Medical information – allergies, medical history, medication, medication administration records, Do Not Resuscitate documents
* Personal needs assessments, guidelines for health / behavioural issues, personal contracts
* Photographs – individual and group activities
* Support plans
* Finance contracts
* File notes (safeguarding issues)
* Correspondence
* Diary appointments
* Daily file notes

The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, mental and physical health, details of injuries, medication / treatment received.

**How we use sensitive data**

We may process sensitive personal data including information about your physical or mental health. These types of data are described in the GDPR as “special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of data. We may process special categories of personal data in the following circumstances:

* With your consent where we need to carry out our legal responsibilities
* Where it is in the public interest
* Less commonly we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

**Do we need your consent to process your sensitive personal data?**

We may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

**How we will comply with data protection law**

The personal data we hold about you must be:

* Used lawfully, fairly and in a transparent way
* Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
* Relevant to the purposes we have told you about and limited only to those purposes
* Accurate and kept up to date
* Kept only as long as necessary for the purposes we have told you about
* Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

* To deliver public services including to understand your needs, to provide the services you request, to understand how we can support you and inform you of other relevant services
* To confirm your identity to provide some services
* To contact you by post, e-mail or telephone
* To help us build up a picture of how we are performing
* To enable us to meet all legal and statutory obligations
* To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice with the aim that all children and adults at risk are provided with safe environments and generally as necessary to protect individuals from harm or injury
* To promote the interests of the Day Centre
* To maintain our own accounts and records
* To seek your views, opinions or comments
* To notify you of changes to our facilities, services, events, staff and other role-holders
* To process relevant financial transactions for services supplied by the Day Centre

**What is the legal basis for processing your data?**

The Day Centre is a registered charity and has certain obligations. Most of your personal data is processed for compliance with a legal obligation. We will always take into account your interests and rights.

This Privacy Notice sets out your rights and the Day Centre’s obligations to you.

Sometimes the use of your personal data requires you to consent. We will first obtain your consent to that use.

**Sharing your personal data**

This section provides information about the third parties with whom the Day Centre may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly the way they process and protect your personal data.

It is likely that we will need to share your data with some or all of the following (but only when necessary)

* The data controllers listed above under the heading “other data controllers the Day Centre works with”.

**How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time.

For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information.

We may have legal obligations to retain some data in connection with our statutory obligations as a registered charity.

The Day Centre is permitted to retain data to defend or pursue claims. In some cases, the law imposes a time limit for such claims (e.g. 3 years for personal injury claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim.

In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

**Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

* The right to access personal data we hold on you
  + At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
  + There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
* The right to correct and update the personal data we hold on you if the data we hold on you is out of date, incomplete or incorrect, you can inform us, and your data will be updated.
* The right to have your personal data erased – if you feel that we should no longer be using your personal data or that we are unlawfully using your personal data you can request that we erase the personal data we hold. When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (e.g. because we need it to comply with a legal obligation).
* The right to object to the processing of your personal data or to restrict it to certain purposes only. You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
* The right to data portability – you have the right to request we transfer some of your data to another controller. We will comply with your request where it is feasible to do so, within one month of receiving your request.
* The right to withdraw your consent to the processing of data at any time for any processing to which consent was obtained – you can withdraw your consent easily by telephone, e-mail or post (see contact details below).
* The right to lodge a complaint with the Information Commissioners Office (ICO). You can contact the ICO on:
  + Tel: 0303 123 1113
  + E-mail: <https://ico.org.uk/global/contact-us/email>
  + Post: The Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.
* Transfer of data abroad – We do not transfer data abroad. However, our website is accessible from overseas, so on occasion some personal data (e.g. photographs) may be accessed from overseas.

**Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy 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.

**Changes to this notice**

We will keep this Privacy Notice under regular review and you will be notified of any updates.

This notice was last updated on 2nd February 2023

**Contact details**

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Jo Benson Day Centre

Christie Miller Road

Salisbury

Wiltshire. SP2 7EN

E-mail: [jobensondaycentre@btconnect.com](mailto:jobensondaycentre@btconnect.com)

Tel: 01722 337175

**Reviewed by Trustees on: 20/09/21, 02/02/23**