

## **Our Privacy Notice**

### **What this privacy notice covers**

The Percy Hedley Foundation is committed to protecting your personal information and being transparent about what information we hold about you.

The purpose of this notice is to give you a clear explanation about how the Percy Hedley Foundation and associated services uses the personal information you provide to us and what we collect, whether online, via phone, in letters or in any other correspondence and which third parties we may share that information with.

We ensure that we use your information in accordance with the General Data Protection Regulation (GDPR) and any other laws that set out how we can use your personal data.

This notice explains:

- What information we may collect about you;
- How we will use that information;
- Whether we disclose your details to anyone else; and
- Your choices regarding the information you provide to us;

If you would like to discuss anything in this Privacy Notice, please contact: Data Protection Officer, The Percy Hedley Foundation, Hampeth Lodge, Station Road, Forest Hall, Newcastle upon Tyne, NE12 8YY, or email [dpo@percyhedley.org.uk](mailto:dpo@percyhedley.org.uk)

### **Select to read more**

- + Who we are
- + Education Services
- + Adult Day Services
- + Careers and Job Applications
- + Residential Services
- + Therapy,

## Who we are

We are a leading charity supporting, children, young people, and adults with disabilities in the UK and our registered charity number is 1043904 in the UK and







Our legal basis for processing your information remains compliance with a legal obligation (Article 6 (c) GDPR), and

Our condition for processing the special category data within that is - processing is necessary for the assessment of the working capacity of the employee (Article 9 (h) GDPR).

This is to ensure the appropriate support is in place in the workplace. We will keep you informed on the available options for work experience



- x careers advisers

#### Looked after children

We are required by law, to provide information about our pupils to local authorities as part of our statutory data collections, such as the looked after children return. This return will apply to any child who is being looked after by their local authority (known as a child in care). They might be living: with foster parents, at home with their parents under the supervision of social services, or in residential children's homes.

To find out more about the pupil information we share with local authorities, and the purpose of the data collections, go to <https://www.gov.uk/guidance/children-looked-after-return>

#### The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department for Education. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of our statutory data collections, V X F K D V W K H V F K R R O F H Q V X V D Q G H D U O \ \ H D U V ¶ F H Q V X V 6 R stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, and the purpose of the data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- x conducting research or analysis
- x producing statistics
- x providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to strict approval processes and based on detailed assessment of:

- x who is requesting the data
- x the purpose for which it is required
- x the level and sensitivity of the data requested, and
- x the arrangements in place to store and handle the data

To be granted access to pupil information, organisation must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about which organisation the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>.



To contact DfE:

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<sup>i</sup> Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person,  $\text{š } \}v \text{ } \text{Œ}v \}v P Z \text{ } ošZ \} \text{Œ} \text{ š } \}v \text{ } \text{Œ}v \}v P \text{ } v \text{ } \text{š} \mu \text{Œ} \text{ } o \text{ } \text{š}$  sexual orientation (Article 9 Processing of special categories of personal data)

## Adult Day Services

Our adult day services are provisions at H H G O Home (Forest Hall).

For instance :

- x to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- x to monitor and improve our performance in responding to your request
- x to ensure we meet our regulatory and legal obligations
- x to protect individuals from harm or injury
- x to process financial transactions
- x to allow the statistical analysis of data so we can plan the provision of services.

### Legal basis for our processing

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

If you are a private user who contracts directly with us - processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR), or

If you are funded via your local authority - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR), and

Our additional special category condition for processing is - processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care . (Article 9 (h) GDPR).

This is in accordance with the DPA 2018 schedule 1 Condition ; Part 1, Health or social care purposes . 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.

During assessment/enrolment at 71 0 595.32 systems dule 1 Condition

Our condition for processing the special category data within that is; processing is necessary for reasons of substantial

x With trusted

Our retention period for images:

Images that are not directly related to your service user record will only be retained while you attend our service, (unless you have given explicit consent to continue to use your images for a longer period via the Image Consent form).

A record that includes images that evidence your

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<sup>i</sup> Community Support Services only

<sup>ii</sup> Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person,



## Careers and Job Applications

The Percy Hedley Foundation regularly advertises career opportunities across our various services, both internally and externally.

### Information collection

Information you give us.

Via our online portal ATS (application tracking system) you can view and apply for jobs. This will include providing personal information such as; full name, date of birth, address, email, and telephone number. We will also require your qualification and employment history.

Due to application procedures we will also need to collect some further mandatory personal

For the above type of processing our legal basis for processing your information is  $\pm$ the data subject (you) has given consent to the processing of his or her personal data for one or more purpose (Article 6 (a) GDPR), and

Our additional 'special category' condition for processing is - the data subject (you) has given explicit consent to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).

This is in accordance with the DPA 2018 schedule 1 Condition ; Part 1, this condition is met if the processing is necessary for Equality of opportunity or treatment (a) is of a specified category of personal data, and (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

During our recruitment process we will ask you to disclose your ethnicity, sexual orientation as well as any cultural and/or religious beliefs , however, this is not mandatory, and therefore yo u do not have to disclose this information . If you do this information will be used for anonymised statistical purposes only.

Our legal basis for this processing is  $\pm$ the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and

Our additional special category condition for processing is - the data subject (you) has given explicit consent to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).

This is in line with the DPA 2018 schedule 1 Condition ; Part 2, Equality of opportunity or treatment  $\pm$ this condition is met if the processing (a) is of a specified category of personal data, and (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

#### Recipients and disclosing your personal information

Where appropriate, HR will share your personal information internally between relevant departments within the Foundation. For instance, so the relevant Manager (s) can review your application prior to vetting for interview.

If your application is successful for interview your application will be shared with the interview panel. In most cases the interview panel will be made up of internal Percy Hedley employees, however, in some instances we may invite trusted third party professionals to join the panel.

In these instances your personal information will be shared with these professionals prior to interview, but we will only share via a secure encrypted method and will ensure the deletion of your documents immediately after interview.

#### Keeping your personal information

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

For non-successful job applications we will retain for a maximum period of 12 months.

If your application is successful your application will form part of your employment record and be retained in line with our internal retention schedule. Once formally employed you will have access to the Foundations internal Privacy Notice which will explain how we will continue to use and store your personal information in more detail.

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<sup>i</sup> Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person,

## Residential Services

Our adult residential services are registered with the Care Quality Commission (CQC) to provide accommodation and personal care to adults with physical or learning disabilities and include:

We will use this information to formulate our decision making process for your health and wellbeing needs, to ensure we provide you with the required support.

For instance:

- x to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- x to monitor and improve our performance in responding to your request
- x to ensure we meet our regulatory and legal obligations
- x to protect individuals from harm or injury
- x to process financial transactions
- x to allow the statistical analysis of data so we can plan the provision of services.

### Legal basis for our processing

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

If you are a private user who contracts directly with us - processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR), or

If you are funded via your local authority - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR), and

Our additional special category condition is - processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care . (Article 9 (h) GDPR).

This is in accordance with the DPA 2018 schedule 1 Condition ; Part 1, Health or social care purposes . 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.

During assessment/enrolment at our service we will ask you to disclose your racial/ cultural identity as well as your faith as part of our assessment and care planning. This is not mandatory, and therefore you do not have to disclose this information . If you do it will be used to determine whether there was a support need.

Our legal basis for this processing is - the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and

Our additional special category condition for processing is - the data sub.0000t(s)-5(u /F5 9.96 Tf 1 0 0 1 361.99



- x Where we are under a duty to disclose your personal information in order to;
  - o





The information you give us and we collect from relevant third parties will be used to form your **therapy record**. For instance, your specific therapy needs, progress, and specific clinical notes will be added to your records.

Your **nursing record** will also include a record of your medication administered and your height and weight charts.

**Counselling records** are highly confidential and as such, no identifiable personal information will be recorded. The record simply has a unique identifier number and notes of sessions, no names or initials will be documented in the record.

Your **Educational Psychology**

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 1**, Health or social care purposes. *2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.*

To support medication and/or Therapy needs it may be necessary to take **Images** as they can play an important part of our process to support your clinical needs. We will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR), and

Our additional **special category condition** for processing is - *the data subject has given explicit consent to the processing of those personal data for one or more specified purposes* (Article 9 (a) GDPR), which is supported by the same schedule 1 condition as above.

When processing your **Counselling** information;

Our legal basis for processing your information is ~~is~~ *processing is necessary for the performance of a contract to which the data subject is party* (Article 6 (b) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 2**, Counselling etc .*17(1)This condition is met if the processing is (a)is necessary for the provision of confidential counselling, advice or support or of another similar service provided confidentially.*

When processing your **Educational Psychology** information (internal to Percy Hedley School);

If you are a **private user who contracts directly with us** -

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, Safeguarding of children and of individuals at risk .18 (1) *This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

## **Recipients and disclosing your personal information**

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, between therapy and nursing teams, education services, residential and finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

To third parties who provide a service to us and process your personal information on our behalf, these systems are used with Education Services, which therapists and nurses can access and contribute to. These include;

- o Google Docs <https://www.google.co.uk/docs/about/>
- o SIMS (schools only) <https://www.capita-sims.co.uk/>
- o Databridge (college and Wansbeck) <https://databridgemis.net/>
- o iASEND (schools only) <https://www.lcp.co.uk/iasend>
- o CPOMS (schools only) <http://www.cpoms.co.uk/>
- o Dropbox <https://www.dropbox.com>
- o \*Earwig (schools only) <https://earwig.uk.com/>

\*As this system is image based, your information will only be processed in Earwig if you have given explicit consent, via our Image Consent Form.

With third parties who also process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;

- o Local Authorities
- o DfE
- o GPs
- o Social Workers
- o NHS
- o External therapy and/or behavioural teams

With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;

- o Hoist suppliers
- o Wheelchair suppliers

Where we are under a duty to disclose your personal information in order to;

- o comply with any legal obligation (for example to a govop-9(mp)-8(l)5(e t)-71.92 m000088.e2le tleg1 0 595.x

- o in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

### **Data collection requirements**

As part of our Teaching Schools agreement with the DfE, it is a statutory requirement that we provide data returns via the Teaching Schools hub on an annual basis. The data shared is solely for statistical purposes and does not include any identifiable personal information e.g. names or DOB.

More information about the DfE can be found here:

<https://www.gov.uk/government/organisations/department-for-education>

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

### **Our retention period for therapy and nursing records relating to an adult:**

We will retain your patient record for 30 years from the end of treatment, or 8 years after death, in line with IGA Records Management Code of Practice for Health and Social Care.

### **Our retention period for therapy and nursing records (including EP) relating to a child:**

We will retain your patient record until you turn 26 years old, in line with IGA (as above).

To find out more about IGA go to: <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

### **Our retention for counselling records:**

We will retain your counselling record for 10 years from the end of your sessions, in line with BACP guidance.

To find out more about BCP go to: <https://www.bacp.co.uk/>

An exception to the above retention periods will occur, for any record relating to allegations of abuse or suspected abuse. These records will be retained for a minimum period of 50 years, to comply with our insurance terms and conditions.

### **Our retention period for images**

Records that may include images that evidence your progress or decline in therapy treatments will need to be retained in line with requirements as outlined above.

Images that are not directly related to your therapy record will only be retained while you are in attendance at our services.

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our service users. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- o Award ceremonies, or similar

- o Leavers balls/leavers assemblies, or similar
- o Career/progression case studies, or similar
- o Anniversary celebrations, or similar

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<sup>i</sup> Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, § 1(2)(b) of the Data Protection Act 1998, and the processing of personal data relating to sexual orientation (Article 9 Processing of special categories of personal data)

<sup>ii</sup> Sometimes your therapy treatment will involve images being taken to evidence therapy assessment needs and progress or potential decline. These images can sometimes

ii

Fundraising

Information collection

Information you give us

One of these is where we have obtained your consent (Article 6 (a) GDPR) to use your information for specified notified purpose, such as to send you email/text marketing or to provide you with a product, service or information at your request.

Your consent will be gained via our consent form, which can be accessed via our keeping in touch page on our website: <http://www.percyhedley.org.uk/support-us/keep->







Our retention period for donor images:

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## Visitors, CCTV, and general processing

### Sign-in books

, Q G L Y L G X D O Family members, social workers, contractors etc.) regularly visit our sites. Upon

## General processing

For any parent/guardian, visitor, or third parties who deal with the Percy Hedley Foundation we may also retain some information relating to you, for instance, your contact details, records of telephone calls, email communications and/or letters received.

As the data controller our legal basis for processing this information where necessary will be legitimate interests (Article 6 (f) GDPR), this includes being able to:

- x monitor external visitors to our premises to help assist any potential safeguarding incidents,
- x monitor CCTV images in the event of an incident or crime,
- x maintain and administer relevant records and systems, ensuring records are accurate and kept up to date,
- x to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs to monitor and improve our performance in responding to your request
- x to process financial transactions
- x to plan and coordinate events
- x to ensure we meet any legal obligations

In all cases, we balance our legitimate interests against your rights as an individual and make sure we only use your personal information in a way or for a purpose that you would reasonably expect in accordance with this Privacy Notice.

Information will only be retained for as long as is necessary, in line with our Data Retention policy. Please see individual service areas for specific periods.

## International transfers of personal information

Our main servers are located in the UK and we do not directly transfer your personal data outside of the UK.

However, information that we collect from you may still be transferred to, and stored at, a destination outside the European Economic Area (EEA), due to a limited number of third party systems that some of our services use, as follows;

## Your rights to your personal information and rectification

Data Protection laws, including the GDPR gives you the right to access your personal information, subject to certain exemptions.

To request access to your personal information, please contact using the contact details provided below:

Email: [dpo@percyhedley.org.uk](mailto:dpo@percyhedley.org.uk)

There will be no fee for any request we receive, however, we may require identification to verify your identity.

We will respond to you within 1 month from the date of receiving your query. If your request is more complex in nature, we may extend our response by a further 2 months, but will keep you informed.

You also have the right to:

- x object to processing of personal data that is likely to cause, or is causing, damage or distress
- x prevent processing for the purposes of direct marketing
- x object to decisions being taken by automated means
- x in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- x claim compensation for damages caused by a breach of the Data Protection regulations.

Any concerns should be raised with the Foundations DPO.

While we are mindful that the GDPR has introduced a new best practice recommendation that, where possible, organisations should provide remote access to a secure self-service system, which would provide you with direct access to your personal information. Unfortunately, due to the nature of the varied information we hold across our services at this time we are unable to offer this service.

Compliments, comments and complaints

## Changes to this privacy notice

We may update the terms of this notice at any time, so please do check it from time to time.

We will notify you about significant changes in the way we treat personal information by placing a prominent notice on our website(s). By continuing to use our websites you will be deemed to have accepted such changes.