



Registered Charity 1125679
Registered Company: 6599429

Privacy Notice 2021

Privacy Notice

The General Data Protection Regulation (GDPR) introduced in May 2018 requires all organisations to produce a Privacy Policy that clearly states how information (data) is collected, used and stored.

Our registered name is Swan Advocacy Network, but we operate as South West Advocacy Network (SWAN). We are registered as a charity that provides statutory and non-statutory advocacy, victim support services, money management services, debt counselling, self-advocacy training and end of life planning to people who experience disability, illness, vulnerability, distress and social exclusion.

SWAN are committed to maintaining the trust and confidence of the people we work with, and those we come into contact with in other ways. We do this in line with both our values and with the law.

Our registered office is Hi Point Thomas Street Taunton Somerset TA2 6HB.

Our registered charity no. is 1125679. Our company no. is 6599429

We are registered with the Information Commissioner's Office under reference: **ZA431586**.

We never sell, rent or trade personal information.

We ensure that any personal information we hold is secure, accessible only to those who need to access it, and held for only as long as is needed. We do not transfer personal information outside the European Economic Area.

This Privacy Notice tells you what to expect when SWAN collects personal and/or sensitive information.

It applies to information we collect about:

1. People who use our services

Why we collect and process your information:

We have to explain the legal reasons why we collect and process your personal information. Local Authorities, the NHS and sometimes other organisations such as Clinical Commissioning Groups, and the National Lottery Community fund, award contracts to SWAN to deliver services in the parts of the country where we work. This means those organisations are the 'data controller' for the personal and sensitive information of the people we support under those contracts. SWAN is then the 'data processor' for that information because we use the information to make sure we deliver the service the council has awarded us a contract to deliver.

The councils require us to process this information in order for them to deliver what GDPR describe as a 'public task'. This means they have to do something in the public interest and/or as part of their official functions as defined by the government and by legislation. As the data processor, we hold and use your personal and sensitive information under the 'lawful basis's of 'legitimate interest' (again as described by GDPR).

This means that we have a legitimate interest in processing your personal and sensitive information so we can deliver the services we are contracted to deliver by the data controller; it is necessary for us to use the personal and/or sensitive information to provide you with the support you can receive under these services; and without using that personal or sensitive information we would not be able to provide that support.

We'll only record personal information that we need to work with you. This includes:

- Your name and contact details
- Other personal information such as your gender, race or ethnic origin, sexual orientation and health information.
- Health, social care, housing, and police records or information if its relevant to the work we do with you

Using your information:

We collect this personal information to help us work with you. We also have to provide anonymous reports to the organisations who have awarded us the contracts to deliver the service. These anonymous reports mean that you cannot be identified from the report. The local authorities and other organisations we provide this anonymous information to require us to do this under our contracts so that they can be sure we are supporting all members of the local communities where we work that we ought to be. We may also share, anonymously, the information on gender, race or ethnic origin, sexual orientation and health that you have given us with regulators or government departments, and we might use it publicly in our reports, or on social media and our website. If you don't want to give us this information, you don't have to.

Sharing your information:

We collect this personal information to help us support you. We also have to provide anonymous reports to the organisations who have awarded us the contracts to deliver the service. These anonymous reports mean that you cannot be identified from the report. The councils and other organisations we provide this anonymous information to require us to do this under our contracts so that they can be sure we are supporting all members of the local communities where we work that we ought to be. We may also share the anonymous information with regulators or government departments, and we might use it publicly in our reports, or on social media and our website. If you don't want to give us this information, you don't have to.

Storing your information:

You may give us personal or sensitive information when we give you information or deliver a service to you face-to-face, over the phone, by email or letter. We store that information on our secure case management system, including copies of any emails or correspondence and notes about the work we do with you. Our case management system uses encryption and password protection to keep the information safe. Only people directly working with you or managing SWANs contracts can access this information.

Calls to our Access team may be recorded for quality and training purposes. Recordings of these calls are not loaded on to our case management system and are automatically deleted from the secure telephone system six months after the recording is made. If we need to save any of these recordings, for example to respond to a complaint, we will save that recording under a separate process for handling complaints that is detailed on page 5 in this Privacy Notice.

We retain your information on our case management system for six years after the closure of your case with us (or as determined by individual contracts, if different). After that, your information will be permanently deleted.

Your rights about your information as a user of our services:

Under data protection laws you have certain rights about how your information is used and these rights are outlined below. If you want more information or guidance about your rights we will try to help you, or you can contact the Information Commissioner's Office. The contact details are at the end of this Privacy Notice.

If we hold inaccurate or incomplete information about you please tell us and we will correct or complete the data. If we have shared that information with anyone else, in the circumstances we have outlined above, we will, where possible, inform them of any corrections and tell you where this has happened. GDPR call this 'your right to rectification'.

You have the right to access the personal information we hold about you. You can request a copy of the information we hold about you and we will provide that to you as quickly as we can but certainly within one month of us receiving the request. This is called a Subject Access Request or SAR. We must verify your identity when you make the request to make sure we do not send personal information to someone pretending to be you. We will try to as flexible as possible in how we do this but sometimes you may be asked to provide copies of documents that prove your identity because we must make sure your personal information is not sent to the wrong person. You will be provided with a copy of your information free of charge.

In some circumstances you have what GDPR call 'a right to erasure' meaning you can ask for your information to be deleted from our records before the 6 years (as explained above) is up. However we have a right to refuse to delete your information if we can evidence that by deleting it we couldn't do the work we are contracted to do, or respond to complaints that you have made about our service or if we feel that deleting the records would be harmful to you in some way i.e. if we couldn't then evidence that something happened that you later need to know about or rely on. You also have a right to restrict processing in some circumstances. This means that in those circumstances we would still store your information but not process (or use it).

These are the situations where you can ask us to restrict processing your information:

Where you believe that the information we hold is not accurate. We would restrict processing until we are sure about the accuracy of the personal information

If you object to us using the information we need to work with you we would restrict processing until the council, or whoever is the data controller, decides what we should be next.

If we have used or collected your information wrongly but you don't want us to erase it you can ask us to simply hold onto it instead.

If we no longer need the personal information and before we automatically delete the information from our system, you request us to hold it to make or defend a legal claim.

If our contract to work with you ends you have the right to have your information about your ongoing case transferred to a new provider. Either the council or we would ask for your permission to do this. This is called the right to data portability.

You have the right to object to SWAN using your information, even though we are doing so to work with you and the council to complete their 'public task'. If you do object we would stop processing the information and raise this with the council or whoever is the data controller. They would then have to decide if there were circumstances that meant their grounds for asking us to process the information overrode your right to object.

Data Breach:

A 'personal data breach' means that personal information is disclosed to, or accessed by, someone who is not authorised to see it. We make sure that our systems are secure in line with recognised standards but if a personal data breach did happen that involved your personal information we would tell you as soon as we became aware of it and let you know what we were planning to do about it. We would also tell the Information Commissioner's Office about it and make sure you know how to complain to the Information Commissioner's Office about the personal data breach if you wish to.

2. Visitors to our website

When someone visits www.swanadvocacy.net we use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of the site. This information is only processed in a way that does not identify anyone. We do not make, and do not allow Google to make any attempt to find out the identities of those visiting our website. If we do want to collect personally identifiable information through our website we will be upfront and explain what we intend to do with it, for example asking if you want to give us feedback about our services. Our search engine does not collect any user-specific data. The search queries and results are logged anonymously to help us improve our website and search functionality.

3. People who provide feedback about our services or make a complaint:

Why we collect and process your information:

When you provide feedback to SWAN we ask you for your contact details so that we can contact you about the feedback you have given us. Feedback can be collected in a number of ways: face-to-face, over the phone, in writing or through our website. When we complete a piece of work with someone we ask them to complete an evaluation form to tell us what they thought about what we did.

Our legal basis in collecting, using and storing personal information from feedback is to review SWAN's performance of our services and this is called a 'legitimate interest'.

Using the information:

When you provide feedback or evaluation we use this information to share good practice and to report on our services, but only in a way that does not identify you.

Sometimes things don't go as well as we would all like them to and you might want to make complaint or raise a concern as a way of highlighting this. When we receive a complaint or a concern we make up a folder on our secure system containing the details of the complaint or concern.

This will include the identity of the person making the complaint or concern, where they have provided this, as well as any other individuals involved in the complaint.

Sharing the information:

When you provide feedback other than a complaint or concern we remove any identifying personal information from that feedback and use it to help us report to the organisations who commission us so that they know what the people who use our services think about them and how SWAN is delivering the service. We may also share anonymous feedback with regulators or government departments or use it publicly in our reports, on social media and on our website.

Information about a Complaint or a Concern:

We will only use the personal information we collect to process the complaint and check on the level of service we provide. We compile and publish statistics showing information such as the number of complaints/concerns we receive for the organisations who commission our services, but not in a way that identifies anyone.

We usually disclose the identity of the person raising the complaint or concern to whoever the complaint or concern is about. This is so that we can investigate properly. If someone wishes to complain anonymously we would not be able to fully investigate and may not be able to resolve the issue.

Storing the feedback or complaint information:

Any feedback or evaluation information, including information received for complaints or concerns is kept for six years on our secure system and then deleted.

The information collected during a complaint is stored securely but not in the client record database. Only those people who need to access this information, for example, to investigate the complaint or concern have access to the complaint/concern folder. This may include recordings of telephone messages and any emails received or sent.

If we hold inaccurate or incomplete information about you please tell us and we will correct or complete the data. If we have shared that information with anyone else, in the circumstances we have outlined above we will where possible, inform them of any corrections and tell you where this has happened. This is called your right to rectification.

You have a right to access the personal information we hold about you. You can request a copy of the information we hold about you and we will provide that to you as quickly as we can but certainly within one month of us receiving the request. This is called a Subject Access Request or SAR.

You have a right to erasure except where we are required to retain your information by law. You have the right to have your personal information provided as part of an evaluation or a complaint permanently deleted from our system whenever you request this to happen. If you do ask for it to be deleted we would stop using the information and then determine if there were circumstances that meant SWANS grounds for processing the information overrode your right to delete.

If we are required to retain the information by law, at the end of that period, when we no longer have any reason to keep or process it we will delete it from our systems.

You have a right to restrict processing in some circumstances. This means that in those circumstances, we would still store your information but not process, or use it.

These are the situations where you can ask us to restrict processing your information:

- Where you believe that the information we hold is not accurate we would restrict processing until we have verified the accuracy of the personal information
- If you object to us using the information you have provided for feedback you can ask for it to be deleted.
- If we have used your information wrongly but you don't want us to erase the information you can ask us to simply hold it instead
- If we no longer need the personal information but before we automatically delete it after 6 years, you can request us to hold it to make or defend a legal claim.

You have the right to object to SWAN using your information. If you do object we would stop processing the information and then determine if there were circumstances that meant SWANS grounds for processing the information overrode your right to object or delete.

Data Breach:

A 'personal data breach' means that personal information is disclosed to or accessed by someone who is not authorised to see it. We make sure that our systems are secure in line with recognised standards but if a personal data breach did happen that involved your personal information we would tell you as soon as we became aware of it and let you know what we were planning to do about it. We would also tell the Information Commissioner's Office about it and make sure you knew how to complain to the Information Commissioner's Office about the personal data breach.

Further Information:

You can phone us on 03333 447928 or you can email: Somerset@swanadvocacy.org.uk Our website is: www.swanadvocacy.org.uk

If you have other concerns about personal information you can contact the Information Commissioners Office (the ICO): Tel: 0303 123 1113 or <https://ico.org.uk/global/contact-us/live-chat>

Authorisation:

Date	Name	Signature	Position
	Ken Howard		Chair of Trustees
	Vikki Holloway		CEO