

## Privacy Notice

### South Tyneside Adult Recovery Service

This privacy notice is for service users of South Tyneside Adult Recovery Service (STARS). STARS is a service Waythrough provide in South Tyneside. We are funded by South Tyneside Council to provide this service.

Waythrough adheres to the Data Protection Act 2018 in relation to how we collect and process information that identifies you as an individual. This type of information is called personal data.

### Managing Your Information

Waythrough is the Data Controller for STARS which means that we decide how data is processed and the purpose for the processing. We are accountable for ensuring that your rights are respected and that the data is processed lawfully. Should a breach occur, it is our responsibility to report it to the Information Commissioner's Office (ICO) if there is a high risk to your rights or freedoms as per the UK General Data Protection Regulation (UK GDPR).

Waythrough subcontracts Spectrum to deliver the clinical aspects of the service. Spectrum are a Data Processor to Waythrough for this service which means that Waythrough are accountable for the processing.

### What We Use and Why

We use personal data like your name, address, DOB, NHS number and contact details so that we can provide you with a service.

We also use more sensitive data about your health; and demographic data such as your gender, sex life (specifically relationships), sexual orientation, race and ethnicity and religious beliefs. This is called **Special Category Data** which requires extra protection.

If you are subject to the criminal justice system, we may process some criminal offence data about you so that we can provide you with our service and so that we can manage risks to you, to our team and to the public.

### How We Collect Your Data

We receive your data from you and sometimes from other people like your GP, the local authority, primary care services, probation, prisons, mental health services, Matrix, labs result for labs testing for blood born viruses, MARAC, MATAAC, MAPPA, Rough Sleeper Multi-agency meetings, SIPT meetings, the Hep C Trust and housing services. This list is not exhaustive as anyone can refer you into our service or share information to us.

We may receive your data by telephone, email, electronic web form or by post.

## Lawful Reasons for Processing

The lawful reasons (known as lawful bases) for processing are set out in the UK General Data Protection Regulation (UK GDPR). At least one of these must apply whenever we process personal data.

We use the lawful basis of **Legitimate Interests** to process your data, to provide you with the service. Where we deliver community orders (such as ATR, DRR, CBO or civil injunctions) we may also process your data upon a **Public Task**.

We process your health data under the **Health or Social care condition of the UK GDPR**. We only process what is necessary for the purpose; and processing is overseen by a health professional bound by the common law duty of confidentiality.

In addition to health data, we process a minimal amount of other special category data such as data about your racial or ethnic origin, religious or philosophical beliefs, sex life, sexual orientation/relationships and we use this data for demographic purposes and statistical analysis and to meet individual health and social care needs.

Where we are processing criminal offence data, we rely on special conditions under the Data Protection Act 2018 relating to health and social care, preventing or detecting unlawful acts and safeguarding.

## Sharing Your Information with Others ('Third Parties')

There are times when we may share data in the public interests relying on the basis of Public Task or because it is our Legal Obligation to share your information with third parties (usually authorities) and we do not require your consent to be allowed

to do this. Sometimes we do not need to make you aware that we are sharing. We will only share the information that is needed; and we only share the minimum information for the purpose.

Examples of this are:

- to report a crime to the police (this includes driving under the influence)
- to report to the police if you have gone missing
- to report abuse or neglect to social services
- to let mental health crisis services know if you are at serious risk
- any other request where we are obliged to share data as per a legal obligation which is laid down in UK law.

Where we deliver community orders (such as ATR, DRR, CBO or civil injunctions) we may also process your data upon a **Public Task** and **Legitimate Interests** when we share with the authorities. In all cases there is a legal requirement for us to use and share your data.

We rely on the lawful basis Legitimate Interests to share your personal data with:

- the local authority social care team to provide you with support through partnership working, where risks and vulnerabilities require us to do so in your best interests or in the best interests of others (particularly children, families and adults at risk).
- your GP, in order to prescribe you medication.
- pharmacies, in order to prescribe you medication.
- we may share information to your GP where we make the decision that your life or someone else's is at risk, and we believe strongly that the GP is in a key position to help you/others. If we make this decision, we will make all reasonable attempts to inform you.
- Alcohol Care Team and Hospital Multi-Disciplinary Meetings
- Rough Sleepers multi-agency meetings
- the prison, probation services, courts and police to share prescribing information and/or arrange ongoing support, if you have recently been released or are going into custody.
- research organisations who carry out evaluation and statistical work on our behalf, or on behalf of South Tyneside Council. Your data is only shared for research and planning purposes with Caldicott Guardian Approval through our National Data Opt Out Policy.
- When we provide Drug Testing on Arrest (DToA) services if you are in custody and in conjunction with the police. We share your test results with the Police.

- When we work with Safer South Tyneside Community Partnership (Northumbria Police, Tyne & Wear Fire and Rescue Service, South Tyneside Homes, National Probation Service (Northumbria), South Tyneside Clinical Commissioning Group, South Tyneside Foundation Trust, Northumbria Office of the Police and Crime Commissioner, South Tyneside College, South Tyneside Adult Recovery Service. The partnership is responsible for publishing a plan which sets out the strategic approach to tackle crime and disorder in South Tyneside and they also carry out Domestic Homicide Reviews.
- research organisations and funders who carry out evaluation and statistical work. Your data is only shared for research and planning purposes with Caldicott Guardian Approval following our National Data opt Out Policy. Please see the section below 'You Can opt Out of Your Personal Data Being Used for Research and Planning' which explains this in more detail.
- We must share data with the Care Quality Commission (CQC) who are a regulatory body. Wherever possible we anonymise data, but sometimes we are required to share personal data when a serious incident has occurred.
- Other treatment services in the case of transferring care

If our project is decommissioned, we will transfer all your data to the new provider and notify you by letter. We transfer your data on the lawful basis of **Legitimate Interests** so that you continue to receive the service you are using. Although we transfer your data, we also keep a copy of your data in line with our retention period (see below "Retaining Your Information").

All other third-party personal data sharing is decided by you with your explicit consent. You provide us with this information on the Sharing Consent Form. You should update us at any point if you wish us to change these consents.

The **Sharing Consent Form** will ask you if you wish us to share your data with NDTMS. NDTMS is the National Drug Treatment Monitoring System (NDTMS). It is used by the Office for Health Improvement and Disparities (OHID) to collect information about drug and alcohol treatment in England. If you consent, your treatment service will share some of your treatment information with NDTMS.

If you are receiving criminal justice interventions, the Sharing Consent Form will ask you if you consent to us sharing your information to Criminal Justice Interventions Teams (CJIT). CJIT is used by OHID to collect information about drug and alcohol and treatment and criminal justice interventions. If you consent, your treatment service will share some of your criminal justice information with CJIT.

## You Can Opt Out of Your Personal Data Being Used for Research and Planning

National Data Opt Out is a government policy overseen by the NHS. Waythrough is one of many organisations working in the health and care system to improve care for patients and the public. Whenever you use a health or care service, such as a Waythrough health or social care service, attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, You can find out more about these purposes and opting out here

Most of the time, anonymised data is used for research and planning so that you cannot be identified, in which case your confidential patient information isn't needed. Where your data cannot be anonymised and Waythrough is not confident that you are aware that your personal data may be used for research or planning, Waythrough will generally seek to obtain your explicit consent.

Where Waythrough has your NHS number, we can check to see if you have applied an NHS Opt Out to your data being used for this purpose. Patients apply their Opt Out via the NHS National Data Opt Out process. If you have Opted Out, Waythrough will not use or share your data for purposes other than your treatment and care (i.e. Waythrough will not use or share your data for research or planning).

You have a choice about whether you want your confidential patient information to be used for research and planning. If you are happy with this use of information you do not need to do anything. If you do choose to Opt Out of your data being used for research or planning, your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to Opt Out, please visit the NHS website [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters).

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know>.

## Confidentiality

Information about you may be shared between team members; and recorded on your file and in other records to enable us to give you the best service that we can and get the best possible support for you.

Only what is necessary and proportionate is shared and we are bound by the common law duty of confidentiality. In some circumstances we may share your data in order to keep you or other people safe which is a legal obligation this is explained in the section above titled Sharing Your Information with Third Parties.

## **Transferring Your Data Outside of the UK**

As part of our day-to-day operations, we do not transfer your data outside of the UK unless with your explicit consent to do so (right to portability).

When a service closes and we archive data in line with our data retention period, we use a third-party Processor called Iron Mountain. Iron Mountain may in some instances, use sub-processors who are based in other countries. Iron Mountain ensures that where required, Standard Contractual Clauses are in place to protect data where it is transferred to another country as per the EU's adequacy decisions.

## **Keeping Your Information Safe**

Your data is held securely on a third-party management system and only those who need access, have access to it. This includes staff that support you and staff who maintain the system. We have policies in place which our staff follow to ensure your data is only accessed appropriately and when necessary.

We store some of your personal data on our secure network drives which is restricted to our service team and may be accessed under policy by our IT Team should there be a technical issue. All Waythrough's workforce abide by data management policies, processes and training.

We cannot offer you a service without storing your details on these systems.

We have a number of people who oversee that data is used safely (see 'Relevant Contacts').

Should an incident occur where we breach your data, causing a high risk to your rights or freedoms, we will inform you of this without delay and using the primary contact details you have provided. We will also report this to the Information Commissioner's Office (ICO), who supervise organisations that handle data

## Retaining Your Information

We keep your personal data for the period stated in our records retention and destruction policy. The policy currently states that we will keep your information for 10 years from the date that the service contract ends, currently this contract is ongoing and there is no specific end date. Please contact us if you would like more information.

In the event that we change the retention period in our policy, we will update our privacy notice and notify you of this change.

Your data will be securely destroyed at the end of our retention period.

## Keeping in Touch with You

As part of your treatment, we will contact you at various stages to discuss your progress, deliver interventions and provide reminders around upcoming appointments.

This is usually via the following methods; however, this is not an exhaustive list:

- letters
- online platforms such as Zoom or WhatsApp
- phone calls
- home visits (when applicable)
- e-mails\*
- text messages\*

If you do not wish to be contacted via one or all of these methods or have specific communication needs, then please tell us using the Contact Preferences form. You can request this from your Waythrough worker.

\*e-mail & text Messages should be used for non-urgent contact only. Recovery Coordinators have e-mail accounts and mobile phones but will not routinely access them throughout the day. We always recommend phoning the service if you require assistance urgently (for example cancelling / rearranging upcoming appointments).

## Your Data Rights

Under the Data Protection Act 2018 and UK GDPR, you have the following rights:

- to be informed about the collection and use of your personal data.
- to access your personal data (known as Subject Access Request).
- to have inaccurate personal data rectified; or completed if it is incomplete.
- to have personal data erased (known as the right to be forgotten).
- to request the restriction or suppression of your personal data.
- to data portability, which allows individuals to obtain and reuse their personal data for their own purposes across different services.
- to object to the processing of your personal data in certain circumstances.

We do not use any automated decision making (decisions made by a computer) or profiling (when an automated system is used to assess certain things about you) when we use your data.

Please note that some of these rights only apply in certain situations and we may not be able to fulfil every request. Where we say no to a request, we will always explain our decision in full, within the timeframe that the law says. Should you request that your data is erased please be aware that we will be unable to continue offering you a service as we require your personal data to do this effectively and safely.

To request access to your data or to contact us about any of the rights we have listed, you can request this through the service or contact our Caldicott Guardian (see below; Relevant Contacts).

## How To Complain

If you are unhappy about an issue relating to your data you can complain to us through the service you attend; or if you would feel more comfortable, you can contact the Waythrough Caldicott Guardian (see below; Relevant Contacts).

To make a formal complaint to the independent regulator for personal data in the UK about the way we have used your data, contact the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/> or call ICO on 0303 123 1113

## Relevant Contacts



You can write to us at:

South Tyneside Adult Recovery  
Service Unit 19, Cookson House,  
River Drive, South Shields,  
NE33 1TL  
Tel: 0191 917 1160.

You can write to us at:

Waythrough,  
Inspiration House,  
Unit 22 Bowburn North Industrial Estate  
DH6 5PF.

Our Data Protection Officer (DPO) is Mark Burnett. You can contact our DPO by email [dpowaythroughcharity.org.uk](mailto:dpowaythroughcharity.org.uk) or by phone 01325 731 160.

Our Caldicott Guardian is Leesa Howes. You can contact our Caldicott Guardian by email [caldicott.guardian@waythroughy.org.uk](mailto:caldicott.guardian@waythroughy.org.uk) or by phone 01325 731 160.