

Privacy Notice

REACH Drug and Alcohol Service

This privacy notice is for people who use the Reach service. Reach is a service which is funded by Dorset Council and delivered by Waythrough.

We adhere to the Data Protection Act 2018 when we collect and process information that identifies you as an individual. This type of information is called personal data.

Please note: If you started using our services prior to 1/6/24 this privacy notice does not apply and you should request a copy of the information you received at the time from the service or Caldicott.guardian@waythrough.org.uk

Managing Your Information

Waythrough and Dorset Council are **Joint Data Controllers** for Reach which means that we decide together, how your data is processed, and we share the same purpose for the processing.

We are jointly 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 likely risk to your rights or freedoms as per the UK General Data Protection Regulation (UK GDPR).

Waythrough sub-contracts Avon and Wiltshire Mental Health Partnership (AWMHP) to support people recovering from drug and alcohol addiction through psychological interventions which includes prescribing. AWMHP is a Data Processor for Waythrough which means that they have access to your health information for the purposes of delivering Reach services.

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, local authority, Primary Care Services and housing services. Anyone can refer you into our service.

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

We also seek access to and share your health information through NHS systems including Dorset Care Record and your GP summary record for the purpose of delivering your healthcare safely and effectively. We abide by the common law duty of confidentiality. You can object to us sharing your information by contacting caldicott.guardian@Waythroughcharity.org.uk

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.

Dorset Council uses the lawful basis of Public Task and Waythrough uses the lawful basis of Legitimate Interests when we collect your information and use it to provide you with individual healthcare and support.

You have the right to object to our processing via caldicott.guardian@waythrough.org.uk and we will respond jointly to you within one month of receiving your data rights request. We need your information to offer the service to you, so if we comply with your request you may not be able to receive part or all of our service. We will explain our decision when we respond to your request.

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**.

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 (also known as 'Third Parties')

There are times when we may share data in the public interests relying on the basis of **Public Task, Legitimate Interests** 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 abuse or neglect to social services
- to let mental health crisis services know if you are at serious risk
- to share information in multiagency settings should you be subject to Multi Agency Risk Assessment Conferences (MARAC: to prevent domestic abuse) and/or Multi Agency Tasking and Coordination Meetings (MATAC: to prevent domestic abuse), or Multi Agency Public Protection Arrangements (MAPPA: to prevent reoffending).
- 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.
- 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 also rely on the lawful basis Legitimate Interests and Public Task 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. Where you have more than one GP, we usually share to both (i.e. a prescribing GP and a family GP).
- 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.
- 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 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.
- we share some information about you with the NHS (Dorset Care Record) so other professionals can view information about your care if it is appropriate for them to do so, this is required because we provide you with individual treatment and care.

If changes are made to the provider of the Reach service, your data will be accessible to a different organisation who are contracted by Dorset Council to deliver the service contract. Dorset Council will notify you via your communications preferences of this change, giving you the opportunity to object to the new provider accessing your information. Dorset Council has one month to respond to your request. If it is agreed that the Council will comply with your request, the Council will explain if there will be any impact to the level of service which can be provided to you. This is because service delivery is interdependent upon the uses of your personal data.

All other third-party personal data sharing is decided by you with your explicit consent. You should update us at any point if you wish us to change these consents.

We 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. We will provide you with the OHID NDTMS leaflet which explains this in detail.

If you are receiving criminal justice interventions, we 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 Charity and Dorset Council 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, attend Accident & Emergency or use 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.

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 we are not confident that you are aware that your personal data may be used for research or planning, we will generally seek to obtain your explicit consent. However, by providing you with this privacy notice and making you aware of National Data Opt Out, we are letting you know that we may on occasions use or share your data for research or planning purposes without your consent.

Where we have 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, we will not use or share your data for purposes other than your treatment and care (i.e. we 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.**

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> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

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, this is explained in the section above titled Sharing Your Information with Third Parties.

Transferring Your Data Outside of the European Economic Area (EEA)

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

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 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

Dorset Council will hold your personal information in the case management system for 8 years after you leave or until you are 25 years old (whichever is latest) and then it is deleted.

If Dorset Council recommissions the Reach service to another provider, Dorset Council will authorise for the new provider to have access to all of your data for the purposes of continuing your healthcare and support. In this event Dorset Council will notify you of this change and provide you with information about your data rights.

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
- phones 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 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

Dorset Council Data Protection Officer, Dorset Council, County Hall, Colliton Park
Dorchester DT1 1XJ data.protection@dorsetcouncil.gov.uk

Waythrough Data Protection Officer dpo@waythrough.org.uk or by phone 01325 731 160.

Waythrough Caldicott Guardian caldicott.guardian@waythrough.org.uk or by phone 01325 731 160.