

## **MIND IN KINGSTON PRIVACY NOTICE FOR BENEFICIARIES**

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In accordance with the General Data Protection Regulation (GDPR), Mind in Kingston has implemented this privacy notice to inform you, our beneficiaries, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

Beneficiaries encompass all the people that use our services. This notice applies to current and former beneficiaries, their representatives, their carers, family members or friends, professionals and others acting on their behalf.

### **A) DATA PROTECTION PRINCIPLES**

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

### **B) TYPES OF DATA HELD**

We keep several categories of personal data on our employees in order to carry out effective and efficient processes. We keep this data in a personnel file relating to each employee and we also hold the data within our computer systems, for example, our holiday booking system.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers and email address
- b) name and contact details of your next of kin or other representatives
- c) your gender, sexual orientation, marital status, disability, race and religion for equality monitoring purposes
- d) records of your enquiry, which can include information your mental health and/ or other health conditions, financial circumstances, benefit information, housing issues and other issues affecting your mental wellbeing
- e) supporting statements or letters from medical professionals or other professionals
- f) details about your current employment status such as your current employer and your national insurance number
- g) information about criminal convictions

Mind in Kingston provides services, advice and information, signposting and other assistance that support beneficiaries with a range of issues. In order to offer the best support, we collect other information that may be necessary for that enquiry.

This can include the following data. Where the reason may not be immediately obvious, we have provided some examples to explain why this data would be collected.

- i) details of your bank account (e.g. if you are a tenant of Mind in Kingston)
- ii) housing benefit and other benefit applications, letters and details (if we are supporting you with financial issues)
- iii) details of your mental health condition, your GP and/ or mental health worker
- iv) application forms for Mind in Kingston's services, risk assessment and other documents to process clients for the service
- v) application forms for external services (if we support you with an application)
- vi) support plans that record progress (e.g. for our Counselling Floating Support, or Peer Support services)
- vii) client contact notes that record weekly meetings and progress made (e.g. for Counselling, Floating Support or Mental Health Parliament services)

The list above is not exhaustive. We will always explain why certain data is required prior to collecting it.

### **C) COLLECTING YOUR DATA**

You provide data to us directly that is relevant during your enquiry or as part of the service you receive. We will ask you for consent to collect that data.

In some cases, we will collect data about you from third parties, such as GPs, mental health professionals, support workers, carers and others involved in your case.

Personal data is kept in files or within Mind in Kingston's IT systems.

### **D) LAWFUL BASIS FOR PROCESSING**

The law on data protection allows us to process your data for certain reasons only. In the main, we process your data in order to comply with a legal requirement or in order to effectively manage the employment contract we have with you, including ensuring you are paid correctly.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

<b>Activity requiring your data</b>	<b>Lawful basis</b>
To answer/ support you with your enquiry	Our Legitimate Interest/ Terms & Conditions of our SLA */ contract with our funders/ commissioners
To refer you to another organisation, statutory service or agency	Our Legitimate Interest/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
To support you with a specific issue e.g. mental health, financial issues, housing, employment or education	Our Legitimate Interest/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
Gaining access to, and continued use of our services (e.g. counselling, floating support, peer support)	Our Legitimate Interest/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
Ensuring you are not at risk (safeguarding) or causing a risk to others (for instance, tenants of Mind in Kingston)	Legal obligation/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
Complying with legal and statutory obligations as a landlord for the Floating Support Service	Legal obligation/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
To record and monitor your progress and/ or case work. This includes your feedback and comments.	Our Legitimate Interest/ Terms & Conditions of our SLA/ contract with our funders/ commissioners
Effectively monitoring and evaluating our services	Terms & Conditions of our SLA/ contract with our funders/ commissioners
Complying with statutory or legal obligations such as health and safety, data protection, safeguarding	Legal obligation
Preventing crime and fraud	Our legitimate interests
To manage complaints effectively	Our Legitimate Interest/ Terms & Conditions of our SLA/ contract with our funders/ commissioners

\*SLA: Service Level Agreement

## **E) SPECIAL CATEGORIES OF DATA**

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

We carry out processing activities using special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest
- d) you have already made the data public.

#### **F) FAILURE TO PROVIDE DATA**

Your failure to provide us with data may mean that we are unable to fulfil our requirements for providing you with support. This could include being unable to answer your enquiry, being unable to offer a service or signpost you to other relevant services.

#### **G) CRIMINAL CONVICTION DATA**

We will only collect criminal conviction data where it is appropriate given the nature of your contact with us and where the law permits us. This data will usually be collected before you commence a service with us but may be collected while you are user of our service(s). We collect this data for legal obligations, and to comply with the terms and conditions of the SLA/ contract with our funders/ commissioners.

#### **H) WHO WE SHARE YOUR DATA WITH**

Staff within our company who have responsibility for different services and projects will have access to your data which is relevant to their function. All staff with such responsibility have been trained in ensuring data is processing in line with GDPR.

Data is shared with third parties for the following reasons:

- a) To support you with your enquiry, your casework or so you can access another service
- b) To refer you to another organisation, statutory service or agency
- c) To support you with an application for employment, benefits or other service
- d) To monitor your progress and report on the outcomes we are achieving (no personal data is used in the reports)
- e) For reporting purposes as agreed with funders, grant givers and commissioners (no personal data is used in the reports)

For tenants of the floating Support service, we will also share data with third parties for the following reasons:

- a) For the administration and processing of your rent payments and arrears
- b) To support you with housing and other benefit claims
- c) To support you with employment or education
- d) To support you to bid for housing options once you move on
- e) To support you with your mental health, including attending appointments with you

We do not share your data with bodies outside of the European Economic Area.

## **I) PROTECTING YOUR DATA**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

## **J) RETENTION PERIODS**

We only keep your data for as long as we need it for, which will be for the duration of your contact with us and for three years after you cease to use our services. This is because we are required to report on our services to our funders/ commissioners, and because we want to monitor and evaluate our services to make improvements and changes.

The two exceptions to the above are the Mental Health Related Housing Service (formerly the Floating Support Service) and the Counselling Service which are required to keep data for 6 years in line with the requirements of our contract and legal requirements.

## **K) AUTOMATED DECISION MAKING**

Automated decision-making means making decision about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

## **L) INDIVIDUAL RIGHTS**

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. More information on this can be found in the section headed "Access to Data" below and in our separate policy on Subject Access Requests";
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
- e) the right to restrict the processing of the data;
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in our separate policy on employee rights under GDPR.

## **M) CONSENT**

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data. This can result in us not being able to provide you with support.

## **N) MAKING A COMPLAINT**

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

## **O) DATA PROTECTION COMPLIANCE**

Our Data Protection Officer is:

Chief Executive Officer  
Mind in Kingston  
Siddeley House  
50 Canbury Park Road  
Kingston upon Thames  
KT2 5JA