

Data Protection and the General Data Protection Regulation

The new General Data Protection Regulation came into force in May 2018. We have to comply with it as we offer products / services to EU citizens and handle their data.

The aims of the GDPR are:

- Greater consistency across the EU.
- Stronger penalties.
- Mandatory breach reporting.
- Enhanced rights for subjects.
- Privacy by design.
- Mandatory Data Protection Officer.

Summary

At Healthwatch Wirral we are committed to protecting and respecting your privacy. The Privacy Notice sets out the data processing practices carried out by Healthwatch Wirral. We retain and use personal data (information that relates to and identifies living people) to help us to carry out our role as the local independent champion for people who use health and social care services.

Find out more about our purpose and what we do:

<https://healthwatchwirral.co.uk/about/>

WHAT INFORMATION WE COLLECT:

We collect personal and sometimes sensitive personal (this is not called sensitive data anymore, it is special category) data you provide to us.

This includes information you give when registering when engaging and communicating with us.

There are a number of ways that we collect feedback from people about their experiences of using health and social care services day to day. Our staff will visit different health and social care settings as part of their role to evaluate how services are being delivered. We also receive phone calls and requests for information directly from members of the public as part of our signposting service.

Where personally identifiable information is collected, we will ensure that we have your consent to keep it and we will be clear on how we intend to use your information. We will aim to anonymize information where we can but there may be instances where this is not possible in order to make change happen on your behalf. There may be exceptional circumstances where we can and will keep the data

without consent, but we must have a lawful basis for doing so, such as for safeguarding purposes.

We ensure that where consent is required it will be freely given, used only for agreed specific and unambiguous purposes and that you are well informed about how the information will be kept. This includes where it will be stored, details on security and for how long it will be kept. We will comply with current data protection legislation at all times.

We will only collect personal information provided by you, such as

- Feedback from surveys and online forms
- Email addresses
- Preferred means of communication.
- Records of our conversations so that we can help you.
- Details of your visits to our website, including but not limited to personally identifying information like Internet Protocol (IP) addresses.
- Records of our correspondence and phone calls
- Statistics about the behaviour of visitors to its website.
- Volunteer Applications
- Enter and View Activity
- Feedback Centre Contacts

Feedback Centre

Healthwatch Wirral has recently introduced the Feedback Centre to their website.

The Feedback Centre is provided and hosted by data processor White Bear Digital Ltd. Their registered office base is: 98 Grosvenor Road, Wolverhampton WV4 6QT

White Bear are registered with the Information Commissioners Office Data Publication Register at: ZA722494.

White Bear does not own, control, or direct the use of any of the data we store or process.

Please note the following definitions relevant to the information below:

“User” means an employee, or representative of Healthwatch Wirral, who primarily uses the restricted areas of the site for the purpose of accessing the Healthwatch Wirral website in such capacity.

“Visitor” means an individual other than a user, who uses the public area, but has no access to the restricted areas of the site or service.

White Bear incorporate the ISO27001 security management standard with hosting utilizing Amazon Web Services, with all the data hosted within the EU. This provides the following security standards to:




- Systematically evaluate information security risks, considering the impact of company threats and vulnerabilities.
- Design and implement a comprehensive suite of information security controls and other forms of risk management to address company and architecture security risks
- Adopt an overarching management process to ensure that the information security controls meet our information security needs on an on-going basis.
- All data is stored securely and protected using an antivirus and firewall for Healthwatch Wirral. This is monitored 24 hours a day, seven days a week for security incidents and ensures operational continuity.

White Bear and Healthwatch Wirral follow generally accepted industry standards to protect the information submitted to us, both during transmission and once we receive it. As required of Healthwatch Wirral, White Bear maintain appropriate administrative, technical and physical safeguards to protect Personal Data against accidental or unlawful destruction, accidental loss, unauthorized alteration, unauthorized disclosure or access, misuse, and any other unlawful form of processing of the Personal Data in its possession.

This includes, for example, firewalls, password protection and other access and authentication controls. White Bear use SSL technology to encrypt data during transmission through public internet, and it also employs application-layer security features to further anonymize Personal Data.

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What happens to feedback that comes through the Feedback Centre?

-  Healthwatch Wirral moderates all feedback so no identifying information will be shared either publicly or with services
-  At this stage- reviews and star ratings for services will not be public
-  Feedback is shared with services using informatics software - so service providers & commissioners will see overall ratings, trends to help services evaluate how they are doing and drive improvement
-  We do have the option to 'turn on' public star ratings and reviews in the future, but any decisions around this will be taken in consultation with service users and service providers

On the feedback Centre only overall ratings and comments will be used to feed back to service providers. We ask for an email address to authenticate the feedback and it is not used for any contact or marketing purposes, except in circumstances where there is a misunderstanding, and we need to clarify the feedback that has been left. Any personal information, including your email address, that is collected is stored securely in line with GDPR and will not be used for marketing purposes. Personal information will not be shared with any non-essential organisation, group or third party for any activity beyond what is described in our privacy policy.

The Retention and Disposal Schedule is a list of the records we hold, including examples, and the period at which each type of record will be reviewed for destruction. It should be noted that the Schedule focuses on managing content and not the format in which the record is held, for example, how long we keep an email will be dictated by its content rather than the fact it is an email. The Schedule is reviewed annually as part of our information asset review & Quality management System.

If you need these documents relating to this in any format, please email info@healthwatchwirral.co.uk or call 0151 230 8957

YOUNG PEOPLE

We take great care to protect and respect the rights of individuals in relation to collecting and using their personal data, especially in the case of children.

Parental or Guardian permission will always be obtained from parents or guardians to consent to collecting, processing and storing personal and sensitive information before we can offer our support to them.

We will also need to obtain parental or guardian consent to give permission to use photographs, video or other images of children.

Personal data received from other sources:

On occasion we will receive information from the families, friends and carers of people who access health and social care services. We use this data to inform providers and commissioners to help them deliver services that work for you.

Where it is practically possible, we will make sure that we have your consent to use information that is about you. We will only process your personal data where there is a lawful basis to do so under current data protection legislation.

How we use your personal information

- In our day-to-day work
- To send you our newsletter where you have requested it

- To respond to any queries, you may have
- To improve the quality and safety of care
- To produce Survey Reports - We will never include your personal information in survey reports.

Publishing information

In most circumstances we anonymize our data to ensure that a person cannot be identified, unless this has been otherwise agreed and consent has

We will only ever use your personal data with your consent and when the law allows **us to.**

WHAT ARE OUR LAWFUL BASES FOR PROCESSING?

There are several lawful bases we process your data under:

(a) **Consent:** where you have given us consent. For example, you agree that we can process special category data in order to identify the right support for you- i.e making referrals to other services

(b) **Contract:** we need the information to perform the contract we have with our funders, or where we have signed a service contract with you. For example, to evidence that you are a Wirral resident

(c) **Legal obligation:** the processing is necessary for us to comply with the law. For example, health and safety regulations

(d) **Vital interests:** the processing is necessary to protect someone's life. For example, safeguarding

(e) **Legitimate interests:** where processing is to do with the legitimate interests of us running our business. For example, it allows us to manage our relationship with you effectively and efficiently and fairly promote our services

Please visit the Information Commissioner's Office website for more guidance:

<https://ico.org.uk/>

How we share information with other organizations

We only share personal information with other organizations where it is lawful to do so and in accordance with our Data Protection Policy. Information is shared in order to fulfil our remit which is to pass on your experiences of care to help improve them on your behalf.

We work with Healthwatch England, the Care Quality Commission (CQC), local commissioners, NHS Improvement and our local authority to make this happen. We can also engage external suppliers to process personal information on our behalf, these companies are required to follow the same rules and information security

requirements as us, outlined in a Data Processing Contract. They are not permitted to use reuse the data for other purposes. Wherever possible, we will ensure that any information that we share or disclose is anonymized, so as to ensure that you cannot be identified from it.

Healthwatch Wirral do not broker or pass on information gained from your engagement with us without your consent.

Sharing your data with Healthwatch England

We are required to share information with Healthwatch England to ensure that your views are considered at a national level. This enables them to analyses service provision across the country and supply the Department of Health and national commissioners with the information you provide.

Click here to find out more about Healthwatch England:
<https://www.healthwatch.co.uk/>

The information we provide to Healthwatch England contains no personally identifiable data. Any information that is used for national publications is anonymized and will only be used with the consent of a local Healthwatch.

Healthwatch England is a committee of the Care Quality Commission (CQC) but acts independently. These organizations must comply with all legal requirements and do not reuse any data for any other reason or make it available to others.

Your right to access information about you

To access what personal data is held, identification will be required.

Healthwatch Wirral will accept the following forms of ID when information on your personal data is requested:

- Copy of your national ID card
- Driving license
- Passport
- Birth certificate and a utility bill not older than three months.
- A minimum of one piece of photographic ID listed above and a supporting document is required. If Healthwatch Barnsley is dissatisfied with the quality, further information may be sought before personal data can be released.

All requests should be made to:

Tel: 0151 230 8957 (We can call you back to keep your bill down)

Email: info@healthwatchwirral.co.uk

Or Write to us at Healthwatch Wirral, Liscard Business Centre, The Old School, 188 Liscard Road, Liscard, CH44 5TN

Complaints about how we look after or use your information

In the event that you wish to make a complaint about how your personal data is being processed by Healthwatch Wirral or its partners, you have the right to complain to the Healthwatch Wirral Chair.

<https://healthwatchwirral.co.uk/comments-and-complaints-policy-and-procedure/>

If you feel that we have not met our responsibilities under data protection legislation, you also have a right to request an independent assessment from the Information Commissioner's Office (ICO). You can find details <https://ico.org.uk/global/contact-us>

HOW WE PROTECT DATA

Data Security

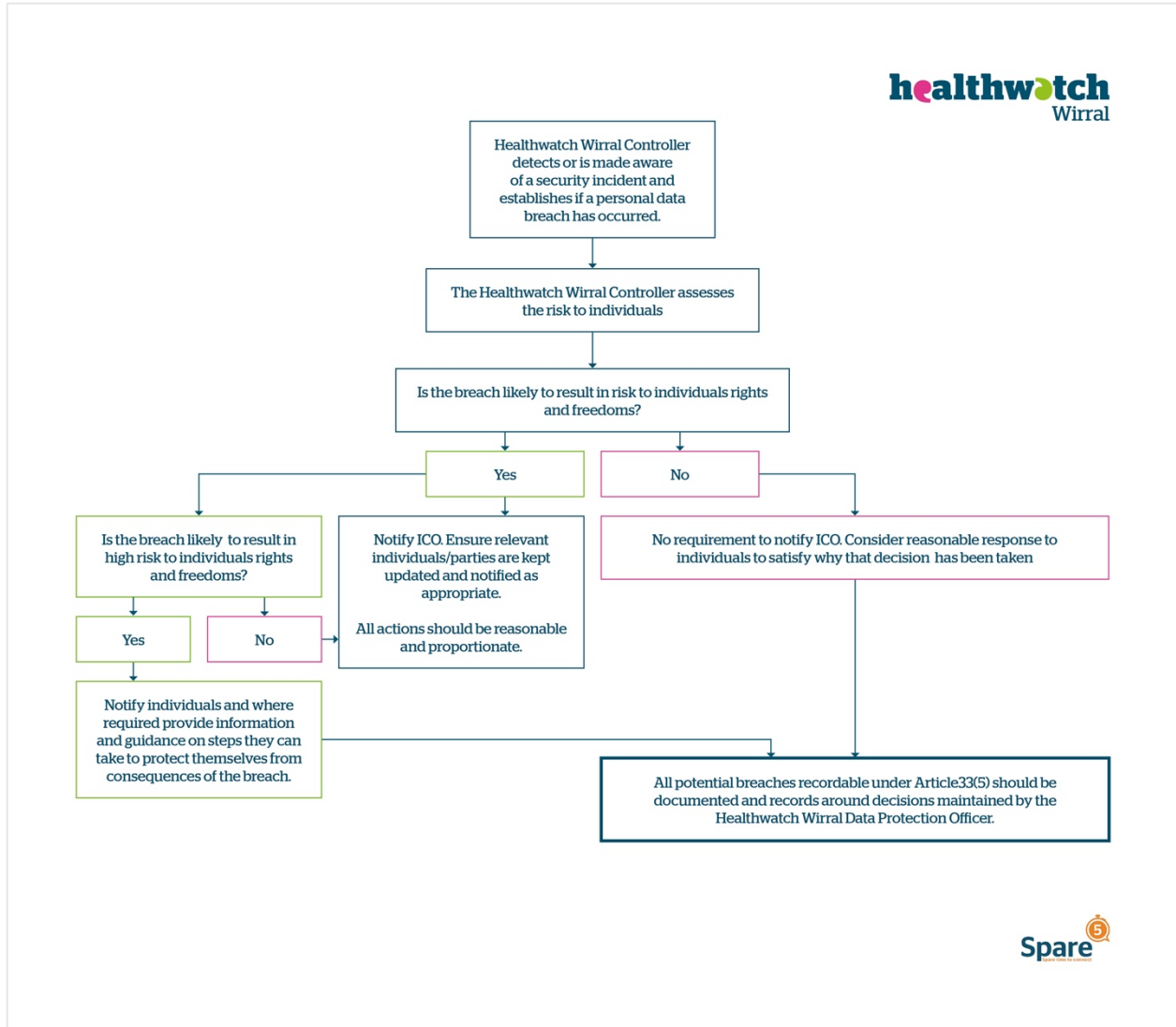
We have put in place appropriate data security measures to comply with GDPR to prevent your personal data from being accidentally lost, used, altered, disclosed or accessed in an unauthorised way.

We also limit access to your personal data to those employees, board members or third-party agents who have an agreed lawful business need to know and who are subject to a duty of confidentiality in their role.

Electronic data and databases are stored on our secure GDPR compliant computer systems.

We cannot guarantee the security of your home computer or any other personal devices you use to access the internet to send us online communications therefore Information you provide us in this way is the users own risk.

We have put in place strict procedures to deal promptly with any suspected personal data breach and will notify you and the appropriate regulatory body of any breach where we are legally required to do so.



Any data collected that are considered ‘special category data’ that we require and processed for monitoring, performance and reporting purposes will be anonymised to ensure maximum security.

STORAGE

Healthwatch Wirral operations are based in the UK, all data is adequately protected as we store all data securely within the European Union.

HOW LONG WILL WE USE YOUR PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including the purposes of satisfying any legal, accounting, reporting or monitoring and evaluation requirements.

For further information please contact us on info@healthwatchwirral.co.uk and request to speak to our GDPR data officer.

YOUR LEGAL RIGHTS

You have rights under Data Protection laws in relation to your personal data which are as follows:

- Correcting your Information

You are entitled to have your personal information updated to ensure it is up to date accurate. To maintain the accuracy of the information we hold, please let us know about any updates to your personal information as soon as you can.

- Withdrawing Consent

You have the right to withdraw your consent to any processing that is currently being done under your consent, such as marketing.

- Obtaining a copy of your information

You have the right to receive copy of the personal information we hold about you and we must respond within 1 month. To make this request please do this via emailing info@healthwatchwirral.co.uk

- Deleting your information

You can request that we delete personal information in certain circumstances. These will be specific to each case.

- Data Portability.

In certain circumstances, you have the right to ask us to transfer the personal information that you have given us to another controller.

- Restricting Processing

You can request a restriction on the processing of your data in some limited circumstances. Examples are concerns over data accuracy or we no longer need to hold your data but you have requested its retention by us to aid you in a legal matter.

- Object to Processing

You have the right to request that we stop processing your data for marketing purposes and in other limited circumstances such as asking us not to process your data by wholly automated means or not to analyse your information for targeted content etc. (also known as profiling).

If you wish to exercise any of the rights set out above, please contact our GDPR/data control Officer.

We will always try to respond to your satisfaction, there may however be situations where we will be unable to do so because there are exceptions to the rights above or where it is necessary for us to continue to use data for a lawful reason.

The Information Commissioner's Office (ICO)

The data protection laws in the UK are regulated and enforced by the Information Commissioner's Office (ICO). Each individual has the right to raise a concern/complaint to the ICO if they have any concerns about how their personal information and/or privacy is treated. You can do this via the ICO's website, follow the links or have an online Live Chat.

Call the ICO helpline on 0303 123 1113

Email casework@ico.org.uk

Postal address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire,

CHANGES TO THIS PRIVACY NOTICE

We will amend this Privacy Notice from time to time to ensure it remains up to date and accurately reflects how and why we use your personal data. The current version of our Privacy Notice will always be posted on our website.

<https://healthwatchwirral.co.uk/privacy-policy/>

To be reviewed September 2021