

Merton Mencap

Privacy Notice for service users

Last reviewed
March 2023

Next review
March 2026

**This Privacy Notice has been adopted by Merton Mencap
through its Executive Committee which remains responsible for its review**

Privacy Notice for service users

Introduction

This notice explains how Merton Mencap collects and uses information about people with learning disabilities/autism and parents and carers who use our services (ie service users).

We understand information about our service users is very important and we recognise our duty to keep it safe.

We are committed to providing high quality services and a key aspect of this is making sure we manage accurate, up-to-date information about our service users. We also contact service users to tell them about what we're doing and to see if they would like to support our charity.

This notice explains

- the personal information we collect
- why we collect it
- the legal basis for collecting it
- what we do with it
- when and why we may share it with others
- how the information we collect can be accessed and updated.

Information about service users

For service users and named emergency contacts, we collect Personal Information which is used to identify them including their name, gender, date of birth, telephone numbers, postal and email addresses.

We may also collect and use what is often referred to as Sensitive Personal Information (or Special Category data) about service users which may include information about their:

- support needs
- likes, dislikes, life-goals, and behaviours
- health needs, medication, allergies and needs relating to food
- communication preferences
- race, ethnicity, religious beliefs, and sexual orientation
- incidents
- other relevant information, eg skills and abilities

Information may be provided to us by the service user or may come to us from a referring organisation such as a social care department at a council.

Why we collect and use information

We collect and use information so that we can provide service users with good-quality and appropriate services, while ensuring their health and safety - for example we use information to form care plans and risk assessments.

We use information for monitoring purposes so that we can check whether we're reaching people from different local communities.

We maintain registers showing when service users have attended our services. We may share this information with other organisations such as the local council who fund our services so that they can make sure that our services meet the needs of local people.

Some service users buy services directly from us. In these cases, we maintain information so that we can produce accurate invoices about service user attendance, and we use information about who authorises and pays our invoices.

We like to use the information service users give us to contact them about our services and activities which might help them.

We also like to publish publicity materials including pictures and videos of service users.

Legal basis

The legal basis for collecting and using information depends on the type of information we hold and reason we hold it.

If a person uses Merton Mencap services, the Personal and Sensitive Information we hold about them helps us implement safe and appropriate services. We collect and use this type of information because we believe we have a **legitimate interest** to do so, and regard it in the service users' **vital interest**.

We may wish to contact service users to tell them about our services and activities which could be a help to them, and about other ways they can be involved with the charity. We regard our having **legitimate interest** to do so.

We collect and use information because it forms part of a **contractual relationship** with a service user, for example when a service user asks us to provide a service which they pay us for directly.

We may also wish to use pictures of service users in our publicity materials. We will only do this if we obtain **consent** from the service user. If an adult with a learning disability/autism has a level of need which makes it difficult for them to give us consent, we may seek consent from their parent or carer; if the service user is a child/young person (aged under 18) we will always seek the consent of their parent or carer.

Service users may alter their consent at any time by contacting us.

Sharing information with other organisations

We recognise the importance of working with other organisations so that we can meet the support needs of our service users.

We are sometimes required to share Personal and Sensitive Personal Information about service users with statutory agencies such as care departments, social workers and schools. Other than when sharing information as part of a statutory requirement, we will seek the consent of the service user before doing so.

Other organisations may also share information with us about a service user where it will help us all provide appropriate services that meet service users' needs.

Some information that we have about service users is stored on online databases. We only use database providers who confirm to us that they are compliant with the General Data Protection Regulation.

Retention periods

Information about adults with learning disabilities/autism:
Records are kept for 8 years.

Information about children and young people with learning disabilities/autism:
Records are kept until their 25th birthday (26th birthday if still accessing a service from us at the age of 17).

Information about serious incidents:
20 years from the date of the incident.

Non-serious incidents reports:
10 years from the date of the incident.

Information is kept for the sole purpose of responding to any future investigations, e.g. around safeguarding.

When retention periods end, we will destroy hard copy documents through an appropriate confidential waste disposal provider and delete from our systems data held electronically.

Rights

Service users have legal rights in relation to the information we hold. At any time, service users can

- request to see the information we hold about them. This is called a Data Subject Access request. The Information Commissioners Office has produced guidance about making a request: <https://ico.org.uk/for-the-public/personal-information/>.
- request that our information is changed if it is inaccurate or out of date

- request that we delete information that we hold about them. Some information we hold is necessary for us to deliver our services and therefore we may not be able to continue to provide services if we delete it. We will advise service users where this is the case.
- request that we stop using the information we hold about them, or limit the ways in which we use that information. Again, we will inform service users if this impacts our being unable to provide services
- change the consent service users have given us about our making contact, or taking and using photographs or videos.

Changes to this privacy notice

As an organisation that collects and uses personal information we are called a Data Controller. For any enquiries about our role as a Data Controller, contact the Chief Executive.

Merton Mencap reserves the right to update this privacy notice at any time, and we will make any revisions available to service users. We may also notify service users about other ways from time to time about the processing of your personal information.

Closure

In the event that Merton Mencap closed for any reason, we shall seek legal advice from the Information Commissioner's Office in relation to storing records.
