



CLIENT/PARTICIPANT PRIVACY NOTICE

(last updated: 14/10/2020)

What is the purpose of this document?

MINDSONG("we"/"our"/"us") is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information after we receive your referral, in accordance with the General Data Protection Regulation (GDPR).

It applies to everyone for whom we receive a referral, and anyone else participating in our any of our projects or groups.

We are a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former clients/participants, everyone who has been referred to Mindsong, and everyone who interacts with us directly. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual that can be used to identify that person. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, address, telephone numbers, and personal email addresses



- Gender
- NHS number (where requested)
- Date of birth
- Reasons for referral

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your health, including any medical condition disclosed by you or your referrer.

How is your personal information collected?

We collect personal information about clients/participants through the referral process, either directly from clients/participants or from their referrers, and from direct contact.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the service we are providing for you
2. Where we need to comply with a legal obligation
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests)
2. Where it is needed in the public interest or for official purposes

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our role as a provider of music therapy or our Arts on prescription groups. The situations in which we will process your personal information are listed below.

- Contacting you via phone, email or letter upon receipt of your referral
- Processing referrals in order to maintain accurate lists of clients/participants who withdraw at first contact, or who cannot be contacted
- Processing referrals in order to maintain accurate registers and waiting lists for Mindsong services
- Sharing relevant categories of personal information with your therapist or group leader so that they may contact participants on the register for their service
- Contacting you by letter with a follow up questionnaire after you complete your course or service
- Contacting you by phone, email or letter to invite you to attend Mindsong events



- Providing and/or evaluating the effectiveness of the services
- Keeping a record of your relationship with us

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

We will never sell or share your personal information with organisations so that they can contact you for any marketing activities.

How we use particularly sensitive personal information

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate clause in our Data Protection policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent
2. Where we need to carry out our legal obligations or exercise rights in connection with your attendance
3. Where it is needed in the public interest, such as for equal opportunities monitoring

Less commonly, we may process this type of information where it is to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure your health and safety during MindSong sessions, to assess your suitability to attend, to provide appropriate workspace adjustments, to inform our evaluation and for equal opportunities monitoring.

Data security

We take looking after your information very seriously. We've put in place appropriate physical, technical and organisational measures to protect the personal information we have under our control, both on and off-line, from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

In addition, we limit access to your personal information to those who have a strict need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.



Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once we no longer require your personal information, we will securely destroy it in accordance with applicable laws and regulations normally after a period of seven years.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Mindsong in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.



What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Mindsong. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

The Right of Access – how to make a Subject Access Request

Individuals can find out if we hold any personal information by making a 'subject access request' under the Data Protection Act 1998. If we do hold information about you we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it could be disclosed to; and
- Give you a copy of the information

To make a request for any personal information we may hold about you please contact us by using the contact details provided at the end of this notice.

If we do hold information about you, you can ask us to correct any mistakes by, once again, contacting us at the contact address at the end of this notice.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact Karen Lawton, Chief Executive on admin@mindsong.org.uk 07989936270 / 01684 273656

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