

This policy provides information about how *MindSenseAbility Ltd* will use (process) personal data about individuals including: its staff, individuals/young people and families using our service, individuals/organisations who employ us to undertake work for them, individuals undertaking courses/training with us, other individuals who contact us or use our services. This is to comply with the General Data Protection Regulations (GDPR) 2018.

Staff, parents, individuals/young people and external organisations working with us are encouraged to read this policy and understand our GDPR obligations.

1. Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (the "GDPR").

Data that *MindSenseAbility Ltd (MSA)* normally collect, use and retain includes:

- Name, email address, postal address, phone details and other contact details
- An individual/young person's education records and social history
- Sensitive information including – ethnicity, gender, religion, health and therapeutic records, developmental history, previous safeguarding records
- Details of professionals/organisations involved in an individual/young person's care
- Details of individuals who have employed MSA to provide services
- Bank details and other financial information (including pension plans)
- Staff records including car registration, car insurance, DBS certificates, proof of identity documentation
- Images of young people engaged in activities with MSA staff (in accordance with MSA policy on taking, storing and using images of young people)

2. Who are we?

MindSenseAbility Ltd. is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes. A Data Protection officer oversees our GDPR obligations.

3. How do we process your personal data?

MindSenseAbility Ltd. complies with its obligations under the "GDPR" by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

Generally MSA receives personal data from the individual directly (including, in the case of children from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written reports/referrals). However in some cases personal data may be supplied by third parties (e.g. a school, other professionals or authorities working with an individual) or collected from a publicly available resource.

MindSenseAbility Ltd stores your personal data on an electronic patient record and diary system that is fully password protected.

4. Why do we process your personal data?

In order to carry out its ordinary duties to staff, young people, parents and other individuals using our services, MSA may process a wide range of personal data about individuals (including current, past and prospective staff, young people or parents) as part of its daily operation.

Some of this activity MSA will need to carry out to fulfil its legal rights, duties or obligations – including those under a contract with its staff, professionals/external organisations, individuals, families and young people.

We use your personal data for the following purposes: -

- For the purpose of establishing if a young person/individual can access MSA services.
- To provide the specialist education, health, therapeutic or outreach interventions that we are contracted to provide by professionals, individuals and their families;
- To safeguard young people's welfare
- To enable young people to take part in national or other assessments
- To undertake consultancy activities with external organisations
- To inform you of news, events, activities and services running at *MindSenseAbility Ltd*;
- To contact individuals via surveys to conduct research about their opinions of current services or of potential new services that may be offered.
- To enable relevant authorities to monitor our performance and to intervene or assist with incidents as appropriate
- To meet our obligations to the staff we employ
- To promote the interests of the business;

5. What is the legal basis for processing your personal data?

1) Explicit consent by the data subject (yourself) so that we can provide the services delivered by our organisation, but also to keep you informed about news, events, activities and services. This consent can be revoked at any time.

2) To comply with legal and regulatory obligations.

3) In order to fulfil our contractual obligations to individuals and organisations.

6. Sharing your personal data:

Information about the young people and families that use our service is important to our business, and this personal data will be treated as strictly confidential. For the most part, personal data collected by MSA will remain within MSA, and will be processed by appropriate individuals in accordance with access protocols.

However, we will share your personal data for very limited reasons and in limited circumstances including:

- 1) Health, Education and Social care professionals – with your consent we may be required to share information to allow continuity of therapy, care and education.
- 2) Service providers – we engage certain trusted third parties to perform functions and services for our business, such as external speech and language and occupational therapy services. We will share information with these third parties but only to the extent required to perform these services and with your consent.
- 3) Compliance with laws – we may be required to collect, use, retain and share your information if we have to comply with a legal obligation or court order.
- 4) Safeguarding concerns – MSA have duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents or concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature of regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as MASH teams, LADO or police. For further information about this, please refer to MSA's Safeguarding policy. MSA will notify parents/carers/the Local Education Authority should a safeguarding referral be undertaken.

7. How long do we keep your personal data¹?

We will keep your personal data only for so long as necessary to provide you with our services as described in this data protection notice. *MindSenseAbility Ltd* will review the data that we hold on individuals each 12 months, to ensure we are not retaining information un-necessarily.

We may also be required to retain this information to comply with our legal and regulatory obligations, to resolve disputes and to enforce our contracts/agreements. The retention of health records is normally a minimum of 8 years from the last contact with a service.

For individuals who are not direct clients we will keep any data you have provided for a minimum of 6 years in line with tax legislation.

With regards to staff members, MSA will retain the personal information of employees, including contact details, appraisals and reviews for at least 5 years, and employees' financial information for at least 3 years since HMRC may request to see them during this time.

8. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which MindSenseAbility Ltd. holds about you;
- The right to request that MindSenseAbility Ltd. corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for MindSenseAbility Ltd. to retain such data;
- The right to withdraw your consent to the processing at any time
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;

- The right to lodge a complaint with the Information Commissioners Office.

9. Further processing

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

10. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact The Data Protection Officer, MindSenseAbility Ltd, Beck Farm Studios, St. Leonard's Road, Sowley, Lymington, Hampshire. SO41 5SR

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.