

Privacy Notice - Personal Information and Data of People we Support

1 Introduction

- 1.1 A “privacy notice” is a statement issued by an organisation which explains how personal and confidential information is collected, used, and shared. This Privacy Notice provides people we support with details of how we collect and process their personal information; it also covers information we hold about their family and representatives.
- 1.2 Personal information is information that identifies you as an individual and relates to you.
- 1.3 Imagine Independence is the data processor and in some cases, we may be the data controller. We are responsible for your personal information (referred to as “we”, “us” or “our” in this privacy notice).
- 1.4 The organisation’s full details are:
Full name of legal entity: Imagine Independence
Email address: imagine@imagineindependence.org.uk
Head Office postal address: 25 Hope Street, Liverpool, L1 9BQ
Telephone number: 0151 709 2366
Information Commissioner Office Registration Number: Z2651727
- 1.5 It is very important that the information we hold about you is accurate and up to date. Please let us know if at any time your personal information changes by informing a member of Imagine’s support team.

2 Lawful bases for processing

- 2.1 We will only process information relating to you as long as there is a lawful basis and it is necessary to do so. The lawful bases under which we process your data are:
- Legitimate interest – where we need to process your data for the day to day running of our service to you
 - Recognised legitimate interest – when necessary for the purpose of crime prevention, safeguarding, in the event of emergency
 - Vital interest – when it is necessary to protect someone’s life - this may be through a medical emergency or requirements under Mental Health Act
 - Legal obligation – where we need to comply with the law
 - Contract – in order to perform our contract with you.
- 2.2 Where none of these are appropriate, then we will approach you for your consent.

3 Why We Collect Your Information

- 3.1 We collect personal and confidential information to support the delivery of appropriate care and support. This is necessary in order to enter a legitimate contract to provide you with high quality care. We must keep records about you, your health, and the care that we provide, or plan to provide to you. It is important that we have all relevant information as this enables us to ensure you receive the right care to meet your individual needs.
- 3.2 We keep records about your treatment and care both on paper and electronically. This information may be given to us directly by you. Our staff record information about you as part of your care or support. The staff who do this include Managers, administrative & support staff and other health & care professionals involved in your support.

- 3.3 We may also hold information relating to your direct care which has been provided to us by other NHS organisations such as your GP, NHS hospitals, NHS clinics and other third parties such as Opticians, Dentists, private healthcare providers or from other bodies such as university and schools.
- 3.4 The personal information we collect depends on the service we are providing. It might include your name, address, email address, telephone number, next of kin or carer details, ethnicity, whether you have a GP, information regarding your health, lifestyle and levels of activity which you undertake, your attendance at our services, your bank details. This is not an exhaustive list.
- 3.5 The data we collect from you will be proportionate and necessary to deliver the service. It should be noted that for services that will take place in your home, we may have to ask details of any pets or other people living in your house, the safety and security of your property (as part of our risk assessment process).
- 3.6 In the case of service users who are unable to provide this personal information for themselves, we will gather the information we need to ensure we can provide you with the service you need from one of the following sources: your carer, next of kin, family member, involved professional or responsible person.
- 3.7 Some of our services operate recording equipment e.g. CCTV, Ring Doorbell, for the purpose of ensuring the safety and security of individuals, preventing and detecting crime and protecting property. On occasions, we may collect and review footage (including from third parties) to be used in the investigation of allegations of abuse, misconduct or safeguarding concerns.
- 3.8 Where we are required to collect personal information by law, or under the terms of the contract between us and you, if you do not provide us with that information when requested, we may not be able to perform the contract (for example, to deliver our service to you).

4 The Information We Collect About You

- 4.1 We may process certain types of personal information about you as follows:
- Name, address, telephone, email, date of birth, and next of kin (we will use your contact details to communicate with you by post or email where appropriate/necessary)
 - Any support provided to you
 - Health appointments, hospital attendances and home visits
 - Details and records of treatment and care, notes and reports about your health
 - Other relevant information from people who care for you and know you well, such as health professionals, relatives
 - We may also collect other information about you, such as your sexuality, race or ethnic origin, religious or other beliefs, disability or require any additional support with appointments (like an interpreter or advocate)
 - CCTV/Ring Doorbell footage where in operation, in place for the purpose of ensuring the safety and security of individuals, preventing and detecting crime and protecting property.

5 How We Use Your Information

- 5.1 We will only use your personal information where a lawful basis for processing applies (see section 2). The most common uses of your personal information are:
- Where we need to provide a service from a contract
 - 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
 - Where we need to comply with a legal or regulatory obligation.
- 5.2 Commissioning agencies/regulatory bodies may require information about you to ensure we are fulfilling requirements.
- 5.3 Generally, we do not rely on consent as a legal ground for processing your personal information where we are supporting you as part of a service. However, where we require consent for information to be given to someone not directly involved in your support or contract with us, this will only happen **with your prior consent** and discussion with you, this could be contacting your

employer/learning provider with the aim of supporting your return to or retention of work/learning; approaching organisations on your behalf to place you in mainstream opportunities or ensure you get support on housing, benefits, legal or social issues.

6 Change of purpose

- 6.1 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.
- 6.2 If we need to use your personal information for a purpose unrelated to the reason for which we collected the information, we will notify you and we will explain the legal ground of processing.
- 6.3 We may process your personal information without your knowledge or consent where this is required or permitted by law.

7 Disclosures of Your Personal Information

- 7.1 We may have to share your personal information with the parties set out below in order to provide appropriate care – any such disclosures are made on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place:
 - Local authorities, Safeguarding, GP's, multi-disciplinary team members, commissioners, social workers, CMHT so that we can provide a holistic care and support package specific to your needs and requirements
 - Service providers who provide IT and system administration services.
 - Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
 - HM Revenue & Customs, regulators and other authorities based in the United Kingdom and other relevant jurisdictions who require reporting of processing activities in certain circumstances
 - Other third parties as part of any investigation into allegations of abuse, misconduct or safeguarding concerns. We may also collect such footage (including from third parties) in investigations of this nature.
- 7.2 We require all third parties to whom we transfer your information to respect the security of your personal information and to treat it in accordance with the law. We only allow such third parties to process your personal information for specified purposes and in accordance with our instructions.
- 7.3 We do not transfer your personal information outside the European Economic Area (EEA).

8 Information Security

- 8.1 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know such information. They will only process your personal information on our instructions and they are subject to a duty of confidentiality and required data security standards.
- 8.2 We have put in place procedures to deal with any suspected personal information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

9 National Data Opt Out

- 9.1 We review our data processing on an annual basis to assess if the national data opt-out applies. This is recorded in our Record of Processing Activities. All new processing is assessed to see if the national data opt-out applies.

- 9.2 At this time we do not share any data for planning or research purposes for which the national data opt-out would apply. We review all of the confidential information of people we support that we process on an annual basis to see if this is used for research and planning purposes. If it is then individuals can decide to stop their information being shared for this purpose.
- 9.3 You can find out more information at <https://www.nhs.uk/your-nhs-data-matters/>

10 Information Retention

- 10.1 We will retain your personal information for a set period of time from when you no longer receive support from Imagine, in accordance with the NHS Records Management Code of Practice (for Health & Social Care) and our Records Management and Retention Procedure.
- 10.3 By law we have to keep your information for a set period of time after they cease being supported by us. This time period can vary between 6 years and 20 years depending on the nature of the individual's support needs.
- 10.4 In some circumstances you can ask us to delete your information: see below for further information.
- 10.5 We may anonymise your personal information (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

11 Your Legal Rights

- 11.1 Under the Data Protection Act 2018, you have the right to find out what information organisations hold about you. These include the right to:
- Be informed about how your data is being used
 - Access to your personal data
 - Have incorrect data updated
 - Have data erased (if incorrect)
 - Stop or restrict the processing of your personal data
 - Request transfer of your personal information
 - Object to how your data is processed in certain circumstances.
- 11.2 You also have rights when an organisation is using your personal data for the following, however Imagine Independence does not use your personal data in this way:
- Automated decision making (without human involvement)
 - Profiling, to predict your behaviour or interests.
- 11.3 Subject Access Request ('SAR') - If you wish to access your support records, please email us at: dataprotection@imagineindependence.co.uk If you are unable to do so, please speak to a member of your support team at Imagine Independence.
- 11.4 You can see more about these rights on the ICO website: <https://ico.org.uk/for-the-public/>

12 Selling, Marketing or Sales

- 12.1 We will not sell your information for any purpose and will not provide third parties with your information for the purpose of marketing or sales.

13 Your Right to Complain

- 13.1 You have the right to make a complaint if you feel unhappy about how we hold, use or share your information. If you have any queries or concerns regarding the information that we hold about you or have a question regarding your privacy, please email us at quality@imagineindependence.org.uk

- 13.2 If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the ICO – Information Commissioner’s Office (please be aware that the ICO will not usually consider your complaint unless you have exhausted your rights of complaint to us directly):

Website: <https://ico.org.uk/concerns/>

Post: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.