



## Privacy Statement

### **Privacy Notice for People Using FAIR's Services**

This notice sets out FAIR's policy on the protection of information relating to people who use their services. Protecting the confidentiality and accuracy of personal data is a critical responsibility that FAIR takes seriously at all times. FAIR will ensure that data is always used in accordance with UK data protection law.

This notice tells you what we do with your personal data. This data is either provided to us by you or by someone who has referred you to us, such as your social worker.

We will ask you for the information described in the Table of Service User information at the end of this document.

We need this information in order to:

- Provide you with support services that you ask for
- Allow partners to provide support on specific issues
- Ensure that our services are inclusive and equally available to all groups in society
- Ensure the safety of you and our staff
- Report required information to funders.

We will not use your information for any other purposes without asking you. Unless required by law we will only share your data with:

- Partner organisations that can provide specialised support
- Partner organisations to produce reports for funders
- Funders, for monitoring our performance
- Other bodies, with your permission.

### **Lawful processing of personal data**

Personal data must only be processed when there is a lawful basis for doing so. Most commonly, FAIR will use your data in the legitimate interests, including:

- Delivering our services to support you and/or your family
- Reporting to funders on our activities

In each case we have assessed the importance of the legitimate interest and consider that this use of the data is very unlikely to harm you or your family.

If you believe that our use of your data is causing, or will cause, you harm you have the right to object as long as you tell us why.

Some of your information that we use is technically known as Special Category Data. This is particularly sensitive and includes health and disability data, ethnicity, sexual orientation and criminal convictions. We have identified conditions in the Data Protection Act 2018 which permit us to use this data for the purposes explained above. If you want to know more about this, please contact us at [fair@fairadvice.org.uk](mailto:fair@fairadvice.org.uk).

### **Retention of data**

FAIR will only keep your information as long as we need to for the purposes it was collected for. Details of this are in the table at the end of this notice.

In some circumstances, such as generating statistics for a report, FAIR may anonymise personal information so that it can no longer be associated with service users, in which case FAIR may use such information without giving you a further notice. Nobody could get any information about you from this.

After the retention period has expired, FAIR will securely destroy your information.

### **Data Security and Personal Data Breaches**

FAIR has appropriate security measures to keep your data safe. Access to personal information is limited to those who have a business need to know. They will only process personal information on the Company's instructions, are subject to a duty of confidentiality and are trained in how to keep your information safe.

FAIR has put in place procedures to deal with any data security breach and will notify you and any applicable regulator of a breach where legally required to do so.

In you think there has been a data protection breach regarding the personal information (that FAIR processes) please contact the Chief Executive immediately. You can also report any suspected breaches to the ICO.

Details of our measures concerning security and data breaches are available on request.

### **Data Sharing**

FAIR uses external providers for various services (e.g. MicroSoft 365) in all cases we have checked them out and put a contract in place requiring them to handle your data correctly.

FAIR also shares data with as necessary for the purposes above. This includes organisations we are working in partnership with and our funders. We have contracts in place requiring them to handle your data correctly.

Copies of these contracts are available on request.

## **Your Rights and Obligations**

### **Service User rights**

You have the right to:

- **Request access** to personal information
- **Request rectification** of personal information
- **Request erasure** of personal information
- **Object to processing** of personal information where FAIR is relying on a legitimate interest (or those of a third party) to lawfully process it
- **Request the restriction of processing** of personal information
- **Request the transfer** of personal information to another party.

If you (or your representative) wish to make a request on any of the above grounds, they should contact us at [fair@fairadvice.org.uk](mailto:fair@fairadvice.org.uk). Please note that, depending on the nature of the request, FAIR may be unable to comply. If that is the case, we will explain why.

### **Data subject access requests**

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

We may need to request specific information from you (or your representative) to help confirm your identity. This is another appropriate security measure to ensure that your information is not disclosed to any person who has no right to receive it.

## **Compliance with This Policy**

### **FAIR's responsibility for compliance**

FAIR's Chief Executive is responsible for ensuring FAIR is compliant with this policy. If you (or your representative) have any questions about this policy or how FAIR handles personal information, you should contact them. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO).

The Chief Executive can be contacted at [fair@fairadvice.org.uk](mailto:fair@fairadvice.org.uk).

### **Accessibility**

An Easy Read version of this policy is being worked on and will be made available.

## **Table of Service User information**

Information collected during the referral process, where a full service is not provided, will be retained for 1 year. Subsequently, a referral that evolves into a service being provided, means that all information collected will be retained for 8 years once the service has ended.

<b>Type of personal data</b>	<b>Sensitive data</b>	<b>Purpose of processing</b>	<b>Potential transfer to third parties</b>	<b>Lawful basis for processing</b>	<b>Grounds for processing sensitive personal data</b>
Name	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Address	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Date of Birth	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
National Insurance Number	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Other Contact Details	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Disability/ Health Needs	Yes	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice
Gender	Yes	Provision of Service/Equal Opportunities	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice/Equal Opportunities
Ethnicity	Yes	Provision of Service/Equal Opportunities	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice/Equal Opportunities
Sexual Orientation	Yes	Provision of Service/Equal Opportunities	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice/Equal Opportunities
Next of Kin	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Referral Details	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	n/a
Case notes/ Contact Log	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice

Risk Assessments	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice
Correspondence	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Legitimate interest	Provision of Support and Advice
Finance and benefit details	No	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a