



## CLIENT PRIVACY NOTICE

## **Introduction**

Welcome to the Russ Devereux Headlight Project ('**the Headlight Project**') client privacy notice.

The Headlight Project respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

Please refer to the Glossary to understand the meaning of some of the terms used in this privacy notice.

### **1. Important information and who we are**

#### **Purpose of this privacy notice**

This privacy notice aims to give you information on how the Headlight Project collects and processes your personal data through, including any data you may provide through our website or when you engage us to provide services to you.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

#### **Controller**

The Russ Devereux Headlight Project is the controller and responsible for your personal data (collectively referred to as the Charity "we", "us" or "our" in this privacy notice).

We have appointed a data protection officer from the Trust Board who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

#### **Contact details**

Our full details are:

Full name of legal entity: The Russ Devereux Headlight Project

Name or title of DPO: Catherine Devereux

Email address: catherine@headlightproject.org

Postal address: Tobias House, St Marks Court, Stockton on Tees TS17 6QP.

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 ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

#### **Changes to the privacy notice and your duty to inform us of changes**

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

## 2. The data we collect 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).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details in the event you pay for services provided to you.

We may also become aware during the course of providing services to you of **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation and, information about your health. We do not collect any information about criminal convictions or offences.

### If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with support services).

### How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you engage us to provide support services/instruct us to provide support services.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties if a referral has been made to the service by a professional, relative, friend or other organisation.

## 3. How we use your personal data

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

- Where we need to perform the contract we are about to enter into or have entered into with you to provide support services.
- 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.
- Where we need to comply with a legal or regulatory obligation.

## **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new client	(a) Identity  (b) Contact	Performance of a contract with you
To deliver the service or instructions for services including:  (a) Manage payments for services (if applicable).  (b) Collect and recover money owed to us.	(a) Identity  (b) Contact  (c) Financial  (d) Transaction	(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include:  (a) Notifying you about changes to our terms or privacy policy  (b) Asking you to leave a review or contribute to marketing about the service.	(a) Identity  (b) Contact  (c) Profile  (d) Marketing Communications	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation  (c) Necessary for our legitimate interests (to keep our records updated and to study how clients use our services)

## **Third-party marketing**

We will never use your personal data for marketing purposes.

We will always obtain your express consent before we share your personal data with any company outside the charity for marketing purposes.

## **Change of purpose**

We will only use your personal data 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

## **4. Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the *Glossary*.
- External Third Parties as set out in the *Glossary*.
- Specific third parties – see below. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-parties to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions as necessary below.

## **Confidentiality/Breaking Confidentiality**

This is very important aspect of the therapeutic relationship. Everything that is discussed in any counselling session is kept in the strictest confidence. However, there are limitations to confidentiality, and a counsellor or therapist will need to break confidentiality if, at any time, the health or safety of the person seeking help, or any other person is at risk.

### **Situations in which confidentiality will need to be broken:**

- There is disclosure or evidence of physical, sexual or serious emotional abuse or neglect.
- Suicide is threatened or attempted.
- There is disclosure or evidence of serious self-harm (including drug misuse that may be life threatening).
- There is evidence of serious mental illness.

### **What will happen if confidentiality needs to be broken**

- The counsellor or therapist will discuss with you the individual the need to break confidentiality and encourage to speak to a responsible adult him/herself.
- Discuss the situation with the counsellors supervisor in accordance with the BACP guidelines. In extreme serious cases external professionals. However, this would only take place with your prior knowledge.

## **5. International transfers**

We do not transfer your personal data outside the European Economic Area (EEA).

## **6. Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

## **7. Data retention**

### **How long will you use my personal data for?**

We will only retain your personal data 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.

By law we have to keep basic information about our clients (including Contact, Identity, Financial and Transaction Data) for [six] years after they cease being clients for [tax] purposes.

In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## **8. Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please see below for information about these rights:

- **Request access to your personal data.**
- **Request correction of your personal data.**
- **Request erasure of your personal data.**
- **Object to processing of your personal data.**
- **Request restriction of processing your personal data.**
- **Request transfer of your personal data.**
- **Right to withdraw consent.**

If you wish to exercise any of the rights set out above, please contact the DPO.

### No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these 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 your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 9.

### Glossary

#### LAWFUL BASIS

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by [contacting us](#).

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

#### THIRD PARTIES

##### External Third Parties

- Service providers acting as processors based in the UK who provide IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide [consultancy, banking, legal, insurance and accounting services].
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Those third parties set out at clause 4 above.

## **YOUR LEGAL RIGHTS**

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Version 1

May 2020