**PRIVACY NOTICE**

**Data Protection**

**Your Information and What You Need to Know**

This leaflet explains why information is collected about you and the ways in which it is used. Listening Ear (Merseyside) is registered as a data controller/ data processor under DPA 18.

The aim of this leaflet is to provide you with an overview of how we use and handle your information.

**Why we collect information about you?**

Our staff keep records about your mental wellbeing and any services you receive from Listening Ear (Merseyside).

These help us ensure that you receive the best possible care. They are held securely on a computer database which is run by the company https://lamplight.online/.

The records may include:

* Basic details about you, such as address and next of kin
* Reasons for your referral
* Demographic information
* Communications we have had with you or in connection with you
* Brief support and appointment notes
* Details of any risks to yourself or others
* Details of any other professionals who support you, or those who care for you and know you well
* Photos or videos for marketing purposes (which we would only do with your consent)

We may ask for evidence of identity, and we may exercise the right to charge if we consider your request to be unreasonable e.g. repeated requests for the same information.

Some data is deemed Sensitive Data, and we can only process this with your consent. If the consent is not forthcoming or withdrawn, we may not be able to complete the provision of our services with no liability on our part. Sensitive Data includes information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data biometric data, sex life or sexual orientation, and medical information. Medical information will not be shared without your consent unless there is a risk to life or other legal obligation.

**How our records are used to help you**

Your records are used to guide and administer the support you receive to ensure:

Professionals involved in supporting you have accurate and up to date information to provide support to you

Information is available to enable us to provide a safe and effective service to you

Your concerns can be properly investigated if you need to complain

If we accept your referral to LE, we will process your data and an Administrator will contact you initially to offer you an appointment. Your information may also be used to help us:

Audit our accounts and services

Investigate complaints, legal claims or untoward incidents

Make sure our services meet the needs of people we support in the future

Prepare anonymised statistics on our performance so that we can be paid by commissioners of our services

Review the quality of our counselling and support to:

* Ensure it meets the highest standard
* Teach and train counsellors and other professionals
* Conduct research and development
* Charge appropriately for our services where applicable
* Send appointment reminders to you

**What is the legal basis for our collection of personal data?**

We will only process your data for lawful purposes to which you have consented. The legal bases used [are](https://www.dataprotection.ie/sites/default/files/uploads/2020-04/Guidance%20on%20Legal%20Bases.pdf):

1. Consent

2. Contract

3. Legal Obligation

4. Vital Interests

5. Public Interests

6. Legitimate Interests

**How long is your data kept?**

CYP records are retained until 25th birthday, or 26th if the patient was 17 when treatment ended. Adult records for 8 years following treatment.

**Who are our partner organisations?**

We use a client management system owned and managed by a Third Party, <https://lamplight.online/>. The principal partner organisations with whom your information may be shared with your consent are:

* Local Authorities
* NHS Trusts
* General Practitioners (GPs)
* NHS Clinical Commissioning Groups or Commissioning Support Units
* Charitable trusts

**How can you get access to your personal records?**

The Data Protection Act 2018 (DPA 18) and the General Data Protection Regulation (collectively referred to as the ‘Data Protection Requirements’) allows you to find out what information about you is held on computer and in certain manual records. This is known as ‘right of subject access’ and it applies to your Listening Ear records.

You are entitled to view or receive a copy of your records or to request that we:

* correct information held about you that is inaccurate
* cease the processing of your personal data
* delete your personal data if your request is not overridden by our legal rights
* provide your personal data in a portable format

You should be aware that your right to see some details in your records may be limited in your own interest or for other reasons acceptable in law.

To exercise any of these rights, please complete and send us the [Subject Access and Correction Request Form](../13.%20Subject%20Access%20and%20Correction%20Request%20Form.docx). We may ask for evidence of identity, and we may exercise the right to charge if we consider your request to be unreasonable e.g. repeated requests for the same information.

**How we keep your records confidential?**

Everyone working for Listening Ear (Merseyside) has a legal duty to keep information about you confidential.

We take confidentiality seriously. We will not disclose your information to third parties without your permission unless the law requires information to be passed on (e.g. we receive a court order). Anyone who receives information from us is also under a legal duty to keep it confidential.

There are five exceptions when Listening Ear is required to break confidentiality. You will be asked to sign an agreement in your first session that says you understand this and allows us to do it. These are:

1. Where Listening Ear has the express consent of the client, or for children and young people, the parent/ legal guardian, to disclose the information.
2. Where Listening Ear is legally obliged to provide the information e.g. as a result of a court order.
3. Where you have discussed your knowledge of or involvement in an illegal activity.
4. Where Listening Ear believes that you are at risk of harm to self, harm from others or harming others or that a 3rd party is in serious danger.
5. To support multi-agency wrap-around support for you or any vulnerable children and young people. You or your child may be receiving care from other organisations as well as Listening Ear (such as the NHS or Social Services) and we may need to share some information about you so that we can all work together for your benefit. However, we will only ever use or pass on your information if others involved in your care have a genuine need for it and with your consent.

**How to complain**

If you are unhappy with how we have handled your personal data, you can make a complaint in writing to us at the address below. We will respond to this in line with our Comments, Compliments and Complaints Policy. You can request a copy of this by email.

If you have any complaints, please send them to our data protection representative in the first instance. If you are not satisfied with the response you should contact The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9

5AF Phone: 03 031 231 113, email casework@ico.org.uk and website www.ico.org.uk.

**Further Information**

If you would like to know more about how we use your information and your rights under the DPA 18, please contact our Data Protection Officer at the address below.

The Company’s registered address is: St Nicholas Centre, 70 Church Road, Liverpool, L26 6LB

Email: enquiries@listening-ear.co.uk

Phone: 0151 488 6648

Our ICO registration number is Z1029639