

## **Privacy Notice for people who use DRCSAS support services**

In accordance with the General Data Protection Regulation (GDPR), Devon Rape Crisis and Sexual Abuse Services (DRCSAS) have implemented this privacy notice to inform you, when you use our support services, the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This notice applies to current and former service users.

### **Data protection principles**

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date; data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

### **Types of data held**

We keep several categories of personal data from you when you use our services in order to carry out effective and efficient processes. We keep this data in an electronic case management system. We also hold the data within our computer systems, for example, when we receive a referral through our website.

Specifically, we may hold the following types of data, as appropriate to your status:

- a) personal details such as name, address, phone numbers
- b) equality monitoring data, such as your sex, gender, age, marital status, sexual orientation, race / ethnicity, religion / faith and information about whether or not you have a disability
- c) brief details of what happened, including information relating a police report if this has been made

- d) details of your parent or carer if you are a child under the age of eighteen or you are considered a vulnerable adult
- e) safe contact information, which can include the provision of emails, or alternative phone numbers
- f) details of the day, time and date you received support from us. This includes a brief update of the theme of the support and the type of support you received on that occasion.

### **Collecting your data**

You provide several pieces of data to us directly during the referral process and subsequently upon the start of your support relationship with us.

In most cases, we will not collect data about you from third parties, such as from any criminal justice agency or social care provider unless we have your permission and the collection of this data enables us to work together better.

Personal data is kept in a paper file, or within the DRCSAS case management and IT systems.

### **Lawful basis for processing**

The law on data protection allows us to process your data for certain reasons only. In the main, we process your data in order to comply with a legal requirement or in order to effectively manage the contract/agreement we have with you, including ensuring you are supported safely and effectively.

The information below categorises the types of data processing, appropriate to your status, we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis
Carry out support e.g. using your name, contact details, brief overview or what happened	Performance of the contract
Taking notes about the support you have received	Performance of the contract
Making reasonable adjustments for disabled people	Legal obligation
Implementing grievance/complaints procedures	Our legitimate interests
Responding to third party requests	Our legitimate interests

### **Special categories of data**

Special categories of data are data relating to your:

- a) health
- b) sex life

- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

We carry out processing activities using some special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments
- c) as part of our contractual and funding requirements from commissioners

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we believe it is in our legitimate business interest to do so
- c) we must process the data in order to carry out our legal obligations
- d) we must process data for reasons of substantial public interest
- e) you have already made the data public

### **Failure to provide data**

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of support with you.

### **Criminal conviction data**

We will only collect criminal conviction data where it is appropriate given the nature of the type of support service we offer and where the law permits us. This data will usually be collected at the support planning stage, however, may also be collected during your support. We use criminal conviction data to determine how best to support you and to keep the people we support safe. We rely on the lawful basis of our legitimate business interests to process this data.

### **Where we share your data**

Employees and volunteers within our organisation who have responsibility for coordinating the service, managing employees and volunteers who support you, the

support workers and therapists who provide support, and any employee or volunteer performing a function relating to the provision of support in the organisation will have access to your data if it is relevant to their function. This includes review of practices to ensure that they are meeting required internal quality assurance standards and safety regulations. All employees and volunteers with such responsibility have been trained in ensuring data is processing in line with the General Data Protection Requirements (GDPR).

Any person who has experienced any form of sexual harm, whether or not they have reported the offence to the police or not, is entitled to lifelong anonymity. This is a legal right. We provide a confidential service and seek to promote your privacy. However, we believe it is in our legitimate business interest to encourage external engagement and promote DRCSAS to the wider world to secure funding to continue our Charitable aims. With that in mind, we may ask you if we can use your data, (audio, written words, or testimony) following your engagement with DRCSAS to perform these functions. We will never do this without your consent and we will provide you with enough information to make an informed choice.

Data is only shared with third parties for the following reasons and where necessary:

- a) for the purposes of safeguarding you or others who may be at risk of harm
- b) where a request has been received by a third party to support a process you are engaged in (e.g. claiming compensation, supporting a prosecution, or making a court application)
- c) fulfilment of our legal and business obligations
- d) where we have a data processing agreement in place with a third party to share information

All third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the United Kingdom except where we have notified you or where we have secure data protection arrangements in place and we have a legitimate reason to do so.

### **Protecting your data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction, and abuse. We have implemented processes to guard against such risks.

### **Retention periods**

We only keep your data for as long as we need it for, which will be at least for the duration of your relationship with us and for seven years once your support ends.

We keep your information for up to seven years for the following reasons;

- a) to enable you to come back into support if you need it and to not have to tell your story again. We know that this helps to reduce the impact of trauma and helps to build a safe, trusting and therapeutic relationship

- b) to mirror the data retention periods of the Crown Prosecution Service to support your interests in case you wish to make a report to the Police or as part of an existing or previous Police report

## **Your rights**

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. This is called a 'data subject access request';
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
- e) the right to restrict the processing of the data;
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in our data protection policy which is published on our website.

## **Consent**

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data. To withdraw your consent, please send an email to [info@devonrapecrisis.org.uk](mailto:info@devonrapecrisis.org.uk)

## **Making a complaint**

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

## **Data protection compliance**

Our data protection specialist in respect of our data protection activities is:

Dr Davina Cull - Chief Executive Officer - Devon Rape Crisis & Sexual Abuse Services,

[davina@devonrapecrisis.org.uk](mailto:davina@devonrapecrisis.org.uk) 01392 208756 PO Box 765, Exeter, EX1 9TG