

## Privacy Statement for members

22 MAY 2018

### Key Points

- **Why we use your personal data:** We typically use your personal information to comply with our legal obligations (such as checking your membership eligibility and maintaining a register of members) and sending you details of meetings and news.
- **Why we use your special categories of personal data:** We may use information regarding your race/ethnic origin to monitor the diversity of our membership.
- **Who else has access to your personal information?** In order to comply with our legal obligations and to communicate with you we may share your personal information with third parties.
- **Security of your personal data:** We respect the security of your data and treat it in accordance with the law.
- **Transferring your data internationally:** We will not transfer your data outside of the EU.

## 1 WHAT IS THE PURPOSE OF THIS PRIVACY STATEMENT?

- 1.1 Under data protection legislation we are required to explain to you why we collect information about you, how we intend to use that information and whether we will share your information with anyone else.
- 1.2 This statement applies to all prospective, current and former members.
- 1.3 It is important that you read this statement so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information we hold about you (such as your contact details) so that the information which we hold is accurate and current.

## 2 WHO ARE WE?

- 2.1 We are Oxleas NHS Foundation Trust (**Oxleas**). Our head office is located at Pinewood House, Pinewood Place, Dartford, Kent DA2 7WG.
- 2.2 Oxleas is a "data controller" in respect of the information we hold about you. This means that we are responsible for deciding how we use your personal information.

## 3 OUR DATA PROTECTION OFFICER

- 3.1 Our Data Protection Officer is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.
- 3.2 If you have any concerns or questions about our use of your personal information, you can contact our Data Protection Officer, by phone on 01322 299872, or by email at [oxl-tr.dpo@nhs.net](mailto:oxl-tr.dpo@nhs.net) or by

writing to The Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF.

#### 4 TYPES OF PERSONAL INFORMATION WE USE

4.1 We may collect the following information about you:

4.1.1 **personal details** (such as name, date of birth and gender)

4.1.2 **contact details** (such as your address, personal telephone number and personal email address).

4.1.3 **security information** (such as CCTV footage); and

4.1.4 **incoming and outgoing telephone conversations** may be recorded for monitoring purposes.

#### **Special categories of personal data**

4.2 Some of the information which we collect about you may be “special categories of personal data”. Special categories of data require a greater level of protection. The only special categories of personal data we knowingly collect about you is information relating to your **race** and **ethnicity**.

4.3 We will not knowingly collect any other special categories of personal data about you through your role as a member of Oxleas. However, we may hold information relating to your **health, sex life and sexual orientation, political opinions**, etc through another relationship you have with Oxleas, for example, as a service user or employee.

#### 5 SOURCE OF YOUR PERSONAL INFORMATION

5.1 If you are a public member or service-user/carer member you provided the above information to us when you completed your membership application form. If you are an employee of Oxleas and have opted to be a member of Oxleas, your personal details (name, job title, base, and directorate) are provided by HR and your work email through Novell Content Manager (The Ox intranet).

#### 6 HOW AND WHY WE USE YOUR PERSONAL INFORMATION

6.1 We use the types of personal information listed above for a number of purposes, each of which has a "lawful basis". In accordance with the data protection laws, we need a "lawful basis" for collecting and using information about you. There are a variety of different lawful bases for using personal information which are set out in the data protection laws.

6.2 We have set out below the different purposes for which we collect and use your personal information, along with the lawful bases we rely on to do so.

Why we use your information	Our lawful basis for using your information
<b>Eligibility and membership register:</b> To ensure you are eligible for membership and to maintain a register of members.	<b>Legal obligations:</b> It is necessary for compliance with our legal obligations.
<b>Contact with you:</b> To invite you to events and meetings, to provide you with news and updates about us, to provide you with membership publications, and to send you local information which may be of interest to you (depending on your preferences).	<b>Official authority:</b> It is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.

Why we use your information	Our lawful basis for using your information
<p><b>Elections and constitutional changes:</b> To invite you to stand as a governor, elect a governor or vote on changes to our constitution.</p>	<p><b>Legal obligations:</b> It is necessary for compliance with our legal obligations.</p>
<p><b>Diversity monitoring:</b> Your gender and race/ethnic origin are used to help us monitor the diversity of our membership.</p>	<p><b>Legal obligations:</b> It is necessary to meet legal / regulatory obligations.</p> <p><b>Public interest:</b> It is necessary for reasons of substantial public interest on the basis of law.*</p>
<p><b>Security:</b> We may need to capture images of you as part of our security processes to ensure the safety of our staff, service users and members of the public. This may include the use of CCTV systems.</p>	<p><b>Legitimate interests:</b> It is necessary for our legitimate interests (where they are not overridden by your rights).</p> <p><b>Health:</b> It is necessary for the management of health and social care services.*</p>
<p><b>Telephone calls:</b> We may record incoming and outgoing telephone calls for monitoring purposes.</p>	<p><b>Legitimate interests:</b> It is necessary for our legitimate interests (where they are not overridden by your rights).</p>
<p>* This is an additional lawful basis which we need to rely on in order to use special categories of data such as information about your health</p>	

## 7 WHAT MAY HAPPEN IF YOU DO NOT PROVIDE YOUR PERSONAL INFORMATION?

- 7.1 If you refuse to provide certain information when requested we may not be able consider your application to become a member or maintain your membership.

## 8 COMPLYING WITH DATA PROTECTION LAW

- 8.1 We will comply with data protection law. At the heart of data protection laws are the "data protection principles" which say that the personal information we hold about you must be:
- 8.1.1 used lawfully, fairly and in a transparent way;
  - 8.1.2 collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
  - 8.1.3 relevant to the purposes we have told you about and limited only to those purposes;
  - 8.1.4 accurate and kept up to date;
  - 8.1.5 kept only as long as necessary for the purposes we have told you about; and
  - 8.1.6 kept securely.

## 9 SHARING YOUR INFORMATION

- 9.1 We may share your personal information with third parties where we have a lawful basis for doing so. Some "third parties" are service providers (including contractors and designated agents) carrying out activities on our behalf. Other third parties will be data controllers in their own right. This means

that they are not required to act on our instructions and they are solely responsible for ensuring that they comply with the law when using your personal information. We are not responsible for their use of your data if we are acting lawfully whenever we share your data with them.

9.2 The types of third parties with whom we share your personal data are as follows:

9.2.1 **Membership Engagement Services**, our membership provider;

9.2.2 **Electoral Reform Services**, for election and constitutional voting purposes only;

9.2.3 **Printing and mailing services**, for printing and sending you membership communications;

9.2.4 **Service providers**, such as telephone call recording for monitoring purposes.

9.2.5 **The Police and other law enforcement agencies**: in limited circumstances we may share your personal data with the police if required for the purposes of criminal investigations and law enforcement; and

9.2.6 **Professional advisors**: such as lawyers, in the exercise or defence of legal claims;

## 10 TRANSFERRING INFORMATION OUTSIDE THE EEA.

10.1 We will not transfer your data outside of the European Economic Area.

## 11 CAN WE USE YOUR INFORMATION FOR ANY OTHER PURPOSE?

11.1 We typically will only use your personal information for the purposes for which we collect it. It is possible that we will use your information for other purposes as long as those other purposes are compatible with those set out in this policy. If we intend to do so, we will provide you with information relating to that other purpose before using it for the new purpose.

11.2 We may also use your personal information for other purposes where such use is required or permitted by law.

## 12 STORING YOUR INFORMATION AND DELETING IT

12.1 We will store your personal data for as long as you are a member of Oxleas. We will delete your personal data when you cease to be a member. This does not apply to any personal information we hold about you for any other relationship we have with you (such as your care provider or employer).

## 13 SECURITY OF YOUR INFORMATION

13.1 The information that you provide will be stored securely on our systems. Our security measures and procedures reflect the seriousness with which we approach security and the value we attach to your information. 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.

13.2 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.

## 14 YOUR RIGHTS

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

14.1.1 **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.

14.1.2 **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.

- 14.1.3 **Request erasure** of your personal information in certain circumstances. 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).
- 14.1.4 **Object to processing** of your personal information if we are relying on a legitimate interest (or those of a third party) or official authority as our lawful basis for processing and there is something about your particular situation which leads you to object to processing on this ground. You also have the right to object if we are processing your personal information for direct marketing purposes.
- 14.1.5 **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.
- 14.1.6 **Request the transfer** of your personal information to another party in certain circumstances. This right is only available where we are processing your information with your consent and the processing is automated.
- 14.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.
- 15 RIGHT TO WITHDRAW CONSENT**
- 15.1 In the limited circumstances where we are relying on your consent as our lawful basis to process your data 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 our Data Protection Officer in writing to Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF or by email to [oxl-tr.dpo@nhs.net](mailto:oxl-tr.dpo@nhs.net).
- 16 AUTOMATED DECISION MAKING**
- 16.1 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.
- 17 RIGHT TO COMPLAIN TO THE ICO**
- 17.1 You have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
- 18 UPDATING YOUR INFORMATION OR DISCONTINUING YOUR MEMBERSHIP**
- 18.1 If you wish to update your personal information or if you wish to discontinue your membership you can contact our Membership Team on 0300 123 1541 or by writing to [oxl-tr.foundationtrust@nhs.net](mailto:oxl-tr.foundationtrust@nhs.net) or Freepost RTTR-GBLX-ASJZ, Membership Office, Oxleas NHS Foundation Trust, Pinewood House, Pinewood Place, Dartford DA2 7WG.
- 19 CHANGES TO THIS PRIVACY STATEMENT**
- 19.1 We reserve the right to update this privacy statement at any time, and we will provide you with a new privacy statement 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.