

## Data Privacy Notice

As part of the services we offer, we are required to process personal data about our staff, our service, and their emergency contacts. “Processing” can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to being transparent about why we need your personal data and what we do with it. This information is set out in this privacy notice. It also explains your rights when it comes to your data.

If you have any concerns or questions, please contact us: [info@burtommind.co.uk](mailto:info@burtommind.co.uk).

### Service Users/participants

What data do we have?

So that we can provide a safe and professional service, we need to keep certain records about you. We may process the following types of data:

- Your basic details and contact information e.g. your name, address, date of birth and next of kin.
- Your financial details e.g. detail of how you pay us for private counselling sessions or other funding arrangements.

We also record the following data which is classified as “special category”:

- Health and social care data about you, which might include both your physical and mental health data.
- We may also record data about your race, ethnic origin, sexual orientation or religion if shared.

Why do we have this data?

We need this data so that we can provide high-quality care and support. By law, we need to have a lawful basis for processing your personal data.

We process your data because:

- We have a legal obligation to do so – generally under the Health and Social Care Act 2012 or Mental Capacity Act 2005.

We process your special category data because

- It is necessary due to social security and social protection law (generally this would be in safeguarding instances).
- It is necessary for us to provide and manage mental health support services.
- We are required to provide data to our funders e.g., NHS or anonymised activity data for other funders, as part of our public interest obligations.



We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent at any time.

#### Where do we process your data?

So that we can provide you with high quality care and support we need specific data. This is collected from or shared with:

1. You or your legal representative(s).
2. Third party funders.

We do this face to face, via phone, via MS Team, via email, via our website, via post, via application forms, or letters.

Third parties are organisations we might lawfully share your data with. These include:

- Other parts of the health and care system such as local hospitals, the GP, Social workers, and other health and care professionals.
- The Local Authority.
- Your family or friends – strictly with your permission.
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the NHS.
- The police or other law enforcement agencies if we must by law or court order.

#### **Staff**

##### What data do we have?

So that we can provide a safe and professional service, we need to keep certain records about you. We may record the following types of data:

- Your basic details and contact information e.g. your name, address, date of birth and next of kin.
- Your financial details e.g. details so that we can pay you, insurance, pension and tax details.
- Your training records.

We also record the following data which is classified as “special category”:

- Health and social care data about you, which might include both your physical and mental health data – we will only collect this if it is necessary for us to know as your employer, e.g. fit notes or for you to claim statutory maternity/paternity pay.
- We may also, with your permission, record data about your race, ethnic origin or sexual orientation.



As part of your application, you may – depending on your job role – be required to undergo a Disclosure and Barring Service (DBS) check (Criminal Record Check). We do not keep this data once we've viewed it and the DBS certificate is returned to the individual.

#### Why do we have this data?

We require this data so that we can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, we need to have a lawful basis for processing your personal data.

We process your data because.

- We have a legal obligation under UK employment law.
- We have a legitimate interest in processing your data – for example, we provide data about your training skills to produce reports about workforce planning.
- We are sometimes required to provide data to our regulator, the NHS, as part of our public interest obligations.

We process your special category data because

- It is necessary for us to process requests for sick pay or maternity pay.

If we request your criminal records data, it is because we have a legal obligation to do this due to the type of work you do. This is set out in the Data Protection Act 2018 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. We do not keep a record of your criminal records information (if any).

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

#### Where do we process your data?

As your employer we need specific data. This is collected from or shared with:

3. You or your legal representative(s).
4. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms and via letters.

Third parties are organisations we have a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC).
- Our pension – Darren Wheatcroft Workplace Pension advisor.
- Sage our external payroll system.

- Organisations we have a legal obligation to share information with i.e. for safeguarding, the NHS
- The police or other law enforcement agencies if we must by law or court order.
- The DBS Service – Atlantic Data

### **Friends/Relatives**

#### What data do we have?

As part of our work providing high-quality care and support, it might be necessary that we hold the following information on you:

- Your basic details and contact information e.g. your name and address.

#### Why do we have this data?

By law, we need to have a lawful basis for processing your personal data.

We process your data because we have a legitimate business interest in holding next of kin about the individuals as an emergency contact for those who use our service and keeping emergency contact details for our staff.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

#### Where do we process your data?

So that we can provide high quality care and support we need specific data. This is collected from or shared with:

1. You or your legal representative(s).
2. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms and via letters.

Third parties are organisations we have a legal reason to share your data with. These may include:

- Other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, and other health and care professionals.
- The Local Authority.
- The police or other law enforcement agencies if we must by law or court order.

#### Our website

To provide you with the best experience while using our website, we process some data about you. Our privacy policy for our website can be found here - [https://780263cef1e9-4ce4-baa2-8c249a7fc3e7.filesusr.com/ugd/9afb4c\\_155f673b02964603a3719261521d4a73.pdf](https://780263cef1e9-4ce4-baa2-8c249a7fc3e7.filesusr.com/ugd/9afb4c_155f673b02964603a3719261521d4a73.pdf)

### Your rights

The data that we keep about you is your data and we ensure that we keep it confidential and that it is used appropriately. You have the following rights when it comes to your data:

1. You have the right to request a copy of all the data we keep about you.  
Generally, we will not charge for this service.
2. You have the right to ask us to correct any data we have which you believe to be inaccurate or incomplete. You can also request that we restrict all processing of your data while we consider your rectification request.
3. You have the right to ask that we erase any of your personal data which is no longer necessary for the purpose we originally collected it for. We retain our data in line with the Information Governance Alliance's guidelines  
(<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>)
4. You may also request that we restrict processing if we no longer require your personal data for the purpose, we originally collected it for, but you do not wish for it to be erased.
5. You can ask for your data to be erased if we have asked for your consent to process your data. You can withdraw consent at any time – please contact us to do so.
6. If we are processing your data as part of our legitimate interests as an organisation or to complete a task in the public interest, you have the right to object to that processing. We will restrict all processing of this data while we investigate your objection.

You may need to provide adequate information for our staff to be able to identify you, for example, a passport or driver's licence. This is to make sure that data is not shared with the wrong person inappropriately. We will always respond to your request as soon as possible and at the latest within one month.

If you would like to complain about how we have dealt with your request, then in the first instance please contact:

Lynne Barrell – Chief Officer  
67 Branston Road  
Burton on Trent  
DE14 3BY  
[lynne.barrell@burtonmind.co.uk](mailto:lynne.barrell@burtonmind.co.uk)

Or, if you are not satisfied with the outcome of our investigation



Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
<https://ico.org.uk/global/contact-us/>

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