



## **Our Privacy Notice**

### **What this privacy notice covers**

The Percy Hedley Foundation is committed to protecting your personal information and being transparent about what information we hold about you.

The purpose of this notice is to give you a clear explanation about how the Percy Hedley Foundation and associated services uses the personal information you provide to us and what we collect, whether online, via phone, in letters or in any other correspondence and which third parties we may share that information with.

We ensure that we use your information in accordance with the General Data Protection Regulation (GDPR) and any other laws that set out how we can use your personal data.

This notice explains:

- What information we may collect about you;
- How we will use that information;
- Whether we disclose your details to anyone else; and
- Your choices regarding the information you provide to us;

If you would like to discuss anything in this Privacy Notice, please contact: Data Protection Officer, The Percy Hedley Foundation, Hampeth Lodge, Station Road, Forest Hall, Newcastle upon Tyne, NE12 8YY, or email [dpo@percyhedley.org.uk](mailto:dpo@percyhedley.org.uk)

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## **Who we are**

We are a leading charity supporting, children, young people, and adults with disabilities in the UK and our registered charity number is 515943. We are also a Company Limited by Guarantee: number 1855026 registered in England and Wales.

The Percy Hedley Foundation is a data controller under the data protection rules and registered with the ICO in the UK, reference number: Z6296282

We are the controller for the personal information we process, unless otherwise stated.

## Education Services

Our education services are registered with Ofsted and include; Hedleys Northern Counties School (Jesmond), Percy Hedley School (Killingworth), Hedleys College (Forest Hall and Killingworth).

### Information collection

#### Information you give us.

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis.

Upon enrolment at one of our schools or college, we will collect various personal information about you. This will include; full name, date of birth, address, contact telephone number, email address, emergency contact details, next of kin, any special interests, or previous qualifications and/or progress targets.

Due to the specialised nature of the health, wellbeing and medical support we provide to our children and young adults, we will also be required to collect personal information relating to your medical condition. Under data protection laws, this is classified as **Special Category data**. This information will include; specific medical condition, therapy needs medication requirements, family history and any behavioural needs (if applicable).

We may also require financially related information, for instance, your bank account information (if required) or any associated funding information to support education fees.

#### Information from third parties.

We also may need to contact other third parties, for instance, your GP, Social Worker, Local Authorities, NHS, Therapist (or similar) to request previous medical records, or associated health records relating to your health and wellbeing. This is to ensure we have all the relevant and up to date information relating to your medical and health history, so we can fully support your specific needs. We will ask your permission to do so prior to requesting this specific information.

We may also need to contact previous schools or colleges (or similar education settings) to gain copies of previous achievements, progress charts, and targets etc.

In cases where both we and the local authority (or similar) process the same personal information relating to you, we will be joint data controllers of your personal information.

#### Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications.

### How we will use your information

#### The categories of pupil information that we collect, hold, and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- attendance information (such as sessions attended, number of absences and absence reasons)
- Special Category information (such as medical and health information)
- Personally identifiable information (such as your image)
- assessment information
- additional educational needs information

- behavioural information
- safeguarding and child protection information
- post 16 learning information

The information you give us and we collect from relevant third parties will be used to form your pupil record. For instance, your targets, progress, assessments, achievements, and annual reviews will be added to your records.

Additional relevant communications that contains key information relating to your education or wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your educational, health and wellbeing needs, to ensure we provide you with the best possible standards of teaching and required support.

#### **For instance:**

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to process financial transactions
- to allow the statistical analysis of data so we can plan the provision of services.

#### **Legal basis for our processing**

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

Percy Hedley schools and college are classified as Non-maintained Special Schools (NMSS) and have a legal obligation *to the Department for Education (DfE)*.

Our legal basis to process your **core personal education information** is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject* (Article 6 (c) GDPR).

For the additional processing of your **health information**, it is due to obligations with local authorities with whom we contract with and therefore – our legal basis to process is - *processing is necessary for the **performance of a task** carried out in the public interest or in the exercise of official authority* (Article 6 (e) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care.* (Article 9 (h) GDPR).

**This is accordance with the DPA 2018 schedule 1 Condition; Part 1, Health or social care purposes.** 2 (1) *This condition is met if the processing is (a) preventive or occupational medicine, (d) the provision of health care or treatment, (e) the provision of social care, or (f) the management of health care systems or services or social care systems or services.*

During assessment and enrolment at our schools or college we will ask you to disclose your **ethnicity, as well as any cultural requests** e.g. halal diet. This is for statistical purposes only and to support any dietary requirements, however, **this is not mandatory, and therefore you do not have to disclose this information.** If you do consent this information will be used for anonymised statistical purposes and to support you will any preferred meal plans.

Our legal basis for this processing is – *the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *The data subject has given **explicit consent** to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR)*

This is in line with the **DPA 2018 schedule 1 Condition; Part 2, Equality of opportunity or treatment.** 8 (1) This condition is met if the processing is (a)is of a specified category of personal data, and (b)is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

We also have a legal duty to complete various **data returns** to the DfE and local authorities, which may at times include health information. Our legal basis for processing your information remains *compliance with a **legal obligation** (Article 6 (c) GDPR), and*

Our condition for processing the **special category** data within that is; *processing is necessary for reasons of substantial **public interest** (Article 9 (g) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition; Part 2, Statutory etc. and government purposes.** 6(1)This condition is met if the processing is (a)is necessary for a purpose listed in subparagraph (2), and (b)is necessary for reasons of substantial public interest.

At times our schools and college may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for processing your information remains *compliance with a **legal obligation** (Article 6 (c) GDPR), and*

Our additional **special category condition** for processing is - *processing is necessary to protect the vital interests of the data subject or another natural person where the data subject is physically or legally incapable of giving consent (Article 9 (c) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition; Part 2, Safeguarding of children and of individuals at risk.** 18(1) *This condition is met if (a)protecting an individual from neglect or physical, mental or emotional harm, or (i)protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i)aged under 18, or (ii) aged 18 or over and at risk,*

**Images of our pupils** play an important part of our education curriculum and we will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR).

Your consent will be gained via our Image Consent Form, which you will have received, signed, and returned to the school or college outlining your specific preferences of what images can, or cannot be processed.

**Year 9 pupils onwards,** as part of the education curriculum and our contracts with local authorities we are obligated to offer our pupils the opportunity to participate in work experience placements.

Our legal basis for processing your information remains compliance with a **legal obligation** (Article 6 (c) GDPR), and

Our condition for processing the **special category** data within that is - *processing is necessary for the assessment of the **working capacity of the employee** (Article 9 (h) GDPR).*

This is to ensure the appropriate support is in place in the workplace. We will keep you informed on the available options for work experience placements or similar from year 9 onwards, and let you know exactly what personal information we will be required to share with any third party.

This is accordance with the **DPA 2018 schedule 1 Condition; Part 2, *Support for individuals with a particular disability or medical condition.*** 16(1)*This condition is met if the processing is (a)is carried out by a not-for-profit body which provides support to individuals with a particular disability or medical condition, (b)is of a type of personal data falling within sub-paragraph (2) which relates to an individual falling within sub-paragraph (3),and (c)is necessary for the purposes of (i)raising awareness of the disability or medical condition, or (ii)providing support to individuals falling within sub-paragraph (3) or enabling such individuals to provide support to each other, (d)can reasonably be carried out without the consent of the data subject, and (e)is necessary for reasons of substantial public interest.*

### **Recipients and disclosing your personal information**

Where appropriate, education services will share some of your personal information internally between relevant departments, and within the Foundation, for instance, therapy teams, residential services, finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- During inspections with Regulators, for example; Ofsted and/or private consultancy firms who we instruct to complete audits, as part of our legal and contractual arrangements.

Your personal information is only in these circumstances viewed on-site and is not removed.

- To third parties who provide a service to us and process your personal information on our behalf, for instance, organisations whose external systems we use for education purposes. These include;
  - Google Docs <https://www.google.co.uk/docs/about/>
  - SIMS (schools only) <https://www.capita-sims.co.uk/>
  - InVentry (Percy Hedley School) <https://inventry.co.uk/>
  - Databridge (college only) <https://databridgemis.net/>
  - iASEND (schools only) <https://www.lcp.co.uk/iasend>
  - CPOMS (schools only) <http://www.cpoms.co.uk/>
  - \*Earwig (schools only) <https://earwig.uk.com/>

\*As this system is image based, your information will only be processed in Earwig if you have given explicit consent, via our Image Consent Form.

- With third parties who also process your information, for instance, organisations you have a vested interest in your education, health and wellbeing. These include;
  - Department for Education (DfE)
  - Local Authorities
  - GP's
  - Social Workers
  - NHS

- External therapy and/or behavioural teams
- Schools that pupils attend after leaving us
- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
  - hoist suppliers
  - wheelchair suppliers
  - transport services (Local Authorities)
- Where we are under a duty to disclose your personal information in order to;
  - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
  - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
  - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or
  - in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you; we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

#### **Data collection requirements**

We share pupil's data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

To find out more about the data collection requirements placed on us, the DfE (for example, via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

#### **Pupils aged 13**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent/guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth supporting services by informing us. This right is transferred to the child/pupil once he/she reaches the age of 16.

#### **Pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post 16 education and training providers
- youth support services

- careers advisers

### **Looked after children**

We are required by law, to provide information about our pupils to local authorities as part of our statutory data collections, such as the looked after children return. This return will apply to any child who is being looked after by their local authority (known as a **child** in care). They might be living: with foster parents, at home with their parents under the supervision of social services, or in residential children's homes.

To find out more about the pupil information we share with local authorities, and the purpose of the data collections, go to <https://www.gov.uk/guidance/children-looked-after-return>

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department for Education. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of our statutory data collections, such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, and the purpose of the data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to strict approval processes and based on detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of the data requested, and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisation must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about which organisation the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>.



To contact DfE: <https://www.gov.uk/contact-dfe>.

### **Publication of exam results**

Percy Hedley School publishes anonymised exam results on their school website. Please visit the following <http://phs.percyhedley.org.uk/data-dashboard/>

Northern Counties School and Hedleys College currently do not publish exam results but may choose to do so.

All our education services will share exam papers with external exam bodies for the purposes of marking and providing results only.

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

### **Our school retention period for pupil records:**

We will retain your pupil record until you turn 26 years old, in line with Ofsted regulations.

### **Our college retention period for pupil records:**

We will retain your pupil record for a minimum of 3 years after you leave our college, in line with Ofsted regulations.

To find out more about Ofsted, go to <https://www.gov.uk/government/organisations/ofsted>

An exception to the above retention periods will occur, for any record relating to allegations of abuse or suspected abuse. These records will be retained for a period of 50 years, to comply with our insurance terms and conditions.

### **Our school and college retention period for pupil images:**

Images that are not directly related to your pupil record will only be retained while you attend at our school or college.

Pupil records that may include images that evidence your progress and achievement of targets will form part of your learner journey and will need to be retained in line with Ofsted requirements as outlined above.

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our pupils. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar
- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

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<sup>i</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

## **Adult Day Services**

Our adult day services are provisions at Hedley's Horizons (Forest Hall).

### **Information collection**

#### **Information you give us.**

Upon enrolment at our day service provisions, we will collect various personal information about you. This will include; full name, date of birth, address, contact telephone number, email address, emergency contact details, next of kin, and any special interests or activities you are interested in.

Due to the specialised nature of the health, wellbeing and medical support we provide to our adults, young people and children we will also be required to collect personal information relating to your medical condition. Under data protection laws, this is classified as "**Special Category data**". This information will include; specific medical condition, therapy needs, medication requirements, family history and any behavioural needs (if applicable).

We may also require financially related information, for instance, your bank account information (if required) or any associated funding information to support fees.

#### **Information from third parties.**

We may need to contact other third parties, for instance, your GP, Social Worker, Local Authority, NHS, Therapist (or similar) to request previous medical records, or associated health records relating to your health and wellbeing. This is to ensure we have all the relevant and up to date information relating to your medical and health history, so we can fully support your specific needs. We will ask your permission to do so prior to requesting this specific information.

In cases where both we and the local authority (or similar process) the same personal information relating to you, we will be joint data controllers of your personal information.

### **How we will use your information**

#### **The categories of information that we collect, hold, and share include:**

- Personal information (such as name and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- Special category information (such as medical and health information)
- Personally identifiable information (such as your National Insurance Number and your image)
- behavioural information
- safeguarding information

The information you give us and we collect from relevant third parties will be used to form your service user record. For instance, your daily activities, progress, and any medical needs will be added to your records.

Additional relevant communications that contains key information relating to your wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your health and wellbeing needs, to ensure we provide you with the required support.

## For instance:

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to process financial transactions
- to allow the statistical analysis of data so we can plan the provision of services.

## Legal basis for our processing

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

If you are a **private user who contracts directly with us** - *processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR), or*

If you are **funded via your local authority** – *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR), and*

Our additional **special category condition** for processing is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 1, Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

During assessment/enrolment at our service we will ask you to disclose your **racial/cultural identity as well as your faith** as part of our assessment and care planning. **This is not mandatory, and therefore you do not have to disclose this information.** If you do it will be used to determine whether there was a support need.

Our legal basis for this processing this information is – *the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *the data subject has given explicit consent to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 1, Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

We also have to complete various **data returns** to local authorities to support funding, which may at times include health information.

Our legal basis for processing this information will be – *processing is necessary for a performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. (Article 6 (e) GDPR), and*

Our condition for processing the **special category data** within that is; *processing is necessary for reasons of substantial **public interest** (Article 9 (g) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Statutory etc. and government purposes**. *6(1) This condition is met if the processing is (a) is necessary for a purpose listed in sub-paragraph (2), and (b) is necessary for reasons of substantial public interest.*

At times our services may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for this processing this information is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject (Article 6 (c) GDPR), and*

Our additional **special category condition** for processing is - *processing is necessary to **protect the vital interests** of the data subject or another natural person where the data subject is physically or legally incapable of giving consent (Article 9 (c) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Safeguarding of children and of individuals at risk**. *18 (1) This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

**Images** of individual's play an important part of our activities and we will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR).

Your consent will be gained via our Image Consent Form, which you will have received, signed, and returned to the residence outlining your specific preferences of what images can, or cannot be processed.

Your consent will be gained via our Image Consent Form, which you will have received, signed, and returned to the service outlining your specific preferences of what images can, or cannot be processed.

### **Recipients and disclosing your personal information**

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, therapy teams, residential services, finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- During inspections with Regulators and/or private consultancy firms who we instruct to complete audits, as part of our legal and contractual arrangements.

Your personal information is only in these circumstances viewed on-site and is not removed.

We may disclose your personal information in the following circumstances:

- With third parties who jointly process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;
  - Local Authorities
  - GPs
  - Social Workers
  - NHS
  - External therapy and/or behavioural teams

- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
  - Hoist suppliers
  - Wheelchair suppliers
  - Transport services (Local Authorities)
- Where we are under a duty to disclose your personal information in order to;
  - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
  - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
  - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or
  - in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

### **Data collection requirements**

We share limited attendance data to some local authorities for individuals who utilise transport to and from our services, funded by their local authority. This data sharing underpins and supports funding agreements and will include your name and surname, and details relating to your attendance, for instance; sickness, or planned absences. The local authorities use this information for funding purposes only, and do not further share this information with any third parties.

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

Adult Day Service is not a regulated provision, however, the service work towards The Care Quality Commission Standards (CQC), including the retention of your personal information.

### **Our retention period for Adult Day Services:**

We will retain your service user record for 5 years after you leave our services, in line with CQC guidance.

To find out more about CQC governance go to: <http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-17-good-governance>

An exception to the above retention periods will occur, for any record relating to allegations of abuse or suspected abuse. These records will be retained for a period of 50 years, to comply with our insurance terms and conditions.

**Our retention period for images:**

Images that are not directly related to your service user record will only be retained while you attend our service, (unless you have given explicit consent to continue to use your images for a longer period via the Image Consent form).

A record that includes images that evidence your progress and achievement of enterprise activities or similar may be retained for up to 5 years in line with CQC guidance.

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our service users. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar
- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

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<sup>i</sup> Community Support Services only

<sup>ii</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*



## Careers and Job Applications

The Percy Hedley Foundation regularly advertises career opportunities across our various services, both internally and externally.

### Information collection

#### Information you give us.

Via our online portal ATS (application tracking system) you can view and apply for jobs. This will include providing personal information such as; full name, date of birth, address, email, and telephone number. We will also require your qualification and employment history.

Due to application procedures we will also need to collect some further mandatory personal information that is more sensitive, such as; National Insurance Number and any criminal convictions.

There is also an *optional* section which will ask your; age, gender, sexuality, nationality, ethnicity, disability and religious beliefs. Please note; you do not have to complete this section which is solely used for statistic purposes.

#### Information from third parties.

During the application process you will be required to provide contact details for references for instance previous employers and a personal reference, although we will only contact these prior to interview with your consent to do so.

#### How we will use your information

The information we receive from you and third parties (wherever ahead of any interview or after a successful application); will be used to verify your identity, qualifications and experience so we can satisfy ourselves you are the right person for the role you have applied for.

#### The categories of information that we collect, hold, use and share include:

- Personal information (such as name and address)
- Characteristics (such as age, gender, and nationality)
- Personally identifiable information (such as your National Insurance Number)
- Special Category information (such as sexual orientation)
- Criminal Offence data (such as driving convictions, criminal records)

#### Legal basis for our processing

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

Our legal basis for processing your information is – *processing is necessary for the **performance of a contract** to which the data subject (you) is party or in order to take steps at request of the data subject (you) prior to entering into a contract.* (Article 6 (b) GDPR).

During the application process we will ask you optional (special category data) questions relating to your **sexual orientation, racial or ethnic origin; and religious or philosophical beliefs** this information is for statistical purposes only, and **not mandatory**. Therefore if you provide this information it will be processed only with your **consent** to do so (as below).

For the above type of processing our legal basis for processing your information is – *the data subject (you) has given **consent** to the processing of his or her personal data for one or more purpose (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *the data subject (you) has given **explicit consent** to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition**; Part 1, this condition is met if the processing is necessary for **Equality of opportunity or treatment** (a) is of a specified category of personal data, and (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

During our recruitment process we will ask you to disclose your **ethnicity, sexual orientation as well as any cultural and/or religious beliefs**, however, **this is not mandatory, and therefore you do not have to disclose this information**. If you do this information will be used for anonymised statistical purposes only.

Our legal basis for this processing is – *the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *the data subject (you) has given **explicit consent** to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Equality of opportunity or treatment** – *this condition is met if the processing (a) is of a specified category of personal data, and (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.*

### **Recipients and disclosing your personal information**

Where appropriate, HR will share your personal information internally between relevant departments within the Foundation. For instance, so the relevant Manager (s) can review your application prior to vetting for interview.

If your application is successful for interview your application will be shared with the interview panel. In most cases the interview panel will be made up of internal Percy Hedley employees, however, in some instances we may invite trusted third party professionals to join the panel.

In these instances your personal information will be shared with these professionals prior to interview, but we will only share via a secure encrypted method and will ensure the deletion of your documents immediately after interview.

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

For non-successful job applications we will retain for a maximum period of 12 months.

If your application is successful your application will form part of your employment record and be retained in line with our internal retention schedule. Once formally employed you will have access to the Foundations internal Privacy Notice which will explain how we will continue to use and store your personal information in more detail.

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<sup>i</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

## Residential Services

Our adult residential services are registered with the Care Quality Commission (CQC) to provide accommodation and personal care to adults with physical or learning disabilities and include:

Chipchase & Ferndene (Forest Hall), Leybourne (Killingworth), Wansbeck House (Jesmond), and Tynehouse & Moorview (Jesmond).

## Information collection

### Information you give us.

Upon enrolment as one of our residents, we will collect various personal information about you. This will include; full name, date of birth, address, contact telephone number, email address, emergency contact details, next of kin.

Due to the specialised nature of the health, wellbeing and medical support we provide to our residents, we will also be required to collect personal information relating to your medical condition. Under data protection laws, this is classified as **'Special Category data'**. This information will include; specific medical condition, therapy needs, medication requirements, family history and any behavioural needs (if applicable).

We may also require financially related information, for instance, your bank account information (if required) or any associated funding information to support residential fees.

### Information from third parties.

We may need to contact third parties, for instance, your GP, Social Worker, Local Authority, NHS, Therapist (or similar) to request previous medical records, or associated health records relating to your health and wellbeing. This is to ensure we have all the relevant and up to date information relating to your medical and health history, so we can fully support your specific needs. We will ask your permission to do so prior to requesting this specific information.

In cases where both we and the local authority (or similar) process the same personal information relating to you, we will be joint data controllers of your personal information.

## How we will use your information

### The categories of information that we collect, hold, and share include:

- Personal information (such as name and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- Personally identifiable information (such as your National Insurance Number and your images)
- Special Category information (such as medical and health information)
- Financial information (such as your bank account details)
- behavioural information
- safeguarding information

The information you give us and we collect from relevant third parties will be used to form your service user record. For instance, your daily activities, progress, and any medical needs will be added to your records.

Additional relevant communications that contains key information relating to your wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your health and wellbeing needs, to ensure we provide you with the required support.

**For instance:**

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to process financial transactions
- to allow the statistical analysis of data so we can plan the provision of services.

**Legal basis for our processing**

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

If you are a **private user who contracts directly with us** - *processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR), or*

If you are **funded via your local authority** – *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR), and*

Our additional **special category condition** is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition**; Part 1, **Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

During assessment/enrolment at our service we will ask you to disclose your **racial/cultural identity as well as your faith** as part of our assessment and care planning. **This is not mandatory, and therefore you do not have to disclose this information.** If you do it will be used to determine whether there was a support need.

Our legal basis for this processing is – *the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *the data subject has given explicit consent to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition**; Part 1, **Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

At times our services may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for this processing this information is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject (Article 6 (c) GDPR), and*

Our additional **special category condition** for processing is - *processing is necessary to **protect the vital interests** of the data subject or another natural person where the data subject is physically or legally incapable of giving consent (Article 9 (c) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Safeguarding of children and of individuals at risk. 18 (1)** *This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

**Images** of individual's play an important part of our activities and we will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR).

Your consent will be gained via our Image Consent Form, which you will have received, signed, and returned to the residence outlining your specific preferences of what images can, or cannot be processed.

### **Recipients and disclosing your personal information**

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, therapy teams, education services, finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- During inspections with Regulators, for example; Ofsted/CQC and/or private consultancy firms who we instruct to complete audits, as part of our legal and contractual arrangements.

Your personal information is only in these circumstances viewed on-site and is not removed.

We may also disclose your personal information external to the Foundation in the following circumstances:

- To third parties who provide a service to us and process your personal information on our behalf. These include;
  - Databridge (Wansbeck House only) <https://databridgemis.net/>
- With third parties who also process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;
  - Local Authorities
  - GPs
  - Social Workers
  - NHS
  - External therapy and/or behavioural teams
- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
  - Hoist suppliers
  - Wheelchair suppliers
  - Transport services (Local Authorities)

- Where we are under a duty to disclose your personal information in order to;
  - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
  - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
  - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or
  - in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

### **Our retention period for adult residential records:**

We will retain your residential record for 5 years after you leave our services, in line with CQC guidance.

To find out more information about CQC governance go to: <http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-17-good-governance>

### **Our retention period for residential images:**

Resident records that may include images that evidence your progress and achievement will need to be retained in line with Ofsted and CQC requirements as outlined above.

Images that are not directly related to your resident record file will only be retained while you attend our residential services (unless you have given explicit consent to continue to use your images for a longer period).

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our residents. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar
- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

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<sup>i</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

## Therapy, Nursing and Wellbeing Services

Our Therapy Teams work across all of our Education Services, Adult Day Services and also provide limited support to some of our Residential Services and are regulated by the Health Care Professional Council (HCPC).

Our Nursing Teams work within Education Services and work to the Royal College of Nursing (RCN) standards.

Percy Hedley School also provides additional Wellbeing Support to pupils, including Counselling Services (CS) and Educational Psychology (EP). CS works to the British Association for Counselling and Psychotherapy (BACP) standards and EP are regulated by HCPC.

### Information collection

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis.

The information collated from you and any relevant third party during your *enrolment* at our key service e.g. Education, Adult Day Services, is then shared with our internal **Therapy Teams** who will assess your personal needs and therapy care via an initial assessment to determine the level of therapy required to support your individual needs.

In cases where both we and the local authority (or similar) process the same personal information relating to you, we will be joint data controllers of your personal information.

The **Nursing Teams** provide additional support to the Therapy Teams in relation to your medication requirements, as well as regularly monitoring your height and weight. Again, relevant information collected from you and third parties during *enrolment* will be shared with our internal Nursing Team.

**Counselling Services** works a little differently, in that **no** information is shared internally after enrolment. Information will be collected via an internal referral form, which will include your name only and a brief description of the issue, along with the name of the individual who has made the referral and whether parents/guardian are aware.

**Educational Psychology (EP)** is an internal service for pupils at Percy Hedley School where our psychologist supports children with emotional and wellbeing needs, and carries out specialist assessments as appropriate. This will be via a verbal internal referral, and the only information given will be your name and concern.

Through a Department for Education (DfE) grant, our EP also works into other North East schools via our **Teaching School Service**. This will be via a verbal external referral, and happens only with parental consent. The only information given will be the name of your school, your name, and concern.

### How we will use your information

**The categories of information that we collect, hold, and share include:**

- Personal information (such as name and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- Special Category information (such as medical and health information, which may include medical images)
- Behavioural information
- safeguarding information



The information you give us and we collect from relevant third parties will be used to form your **therapy record**. For instance, your specific therapy needs, progress, and specific clinical notes will be added to your records.

Your **nursing record** will also include a record of your medication administered and your height and weight charts.

**Counselling records** are highly confidential and as such, no identifiable personal information will be recorded. The record simply has a unique identifier number and notes of sessions, no names or initials will be documented in the record.

Your **Educational Psychology** record will include background information, notes of meetings, assessments, and reports.

With the exception of counselling records, additional relevant communications that contains key information relating to your therapy, nursing, medication or wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your therapy, nursing, medication or wellbeing needs, to ensure we provide you with the required treatment and support.

#### **For instance:**

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- to provide specific medical care and therapy treatments
- to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to allow the statistical analysis of data so we can plan the provision of services.

#### **Legal basis for our processing**

All our Therapy, Nursing and Wellbeing Teams work to appropriate standards and will ensure they gain your appropriate *consent* for any treatments; however, this consent is not to be confused with our legal basis for the *processing* of the associated personal information in relation to the treatment provided e.g. records of treatment etc.

As a data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional **'special category'** legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

When processing your **therapy, nursing** information;

If you are a **private user who contracts directly with us** - *processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR)*, or

If you are **funded via your local authority or are in an education setting** – *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR)*, and

Our additional **special category condition** for processing is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR)*.

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 1, Health or social care purposes.** 2 (1) *This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.*

To support medication and/or Therapy needs it may be necessary to take **Images** as they can play an important part of our process to support your clinical needs. We will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR), and

Our additional **special category condition** for processing is - *the data subject has given **explicit consent** to the processing of those personal data for one or more specified purposes* (Article 9 (a) GDPR), which is supported by the same schedule 1 condition as above.

When processing your **Counselling** information;

Our legal basis for processing your information is – *processing is necessary for **the performance of a contract** to which the data subject is party* (Article 6 (b) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the **purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care.*** (Article 9 (h) GDPR).

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 2, Counselling etc.**17(1)*This condition is met if the processing is (a)is necessary for the provision of confidential counselling, advice or support or of another similar service provided confidentially.*

When processing your **Educational Psychology** information (internal to Percy Hedley School);

If you are a **private user who contracts directly with us** - *processing is necessary for the **performance of a contract** to which the data subject is party* (Article 6 (b) GDPR), or

If you are **funded via your local authority** – *processing is necessary for the **performance of a task** carried out in the public interest or in the exercise of official authority* (Article 6 (e) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the **purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care.*** (Article 9 (h) GDPR).

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 2, Counselling etc.**17(1)*This condition is met if the processing is (a)is necessary for the provision of confidential counselling, advice or support or of another similar service provided confidentially.*

At times our services may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for this processing this information is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject* (Article 6 (c) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary to **protect the vital interests** of the data subject or another natural person where the data subject is physically or legally incapable of giving consent* (Article 9 (c) GDPR).

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Safeguarding of children and of individuals at risk**. 18 (1) *This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

## Recipients and disclosing your personal information

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, between therapy and nursing teams, education services, residential and finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- To third parties who provide a service to us and process your personal information on our behalf, these systems are used with Education Services, which therapists and nurses can access and contribute to. These include;
  - Google Docs <https://www.google.co.uk/docs/about/>
  - SIMS (schools only) <https://www.capita-sims.co.uk/>
  - Databridge (college and Wansbeck) <https://databridgemis.net/>
  - iASEND (schools only) <https://www.lcp.co.uk/iasend>
  - CPOMS (schools only) <http://www.cpoms.co.uk/>
  - Dropbox <https://www.dropbox.com>
  - \*Earwig (schools only) <https://earwig.uk.com/>

\*As this system is image based, your information will only be processed in Earwig if you have given explicit consent, via our Image Consent Form.

- With third parties who also process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;
  - Local Authorities
  - DfE
  - GPs
  - Social Workers
  - NHS
  - External therapy and/or behavioural teams
- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
  - Hoist suppliers
  - Wheelchair suppliers
- Where we are under a duty to disclose your personal information in order to;
  - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
  - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
  - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or

- in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

### **Data collection requirements**

As part of our Teaching Schools agreement with the DfE, it is a statutory requirement that we provide data returns via the Teaching Schools hub on an annual basis. The data shared is solely for statistical purposes and does not include any identifiable personal information e.g. names or DOB.

More information about the DfE can be found here:

<https://www.gov.uk/government/organisations/department-for-education>

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

### **Our retention period for therapy and nursing records relating to an adult:**

We will retain your patient record for 30 years from the end of treatment, or 8 years after death, in line with IGA Records Management Code of Practice for Health and Social Care.

### **Our retention period for therapy and nursing records (including EP) relating to a child:**

We will retain your patient record until you turn 26 years old, in line with IGA (as above).

To find out more about IGA go to: <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

### **Our retention for counselling records:**

We will retain your counselling record for 10 years from the end of your sessions, in line with BACP guidance.

To find out more about BCP go to: <https://www.bacp.co.uk/>

An exception to the above retention periods will occur, for any record relating to allegations of abuse or suspected abuse. These records will be retained for a minimum period of 50 years, to comply with our insurance terms and conditions.

### **Our retention period for images**

Records that may include images that evidence your progress or decline in therapy treatments will need to be retained in line with requirements as outlined above.

Images that are not directly related to your therapy record will only be retained while you are in attendance at our services.

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our service users. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar

- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

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<sup>i</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

<sup>ii</sup> Sometimes your therapy treatment will involve images being taken to evidence therapy assessment needs and progress or potential decline. These images can sometimes be sensitive in nature. These images will be held securely and only be accessible to the appropriate therapy team(s).

<sup>iii</sup> A small number of Physiotherapists at Hedleys Northern Counties School are employed by the NHS and as such will operate under joint data controller status. In line with our contract, we have data sharing provisions and appropriate safeguards in place when transferring personal information; they will use NHS systems and follow NHS policies and procedures. Please see the NHS privacy notice for further information on how they process your personal information.

## **Fundraising**

### **Information collection**

#### **Information you give us.**

When you engage with our social media or message boards, make a donation to us, register for an event, or attend one of our events we will ask for your personal information to register you, for instance, your name, email address, telephone number and store this information to your account.

#### **Information from third parties.**

We may also receive your personal information from third parties you interact with that are associated with us, for instance, JustGiving, Virgin Money Giving, and Unity Lottery. Your personal information will then be added to your account.

#### **Your debit and credit card information**

If you use your credit or debit card to donate to us, buy something or pay for a registration at an event, online or over the phone, we will ensure that this is done securely and in accordance with the Payment Card Industry Security Standard (PCI DSS). You can find out more information on their website: [https://www.pcisecuritystandards.org/security\\_standards/index.php](https://www.pcisecuritystandards.org/security_standards/index.php)

We do not store your credit or debit card details at all, following the completion of your transaction. All card details and validation codes are securely destroyed once the payment or donation has been processed. Only staff authorised and trained to process payments will be able to see your card details.

If we receive an email containing any credit or debit card details, it will be immediately deleted, no payment will be taken and you will be notified. Donations should be completed through our JustGiving page via our donation page on our website, or via telephone or post.

<http://www.percyhedley.org.uk/make-a-donation/>

### **How we will use your information**

#### **The categories of donor information that we collect, hold, and share include:**

- Personal information (such as name, email and address)
- Characteristics (such as age and lifestyle e.g. events and interests)

We will use this information to process to set up and manage your account.

#### **For instance:**

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs to monitor and improve our performance in responding to your request
- to process financial transactions
- to plan and coordinate events
- to market to you (where appropriate)
- to ensure we meet any legal obligations

### **Legal basis for our processing**

When we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis. This means we will never process your information without a legal basis to do so.

One of these is where we have obtained your **consent** (*Article 6 (a) GDPR*) to use your information for specified notified purpose, such as to send you email/text marketing or to provide you with a product, service or information at your request.

Your consent will be gained via our consent form, which can be accessed via our keeping in touch page on our website: <http://www.percyhedley.org.uk/support-us/keep-in-touch/> or via [email, paper or verbal consent](#)

Another is where we have a **legal obligation** (*Article 6 (c) GDPR*) to disclose information about you, for instance, where a court or regulatory authority orders us, or where we are legally required to hold donor transaction details for Gift Aid, or accounting/tax purposes.

In certain instances, we may collect and use personal information where this is necessary in our **legitimate interest** (*Article 6 (f) GDPR*) as a charity, this includes being able to:

- send direct marketing to our supporters by post or contacting you by telephone for fundraising purposes (subject to checking against the Telephone Preference Service (TPS) and existing marketing preferences). See more at Marketing Preferences below;
- conduct research to better understand who our supporters are and better target our fundraising activity. See more at Fundraising below;
- monitor who we deal with to protect our charity against fraud, money laundering and other risks; and
- maintain and administer our donor accounts and systems.

In all cases, we balance our legitimate interests against your rights as an individual and make sure we only use your personal information in a way or for a purpose that you would reasonably expect in accordance with this Privacy Notice and that does not intrude on your privacy or previously expressed marketing preferences.

We do not currently process any **special category** data for our donors, however, if we ever do we will only do so in accordance with one of the additional lawful grounds for processing, such as where we have your explicit consent or you have made that information manifestly public. When we do this, we will tell you what special category information we are collecting and why.

## Images

During our events, it is likely you will be videoed or photographed. While it is not illegal to take photographs or video footage in public areas, we will never do so without your **verbal consent** (individuals or smaller groups) and advising you the purpose, for instance, to publish the event on our website, or newsletter etc.

When dealing with a larger audience we will inform you usually within an introduction, advising you the purpose and give all individuals the opportunity to make themselves known if they wish not to be included.

## Marketing materials

We want to ensure you receive the level of information about The Percy Hedley Foundation (PHF) that is right for you.

### Email/text marketing:

If you consent to marketing and actively provide your email and/or mobile telephone number, we may contact you for marketing purposes by email or text message. By subscribing to PHF or opting in to email communications from PHF, you grant us the right to use the email for both email marketing purposes and advertising targeting.

### **Post/telephone marketing:**

If you have provided us with your postal address or telephone number we may send you direct mail or telephone you about our work, unless you have told us that you would prefer not to receive such information. We also actively check telephone numbers against the TPS and will only make telephone calls to you where your telephone number is listed on the TPS if you have specifically told us that you do not object to such calls and have consented to receive them via our consent form.

### **Your choice**

It is always your choice as to whether you want to receive information about our work, how we raise funds and the ways you can get involved.

You may **opt-out** of any marketing communications at any time by clicking the '**unsubscribe**' link at the end of our marketing emails.

You can also change any of your contact preferences at any time (including telling us that you don't want us to contact you for marketing purposes by telephone, or post) by contacting our **Fundraising Team on 0191 212 7878**, email [fundraising@percyhedley.org.uk](mailto:fundraising@percyhedley.org.uk) or **The Fundraising Team, The Percy Hedley Foundation, Hedleys Northern Counties School, Tankerville Terrace, Jesmond, Newcastle upon Tyne, NE2 3BB.**

We will not use your personal information for marketing purposes if you have indicated that you do not wish to be contacted by us for such purposes. However, for legal and tax purposes we will not be able to delete your information; therefore, we will retain your details on a suppression list to help ensure that we do not continue to contact you.

### **Fundraising**

We may at times carry out targeted marketing activities to ensure that we are contacting you with the most appropriate communication, which is relevant and timely and will ultimately provide an improved experience for you.

Currently we do **not** use any profiling techniques, use third party wealth screening companies, or insight companies to assist us with our marketing activities.

### **Under 18's**

We are committed to protecting the privacy of the young people that engage with us via our website, and at our events.

If you are under 18 and would like to get involved, please ensure that you have consent from a parent or guardian before giving us your personal information. When we personally collect information about a child or young person aged under 18 we will make it very clear as to the reasons for collecting this information and how it will be used.

### **Recipients and disclosing your personal information**

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, with our Finance team.

We may also disclose your personal information external to the Foundation in the following circumstances:

- To third parties who process your personal information on our behalf, for instance, organisations whose external systems we may use for marketing purposes. These include;



- MailChimp <https://mailchimp.com/>
- With third parties who jointly process your information, for instance, organisations you have a vested interest in your charitable donations. These include;
  - JustGiving <https://www.justgiving.com>
  - Virgin Money Giving <https://uk.virginmoneygiving.com/giving/>
  - HM Revenue & Customs (HMRC) <https://www.gov.uk/donations-to-charity/gift-aid>
  - Unity Lottery <http://www.sterlinglotteries.co.uk/>
- Where we are under a duty to disclose your personal information in order to;
  - comply with any legal obligation (for example to a government body, law enforcement agency), or
  - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
  - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or
  - in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties we contract with to comply with data protection laws and have appropriate controls in place.

### **Data collection requirements**

In relation to Unity Lottery, we have a mandatory requirement to submit quarterly Lottery Returns to North Tyneside Council, with whom we hold our lottery license. The lottery returns list the date of each lottery draw and income received from this draw, but do not disclose and personal information relating to the participants of the draw.

In relation to HM Revenue & Customs, we have a legal obligation to submit a Gift Aid claim every year to reclaim tax on donations made by UK taxpayers in the previous 12 months. This claim will include the following information about the donor: title, first name (or first initial) and last name, house name or number, postcode, aggregated donations (if applicable), sponsored events, donation date or latest donation date in a series of donations made by the donor, and donation amount.

### **Keeping your personal information**

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

### **Our retention period for donor records:**

We will retain your donor record for 2 years from the last contact/donation/activity.

### **Our retention period for financial records:**

We will retain any financial information will be held for 6 years from the transaction date, in line with our legal obligations

**Our retention period for donor images:**

Images of our donors will usually be taken at large scale events, for instance the Great North Run, or similar. We have made a business decision to preserve our history and heritage by retaining some archive materials permanently, which may include the images of donors at such events.

(If you have a video or photograph taken that you originally gave consent for, and you change your mind, please contact us using the contact information provided).

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<sup>i</sup> *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

## Visitors, CCTV, and general processing

### Sign-in books

Individual's (parents, family members, social workers, contractors etc.) regularly visit our sites. Upon entering any of our sites you will be required to sign into a visitor book (which may be electronic or in paper form). The only personal information you will be required to give will be your name, however, if you parking your vehicle on-site then you will also be required to provide your vehicle registration number.

**Paper records.** Sign in sheets ensure the confidentiality of visitors by the inclusion of a security sheet to restrict viewing of previous visitors.

Previous sheets will be removed at the end of the day and held securely for a maximum 12 month period. These may be used for internal audit and/or investigation purposes only, after which they will be securely destroyed.

**Electronic records.** When you sign in electronically the Inventory system will take a photograph of you, and you will register your name and car registration (if applicable).

These details will be automatically retained and remembered by the InVentry system for a period of 30 days. You will be informed via the InVentry system at sign in, of the storage of your personal information. If you do not want the InVentry system to store your personal information you can inform reception staff who will make alternative arrangements for your sign in.

Currently InVentry is only at our Percy Hedley School and Northern Counties School site. For more information about InVentry go to: <https://inventry.co.uk/>

The InVentry console at Percy Hedley School and Northern Counties School site will retain all sign in information for a maximum 12 month period. These may be used for internal audit and/or investigation purposes only, after which they will be deleted.

### CCTV

CCTV covers some of our sites; these currently include Hedleys Horizons day services at Forest Hall, Chipchase House residential at Forest Hall, Jesmond site (including, Northern Counties School, Tyne House, Moor View, Tees House, Wansbeck House, East and West Cottages and external grounds areas), our swimming pool reception within Percy Hedley School at Killingworth and Leybourne Residential at Killingworth for the *purpose of safety and crime prevention*.

If you visit any of these sites, your image will be processed, and footage may be monitored in line with the purpose as stated above.

Images will be retained for up to 6 weeks before being automatically deleted.

More information about CCTV can be found on the ICO website: <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

(A Foundation wide CCTV policy is available on PHF Connect).

## **General processing**

For any parent/guardian, visitor, or third parties who deal with the Percy Hedley Foundation we may also retain some information relating to you, for instance, your contact details, records of telephone calls, email communications and/or letters received.

As the data controller our legal basis for processing this information where necessary will be **legitimate interests** (Article 6 (f) GDPR), this includes being able to:

- monitor external visitors to our premises to help assist any potential safeguarding incidents,
- monitor CCTV images in the event of an incident or crime,
- maintain and administer relevant records and systems, ensuring records are accurate and kept up to date,
- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs to monitor and improve our performance in responding to your request
- to process financial transactions
- to plan and coordinate events
- to ensure we meet any legal obligations

In all cases, we balance our legitimate interests against your rights as an individual and make sure we only use your personal information in a way or for a purpose that you would reasonably expect in accordance with this Privacy Notice.

Information will only be retained for as long as is necessary, in line with our Data Retention policy. Please see individual service areas for specific periods.

## International transfers of personal information

Our main servers are located in the UK and we do not directly transfer your personal data outside of the UK.

However, information that we collect from you may still be transferred to, and stored at, a destination outside the European Economic Area (**EEA**), due to a limited number of third party systems that some of our services use, as follows;

- **GoogleDocs**, used by our education services for document management
- **Google Analytics**, used in connection with our websites and Cookies  
More information about Google safeguards can be found at <https://cloud.google.com/security/gdpr/> and [https://privacy.google.com/businesses/compliance/#?modal\\_active=none](https://privacy.google.com/businesses/compliance/#?modal_active=none)
- **MailChimp**, is sometimes used by our Fundraising Team for marketing purposes, their Privacy Notice can be found at <https://mailchimp.com/legal/privacy/>

Their servers are located in the United States (US), therefore outside the EEA. These organisations have in place appropriate safeguards in accordance with applicable legal requirements to provide adequate protection for any personal data transferred from Switzerland, the UK or the EEA to the United States. For example, they use and have incorporated European Commission Approved 'Standard Contractual Clauses' or 'Model Causes' into their data processing agreements which in turn may be viewed via the relevant links shown above.

Unfortunately, any transmission of information via the internet is not completely secure. Although we will do our best to protect your personal information, we cannot guarantee the security of your data transmitted to our Site and any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

If you would like to receive further information about our safeguards, please contact us using the contact information provided.

## **Your rights to your personal information and rectification**

Data Protection laws, including the GDPR gives you the right to access your personal information, subject to certain exemptions.

To request access to your personal information, please contact using the contact details provided below:

Email: [dpo@percyhedley.org.uk](mailto:dpo@percyhedley.org.uk)

There will be no fee for any request we receive, however, we may require identification to verify your identity.

We will respond to you within 1 month from the date of receiving your query. If your request is more complex in nature, we may extend our response by a further 2 months, but will keep you informed.

### **You also have the right to:**

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purposes of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

Any concerns should be raised with the Foundations DPO.

While we are mindful that the GDPR has introduced a new best practice recommendation that, where possible, organisations should provide remote access to a secure self-service system, which would provide you with direct access to your personal information. Unfortunately, due to the nature of the varied information we hold across our services at this time we are unable to offer this service.

## Compliments, comments and complaints

We welcome your views on what we do well. Your comments enable us as an organisation to learn and continuously improve our services. If you are unhappy with our work or something that we have done or failed to do, we want to know about it.

Please find further information about giving us feedback, or lodging a complaint on the following page of our website: <http://www.percyhedley.org.uk/about-us/reports-and-documents/>

If you have a concern about the way we are collecting or using your personal information, you should raise your concern with us in the first instance, using the contact details provided.

If you have already contacted us about the use of your personal information and you are still unsatisfied with our response or the outcome, you can escalate the matter to the Information Commissioner's Office (ICO) using the following contact details:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Alternatively, via their website: <https://ico.org.uk/concerns/>.

**Please note:** you may wish to seek legal independent advice to progress resolution of your concerns. In all cases, wherever possible, local resolution should be sought. However, you have the right to pursue any of these channels at any time and may wish to pursue several actions simultaneously.

## **Changes to this privacy notice**

We may update the terms of this notice at any time, so please do check it from time to time.

We will notify you about significant changes in the way we treat personal information by placing a prominent notice on our website(s). By continuing to use our websites you will be deemed to have accepted such changes.