At Swan Advocacy we are passionate about helping people to speak up, secure their rights and get the services and opportunities they are entitled to. We help approximately 2,500 people every year and recognise that we are accountable to those people.

When Swan Advocacy works with you, we need to know things about you that the law considers to be your personal information. This document tells you how we use your information and how we keep it safe; this is known as data processing. It also tells you about your rights and the ways you can object or complain if you feel we have got things wrong.

**Who is processing your information (data)?** Swan Advocacy is the data controller for the information we hold about you. This is determined by the General Data Protection Regulations 2018 (GDPR). Our contact details are:

Swan Advocacy

Hi-Point

Thomas Street

Taunton

Somerset

TA2 6HB

Tel: 03333 447928

GDPR@swanadvocacy.org.uk

www.swanadvocacy.org.uk

Registered Charity no. 1125679

Registered Company no. 6599429

**Why do we need information about you?**

Your Advocate is there to understand your situation, help you understand the choices you have and to help you speak up so that you get the best solution for you, where possible. In order for this to happen we need to keep records about you (who you are and how we can contact you for instance) and the work we do with you. Through keeping these records we can:

* Know that we are working with the right person on the agreed issue(s)
* Check that the work we are doing with you is correct and in keeping with what we agreed with you
* We can record the difference we made and whether we were able to find the best solution
* Make sure that if your Advocate has to change for any reason the new Advocate can quickly understand the case and what they need to do.

**How do we keep your information?**

* We keep information in secure databases that are password protected and backed up by our Internet Provider.
* We keep information in locked filing cabinets in our office. The office has secure door entry controls
* Our Advocates may carry paper copies of information in order to carry out their role. They are responsible for this information and have a duty to keep it secure and report it to us should they misplace it.

**What legal right do we have to use the information about you**? The law (as determined by the General Data Protection Regulations 2018 GDPR) says we can only process your data if we have proper reasons for doing so. We may process your data for some or all of the following reasons:

**1**. **We have your consent**. For example, we can only send you news about Swan Advocacy if we have your freely given consent to do so.

**2**. **We have a Legal Obligation to process your data**. This applies when we have to, by law, share information with other agencies like the Safeguarding Authorities or the Police.

**3**. **We are carrying out a Public Task**. This applies to our statutory advocacy services, such as Independent Mental Capacity Advocacy (IMCA) and Advocacy under the Care Act.

**4**. **We have a Legitimate Interest**. This means that using your personal information is essential to the delivery of our services.

In some instances we may also need to hold information about your health. This is ‘special category information’ according to the GDPR and we must have a reason as described above plus an additional reason to hold this. The additional reason, for Swan Advocacy, is because we are contracted to provide statutory advocacy and sometimes that requires us to have access to medical records and medical information.

**What kinds of Information about you will we hold and use?**

* Your name, date of birth and contact details
* Records or details that other agencies hold that you share with us (like a utility bill)
* Records of all our contacts with you
* Records of contacts with other people and agencies that we have made on your behalf
* Records relating to you that other agencies have shared with us
* Any feedback that you give us about the work we have done with you

In order to ensure that we meet the needs of the whole community we may also ask you for information about your ethnic origin, religious beliefs and sexual orientation. We will only hold this information if we have your consent to do so.

**Who may we share this information with?** We may share this information with:

* Agencies with whom we negotiate on your behalf, for example the NHS or Local Authority
* Our database providers. We use a number of online databases; we have agreements in place with the providers of those databases that they can only use your information in ways for which we have given permission, and in line with the purposes set out in this notice
* Partner agencies/organisations. Some of our work is delivered in partnership with other agencies and organisations. Where this is the case we will have a data sharing agreement with the organisation that says they must comply with this Privacy Notice.
* Legal and Safeguarding Authorities. We may need to share your information without your consent if we believe that the law has being broken or that someone is at risk.
* Local Authorities and NHS funders. Some of our funding contracts say that the local authority or NHS that is giving us funding has a right to inspect our records. They must comply with their own privacy obligations if they do so.
* Swan Advocacy will never transfer your personal information outside the UK.

**How long will we keep your information?** We will keep your information for a period of 6 years after we complete our work with you. We do this so we can check our records if there is a complaint about, or an investigation into, our work.

**What are your rights?**

**The right to be informed how we will use your information:** This privacy notice gives you that information

**The right to see the information we hold about you, and to ask for a copy of this information:** We will not charge you for providing this information provided you do not make repeated requests. We will try to provide the information within 1 month of you asking for it.

**The right to have inaccurate or incomplete information corrected, and to restrict our use of any information that you believe is incorrect:** We will respond within one month to tell you if we are going to correct the information and if not, why not.

**The right to be ‘forgotten’:** You can ask us to erase all the personal information we hold about you. We do not have to comply with every request to be forgotten; if we do not agree with the request, we will tell you why not. We do not have to erase information if we have a legitimate interest in keeping it.

**The right to object:** Where we rely on Legitimate Interests or the carrying out of a Public Task as the basis for using your information, you can object to us holding and using your information. We will then stop using your information, unless we can demonstrate that we have very strong reasons to continue doing so. If we cannot use your information we will not be able to provide you with Advocacy.

**Where did we get your information from:** Most of our information is given to us by you; some of it may be given by the person who completed a referral form to Swan Advocacy on your behalf. We may also be sent information by people from other agencies and organisations, like your Social Worker or Housing Officer. We may also get sent information in response to queries we make on your behalf, answers to letters etc.

If you think we have not upheld your rights and our responsibilities in relation to data protection you can contact our Quality & Performance Manager or you can contact the Independent Regulator of GDPR:

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| **Quality & Performance Manager:**  Swan Advocacy  Hi Point  Thomas Street  Taunton  Somerset  TA2 6HB  Tel: 03333 447928  [GDPR@swan.advocacy.org.uk](mailto:GDPR@swan.advocacy.org.uk) | **Independent Regulator:**  The Information Commissioners Office  Tel: 0303 123 1113  <https://ico.org.uk/global/contact-us/livechat> |