



Older People Active Lives

## **OPAL Services (Rural West Cheshire)**

### **GDPR Privacy notice for members, clients and users of OPAL Services.**

#### **What is the purpose of this document?**

OPAL Services (Rural West Cheshire) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all those who use OPAL services as members or clients.

OPAL Services (Rural West Cheshire) is a "data controller" and a "data processor". This means that we are responsible for deciding how we hold and use personal information about you and we are responsible to our funders and commissioners to share some of the data we have about you. As a data controller we are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former users of OPAL services. This notice does not form part of any contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

#### **Data protection principles**

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

## The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use some or all of the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information. (Note: you will have given us this information and we will store it on the understanding that you have informed your contact that you have given us their personal information to store and use in the case of an emergency.)
- Start date.
- The service or services you use.
- Information about your use of our information and communications systems.
- Photographs.

**We may also collect, store and use the following "special categories" of more sensitive personal information:**

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness.

### **How is your personal information collected?**

We collect personal information through the application and joining process, either directly from candidates or sometimes from third parties including GPs or other agencies.

We will collect additional personal information in the course of reviews and other activities throughout the period of you are with us.

## How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the service we have agreed to provide you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest (or for official purposes).

## Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our service to you [\*] and to enable us to comply with legal obligations [\*\*]. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties [\*\*\*], provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below. [We have indicated by asterisks the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.]

- Making a decision about your joining a service.\*
- Liaising with your referrer. \*
- Administering the agreement we have entered into with you.\*
- Business management and planning, including accounting and auditing.\*
- Record the communications we have with you to make sure we are providing you with a good service and we are meeting our regulatory and legal requirements.\* & \*\*
- Complying with health and safety obligations.\*\*
- To prevent fraud.\*\*\*
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.\*\*\*
- To conduct case studies to review and better understand service needs.\*
- To share monitoring data with our commissioners.\*
- To train our staff and key volunteers.\*

- Deal with entries on a competition.\*
- Process a donation from you.\*
- Equal opportunities monitoring.\*\*
- In the event of an emergency.\*\*\*

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **If you fail to provide personal information**

If you don't provide certain information when requested, we may not be able to perform the service we have agreed to provide you or we may be prevented from complying with our legal obligations (such as our health and safety obligations).

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **How we use particularly sensitive personal information**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring.

Less commonly, we may process this type of information where it is needed in relation to a legal claim or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. (We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.)

## **Our obligations**

We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure your health and safety or the health and safety of others and to assess your fitness to work, to provide appropriate adjustments.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

## **Do we need your consent?**

Consent is the legal basis we use to process the personal data of our service users. We do not need your consent if we use special categories of your personal information in accordance with our policy to carry out our legal obligations or exercise specific rights in law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your agreement with us that you agree to any request for consent from us.

## **Automated decision-making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **Data sharing**

We may have to share your data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the relationship with you or where we have another legitimate interest in doing so. Where we provide you with services that have been commissioned by another organisation and that organisation is the Data Controller, we will share your data with them for purposes of monitoring service delivery.

### **Which third-party service providers process my personal information?**

The following activities are carried out by third-party service providers:

The following third-party service providers may process personal information about you for the purpose of monitoring service delivery:

- Cheshire and Warrington Carers Trust (Breaktime Plus)
- Cheshire Community Action (OPAL Club and befriending services)
- Cheshire West and Chester Council

### **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers are required to take appropriate security measures to protect your personal information.

### **When might you share my personal information with other entities in the group?**

We may share your personal information with our commissioners as part of our regular reporting activities on our performance.

### **What about other third parties?**

We will not share your personal information with other third parties (inside or outside of the UK) except in the event of an emergency or if we need to share your personal information with a regulator or to otherwise comply with the law.

### **Data security**

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have in place proportionate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access

to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Data retention**

### **How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a user of OPAL services we will retain and securely destroy your personal information in accordance with our document retention schedule and in line with the Records Management Code of Practice for Health and Social Care 2020 for clinical audits.

## **Rights of access, correction, erasure, and restriction**

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact your OPAL organiser in writing.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact your OPAL Services Organiser. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Data protection officer**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time. The updated privacy notice will be available on the OPAL website [www.opalservices.org.uk](http://www.opalservices.org.uk) and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the OPAL Services Data Protection Officer either in writing through your local organiser or be emailing [gill.swash@opalservices.org.uk](mailto:gill.swash@opalservices.org.uk).**