

## Evolve Psychology Services Privacy Policy

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018.

It applies to all employees and contractors.

Evolve Psychology Services Ltd is 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 employees and contractors. This notice does not form part of any contract of employment or other contract to provide services. 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:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.
- As data controller, we are responsible for compliance with the above principles.

### **The kind of information we hold about you.**

Personal data, or personal information, means any information about an individual from which that person can be identified. 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 may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth

- Gender
- Marital status and dependants

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

- Information about your race or ethnicity, religious beliefs, sexual orientation, and political opinions.
- Information about your health, including any medical condition, health, and sickness records.
- Information about criminal convictions and offences.
- Birth history, education history, developmental history, trauma, and significant events, third party reports from other professionals.

### **How is your personal information collected?**

We collect personal information about service users through forms you have filled in from us collecting the above data; from the history interview and one to one assessment; from video recordings of these two appointments and additional information from third parties including educational placements, work placements and other professionals such as mental health or health professionals.

### **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:

- Where we need to perform the assessment, we have entered into with you.
- Where we need to comply with a legal obligation
- 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:

- Where we need to protect your interests (or someone else’s interests).
- 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 assessment with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

Making a decision about your assessment outcome.

- To conduct data analytics studies to review and better understand neurodiversity and the service users’ experiences.

- Equal opportunities monitoring

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

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered with you, or we may be prevented from complying with our legal obligations.

### **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 either ask for your consent or we will explain the legal obligation which requires us to use it for that new purpose.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **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 may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent
- Where it is needed in the public interest, such as for equal opportunities monitoring and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to or where it is needed 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.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations in limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### **Information about criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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 only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the assessment processor we may be notified of such information directly by you during your assessment with us.

### **Data Sharing**

We may have to share your data with third parties, including third-party service providers. For a Right to Choose assessment this will be sharing your report with the GP. For all other sharing of reports, we will gain your consent before doing this.

We require third parties to respect the security of your data and to treat it in accordance with the law.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### **How secure is my information with third-party service providers?**

All third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. Unless specifically agreed with the third party and notified to you we do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **When might you share my information with third parties?**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

### **Transferring information outside the EU**

We do not envisage that we would need to transfer your personal data outside of the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Data Security**

We have put in place measures to protect the security of your information.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate technical and organisational security measures to prevent your personal information 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 employees, third parties who have a business 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. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal 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.

### **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 working 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 situation which makes you want to object to processing on this ground. You always 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 your line manager 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. The timelines for complying with your request will only start when sufficient information in respect of confirmation of your identity has been received.

**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 your line manager. 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.

**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.

**Review**

The processing of client data is regularly reviewed to ensure that retention periods are maintained in accordance with this policy.

**Expiry of retention period**

Once the retention period has expired, the Company will take all reasonable measures to delete client data to ensure the Company is no longer processing this data. Any deletion of data will take place in a secure manner, ensuring that the confidentiality of the data subject is not breached. This also applies to the deletion of any personal data held within HR systems which results from a data deletion request by the data subject or where required by the exercise of any other right of data subjects in relation to their personal data.

**Training**

The nominated data controller/auditors/protection officers for the Company are trained appropriately and on a regular basis in their roles under data protection legislation.

All employees involved in and responsible for the retention of personal data are trained to protect individuals' personal data, to ensure data security and to understand the consequences of a breach of the Company's policies and procedures.

Training on induction and periodic refresher training is documented.

### **Data Protection Officer**

The Company's Data Protection Officer is James Tongue. They can be contacted regarding data retention queries.

### **Subject access request**

Under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, you have a right to receive confirmation that an organisation processes your personal data, and also a right to access that data so that you may be aware of it and are able to verify the lawfulness of the processing. The process for doing so is called a subject access request and this section of the policy sets out the procedure to be undertaken when such a request is made by you regarding data processed about you by the Company.

### **What is personal data?**

"Personal data" is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, including your name.

"Special categories of personal data" includes information relating to:

- Race
- Ethnic origin
- Politics
- Religion
- Genetics
- Health
- Sexual orientation

### **Information you are entitled to.**

When you make a subject access request, you will be informed of:

- Whether or not your data is processed and the reasons for the processing of your data
- The categories of personal data concerning you
- Where your data has been collected from if it was not collected from you
- Anyone who your personal data has been disclosed to or will be disclosed to, including anyone outside of the EEA and the safeguards utilised to ensure data security.
- How long your data is kept for (or how that period is decided)
- Your rights in relation to data rectification, erasure, restriction of and objection to processing

- Your right to complain to the Information Commissioner if you are of the opinion that your rights have been infringed.
- The reasoning behind any automated decisions taken about you.

### **Making a subject access request**

Subject access requests should be made in writing and can be made in either hard copy format or electronically. Including specific details of the data you wish to see in your request will enable a more efficient response from the Company. We may need to contact you for further details on your request if insufficient information is contained in the original request.

Requests may be made by you personally or by a third party eg a solicitor acting on your behalf. We will request evidence that the third party is entitled to act on your behalf if this is not provided at the same time as the request is made.

### **Upon receiving a subject access request**

The Company will comply with your request without delay and at the latest within one month unless one of the following applies:

- In some cases, we will be unable to supply certain pieces of information that you have requested. This may be because it is subject to legal privilege. Where this is the case, the Company will inform you that your request cannot be complied with, and an explanation of the reason will be provided.
- We require extra time because the requests are complex or numerous. In these circumstances, the Company will write to you within one month of receipt of your request to explain why an extension is required. Where an extension is required, information will be provided within three months of the request.

Before supplying the data (where appropriate) we may contact you asking for proof of identity. You must produce this evidence for your request to be complied with.

Your request will normally be complied with free of charge. However, we may charge a reasonable fee if the request is manifestly unfounded or excessive, or if it is repetitive. In addition, we may charge a reasonable fee if you request further copies of the same information. The fee charged will be based on the administrative cost of providing the information requested.

### **Refusing a request**

The Company may refuse to comply with a subject access request if it is manifestly unfounded or excessive, or if it is repetitive. In these circumstances, we will write to you without undue delay and at the latest within one month of receipt to explain why we are unable to comply. You will be informed of the right to complain to the Information Commissioner and to a judicial remedy.

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