

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates to personal data collected under The West Berkshire Mental Health Support Team (MHST). We will use this information to inform and gather information about MHST involvement with Children and Young People (CYP).

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice 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 so that the information which we hold is accurate and current.

Date of Issue: 23/09/2022

Update History:

2019 Version 1.0	First issue of a new Privacy Notice
2022 Version 2.0	Amendment of privacy notice to include changes to legislature and to include Survey Monkey

Directorate: Communities
Service: Education
Team: Mental Health Support Team

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
<http://info.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

When a school requests involvement from the Mental Health Support Team (MHST), West Berkshire Council will collect the following information about you and your Child or Young Person (CYP) in the format of a Request for Involvement form. This is completed by you and the school. Requests for involvement can also be completed by the council's Emotional Health Academy.

We collect:

- The name, Date of Birth and age of the CYP
- The home address of the CYP
- Ethnicity of the CYP
- NHS number of the CYP
- Contact details of parent/legal guardian (postal address, phone number, email)
- The school the CYP is attending
- If the CYP receives Pupil Premium funding
- If the CYP is a Looked After CYP
- If the CYP is a Young Carer
- If the CYP has an EHC plan
- If the CYP has Early years pupil premium
- The reason for the school requesting involvement from the MHST
- If other agencies have been involved with the CYP such as the Educational Psychology Service (EPS)
- Name and details of family/household members (date of birth, relationship, gender, ethnicity and religion)
- Attainment information such as reading and spelling age
- Details of interventions implemented in the school such as Guided Reading
- The views of the CYP about their concerns
- The views of the parent/legal guardian about their concerns

The following explains what data is held in relation to the delivery of MHST services:

School Planning Notes: The MHST may hold planning meetings with the school/educational institution where a CYP may be discussed. The school contact is asked to confirm that verbal consent has been given by the parents/legal guardian of the CYP before specifically naming the CYP. If no verbal consent has been given, the CYP will be referred anonymously.

Related CYP documentation: School and parents/legal guardians may provide additional documents to support the MHST's work with the CYP e.g. Special Educational Needs (SEN) Support Plans, School Attendance data, Education Health and Care Plans, reports by other health professionals etc.

These details are collected and held on the West Berkshire Council's electronic systems and will be protected using up-to-date technical and organisational security measures.

We sometimes use an online survey tool called Survey Monkey to collect your responses to a consultation or engagement exercise. Data collected by this method is stored by the providers. To read about their Privacy Policy and Security Statement visit:

- <https://www.surveymonkey.com/mp/policy/privacy-policy/>
- <https://www.surveymonkey.com/mp/policy/security/>

Data may also be held on the council’s electronic systems and will be protected using up-to-date technical and organisational security measures.

Transfer overseas

As an international company Momentive have Data Centres in the United States, Canada and Ireland (EU). Your response to a survey collected through Survey Monkey is held in in their EU Data Centre in Ireland.

Special Category Data

We may request information which falls under special category data in our surveys. This could be your name, school, school year and responses to psychological assessment tools. Article 9(2)(a) of the UK GDPR permits us to process special category data if the data subject has given explicit consent to the processing of the data for one or more specified purposes. When a survey includes special category data you will be explicitly asked at the start of the survey for your consent to providing this data.

SOURCE OF YOUR PERSONAL DATA

We collect the above information about you from the data you enter when a school requests MHST involvement with the Child or Young Person, when a school requests a supportive intervention involving a Child or Young Person or when the Child or Young Person is referred to the MHST via the Emotional Health Triage.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
<p>We will use this information to inform and gather information for MHST involvement with Children and Young People (CYP).</p> <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p>Performance of a contract: Article 6b of the General Data Protection Regulations (“GDPR”) namely processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>Public Task: Article 6e of the GDPR namely the processing is necessary for the performance of a task carried out in the public interest.</p>

Why we use your information	Our legal basis for using your information
	<p>Consent: Where you have provided your consent for us to use your personal data in this way. If you do not wish the Council to process your personal data, it will be unable to establish a contract to provide the service for you.</p>

SHARING YOUR PERSONAL DATA

You will be able to see and update your data through a data request. Please visit here for more information <http://www.westberks.gov.uk/dprequest>.

Your data will be seen by employees of the Council relevant to the service or information request you have made.

The personal data we collect about you is part of the Minimum Data Set that is required by NHS Digital. Without this we are unable to process the referral and may not be able to provide a service. The MHSDS (or Minimum Data Set) is a patient level, output based, secondary uses data set that delivers robust, comprehensive, nationally consistent and comparable person-based information for children, young people, and adults who are in contact with Mental Health Services.

The data set is used to inform service improvements and monitor service performance, clinical interventions, patient experience, and treatment outcomes. As a secondary uses data set, it re-uses clinical and operational data for purposes other than direct patient care. MHSDS supports a variety of secondary use functions such as:

- Commissioning
- Clinical audit
- Research
- Service planning
- Inspection and regulation
- Monitoring government policies and legislation
- Local and national performance management and benchmarking
- National reporting and analysis
- Examples of the way information collected is used include checking
- Mental Health Services are available to all patients
- Patients are provided with care that is compliant with standards set by the National Institute of Care and Health Excellence (NICE)
- Whether services help patients to recover
- Access and Waiting Time standards are monitored nationally to improve patient experience of mental health services

The organisations that commission services know what services have been delivered. Where the MSHT record video of a young person, this will be purely for the purposes of training. It will not be shared outside of the MHST.

Where we pass data to NHS Digital, the national provider of information, data, and IT systems in health and social care, we do so in a way that will not reveal your identity

(otherwise known as “anonymised” data).

The role of NHS Digital is to ensure that high quality information is used appropriately to improve patient care. It publishes key statistics and shares information to support important research and commissioning.

Where a service or information request requires us to share your data with other parties, a separate privacy notice will describe who that is.

We may share your personal data with third parties where it is necessary for the delivery of the service.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary. You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

YOUR RIGHTS

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

- **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.
 - **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.
 - **Request erasure** of your personal information. 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).
 - **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
 - **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.
 - **Request the transfer** of your personal information to another party.
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- **Withdraw consent** to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice 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.
