

**Privacy Policy – Service Users**

**Review**

<b>Date of Last Review:</b>	October 2023
<b>Last Reviewed By:</b>	Gareth Corbin – Director of Risk and Compliance
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<b>Person Designated to Carry out Next Review:</b>	Gareth Corbin – Director of Risk and Compliance
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**Authorisation**

<b>Level of Authorisation Required:</b>	VITAL
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Name:	
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Signature:	
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**Version Control**

<b>Original Authors:</b>	Hugh James Solicitors
<b>Date Adopted:</b>	October 2023
<b>Version No.</b>	Please list the changes you have made to this version below.
[Increase by whole number if reviewed or indicate minor changes by adding decimal, for example: 1.1]	New Policy – Major Change process  03.04.24 - Elizabeth Collins Minor change Appendix 1 – Data Protection Officer Changed details from Director of Risk and Compliance to Director of People and Talent.

**Notes**

This policy is also to published on The Wallich website and must be updated accordingly.

## 1. Introduction

1.1. At The Wallich ('We'), take your privacy very seriously. Please read this privacy policy carefully as it contains important information on who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

1.2. We collect, use and are responsible for certain personal data about you. When we do so we are subject to the UK General Data Protection Regulation (UK GDPR).

## 2. Key Terms

2.1. Key terms and definitions are as outlined in **Appendix 1** of this policy.

## 3. Personal data we collect about you

3.1. The personal data we collect about you depends on the particular services we provide to you. We will collect and use the following personal data about you:

3.1.1. **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, next of kin and gender.

3.1.2. **Contact Data** includes address, email address and telephone number.

3.1.3. **Criminal Convictions Data** includes information relating to criminal convictions and offences, including in relation to criminal allegations and proceedings.

3.1.4. **Usage Data** includes information about what services have been provided to you and how you use our services.

3.1.5. **Communications Data** includes information you provide in feedback and reviews on our services.

3.2. When necessary, we will also collect the following personal data about you which is referred to as '**special category data**' (see more details on this under section 6. '**How and why we use your personal data – special category personal data**')

3.2.1. Health and social care data, including physical and mental health data.

3.2.2. Data relating to your race, ethnic origin, sexual orientation or religion.

3.2.3. Whether your gender identity is the same as your sex registered at birth.

3.2.4. Data contained in any safety / risk assessment.

**3.3.** We collect and use this personal data for the purposes described in the section **5. 'How and why we use your personal data'** below. If you do not provide personal data we ask for, it may delay or prevent us from providing service to you.

#### **4. How your personal data is collected**

**4.1.** We collect most of this personal data directly from you—in person, by telephone, text or email, and/or via our website. However, we may also collect information:

4.1.1. Directly from a third party, e.g., our partners including local authorities, government departments, local health boards and other charitable organisations.

4.1.2. From a third party with your consent, e.g., your bank or building society, utility companies or other service providers etc.

4.1.3. Via our IT systems, e.g.:

- From door entry systems and reception logs;
- Through automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, email and instant messaging systems.

#### **5. How and why we use your personal data**

**5.1.** Under data protection law, we can only use your personal data if we have a proper reason, e.g.:

5.1.1. Where you have given consent;

5.1.2. To comply with our legal and regulatory obligations;

5.1.3. Where the processing is necessary to protect your life;

5.1.4. For the performance of a contract with you or to take steps at your request before entering into a contract; or

5.1.5. For our legitimate interests or those of a third party.

**5.2.** A legitimate interest is when we have a business or commercial reason to use your personal data, so long as this is not overridden by your own rights and interests. We will carry out an assessment when relying on legitimate interests, to balance our interests against your own.

**5.3.** The table in **Appendix 2** of this policy explains what we use your personal data for and why.

## **6. How and why we use your personal data — Special category personal data**

**6.1.** Certain personal data we collect is treated as a special category to which additional protections apply under data protection law (see section **3. 'Personal data we collect about you'** for a list of the types of special category personal data we collect.

**6.2.** Where we process special category personal data, we will also ensure we are permitted to do so under data protection laws, e.g.:

6.2.1. We have your explicit consent;

6.2.2. The processing is necessary to protect your (or someone else's) vital interests where you are physically or legally incapable of giving consent;

6.2.3. The processing is necessary for the purposes of providing health or social care or treatment;

6.2.4. The processing is necessary for managing your health or the social care you are provided; or

6.2.5. The processing is necessary to establish, exercise or defend legal claims.

## **7. How and why we use your personal data — sharing**

**7.1.** See Section **8. 'Who we share your personal data with'** for further information on the steps we will take to protect your personal data where we need to share it with others.

## **8. Who we share your personal data with**

**8.1.** We routinely share personal data with:

8.1.1. Our partners including local authorities and other charitable organisations in relation to the delivery of services;

8.1.2. Other third parties we use to help us run our business, e.g., website hosts, customer relationship management ("CRM") software providers, information technology ("IT") service providers etc.;

8.1.3. Our insurers and brokers;

8.1.4. Our bank(s).

**8.2.** We only allow those organisations to handle your personal data if we are satisfied they take appropriate measures to protect your personal data.

**8.3.** We or the third parties mentioned above occasionally also share personal data with:

- 8.3.1. Our and their external auditors, e.g., in relation to the audit of our or their accounts, in which case the recipient of the information will be bound by confidentiality obligations;
- 8.3.2. Our and their professional advisors (such as lawyers and other advisors), in which case the recipient of the information will be bound by confidentiality obligations;
- 8.3.3. statutory agencies and/or funding bodies responsible for commissioning, funding or otherwise procuring our services, to comply with our legal and regulatory obligations. In such cases the recipient of the information will be bound by confidentiality obligations;
- 8.3.4. Law enforcement agencies, courts, tribunals and regulatory bodies to comply with our legal and regulatory obligations;
- 8.3.5. Other parties that have or may acquire control or ownership of our business (and our or their professional advisers) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency—usually, information will be anonymised but this may not always be possible. The recipient of any of your personal data will be bound by confidentiality obligations.

## **9. Where your personal data is held**

- 9.1. Personal data may be held at our offices and those of our third party agencies, service providers, representatives and agents as described above (see above: Section 8. '**Who we share your personal data with**').

## **10. How long your personal data will be kept**

- 10.1. We will not keep your personal data for longer than we need it for the purpose for which it is used. Different retention periods apply for different types of personal data. Further details on this are available upon request. (Please see section 15. '**How to contact us**' below).

## 11. Your rights

- 11.1.** Appendix 3 details your rights, which you can exercise free of charge:
- 11.2.** For more information on each of those rights, including the circumstances in which they apply, please contact us (see section 15. 'How to contact us' below) or see the [Guidance from the UK Information Commissioner's Office \(ICO\) on individuals' rights](#).
- 11.3. If you would like to exercise any of those rights, please:**
- 11.3.1. Email, call or write to us - see below: 15. 'How to contact us'; and
  - 11.3.2. Provide enough information to identify yourself (eg your full name, address and service user or matter reference number) and any additional identity information we may reasonably request from you;
  - 11.3.3. Let us know what right you want to exercise and the information to which your request relates.

## 12. Keeping your personal data secure

- 12.1.** We have appropriate security measures to prevent personal data from being accidentally lost, or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your personal data will do so only in an authorised manner and are subject to a duty of confidentiality.
- 12.2.** We also have procedures to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.
- 12.3.** If you want detailed information from Get Safe Online on how to protect your personal data and other information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit [www.getsafeonline.org](http://www.getsafeonline.org). Get Safe Online is supported by HM Government and leading businesses.

## 13. How to complain

- 13.1.** In the first instance, Service Users are encouraged to refer to our Complaints Policy and Procedure should you have any concerns about our use of your personal data. If you have any more general queries regarding this policy, please see the 'How to contact us' section below. We hope we will be able to resolve any issues you may have.

**13.2.** You also have the right to lodge a complaint with the Information Commissioner. The Information Commissioner may be contacted using the details at <https://ico.org.uk/make-a-complaint> or by telephone: 0303 123 1113.

#### **14. Changes to this privacy policy**

**14.1.** This privacy notice was published on [INSERT DATE] and last updated on [INSERT DATE].

**14.2.** We may change this privacy notice from time to time—when we do we will inform you via website.

#### **15. How to contact us**

**15.1.** You can contact us by post, email or telephone if you have any questions about this privacy policy or the information we hold about you, to exercise a right under data protection law or to make a complaint.

**15.2.** Our contact details are shown below:

**E-mail:** [mail@thewallich.net](mailto:mail@thewallich.net)  
**Post:** The Wallich - Cardiff Hub  
18 Park Place  
Cardiff  
CF10 3DQ  
**Tel:** (029) 20668464



## Appendix 1

### Key Terms

We, us, our	The Wallich-Clifford Community (trading as "The Wallich")
Our data protection officer	Tom Hall Director of People and Talent
Personal data	Any information relating to an identified or identifiable individual
Special category personal data	<ul style="list-style-type: none"><li>• Personal data revealing racial or ethnic origin, political opinions, religious beliefs or philosophical beliefs;</li><li>• Genetic data;</li><li>• Biometric data (where used for identification purposes);</li><li>• Data concerning health, sex life or sexual orientation;</li></ul>
Data subject	The individual to whom the personal data relates.

## Appendix 2

The table below explains what we use your personal data for and why.

What we use your personal data for	Type of data	Lawful basis/bases for processing including basis of legitimate interest
Providing services to you	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Criminal convictions</li> <li>(d) Special category</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you or to take steps at your request before entering into a contract</li> <li>(b) Necessary for legitimate interests (to provide our services for societal benefits)</li> </ul>
<p>To manage our relationship with you which will include:</p> <ul style="list-style-type: none"> <li>(a) Notifying you about changes to our terms or privacy policy</li> <li>(b) Asking you to leave a review or take a survey</li> </ul>	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Special category</li> <li>(d) Communications</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you</li> <li>(b) Necessary for legitimate interests (to provide our services for societal benefits)</li> <li>(c) Necessary to comply with a legal obligation</li> <li>(d) Necessary for our legitimate interests (to keep our records updated and to study how service users use our services)</li> </ul>
To enable you to partake in a survey	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Profile</li> <li>(d) Usage</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you</li> <li>(b) Necessary for our legitimate interests (to study how service users use our services, to</li> </ul>

What we use your personal data for	Type of data	Lawful basis/bases for processing including basis of legitimate interest
	(e) Communications	develop them and grow our business)
<p>(a) Conducting checks to identify our service users and verify their identity</p> <p>(b) Other activities necessary to comply with legal and regulatory obligations that apply to our business, eg under health and safety law or rules issued by our professional regulator</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Criminal convictions</p>	<p>(a) Performance of a contract with you;</p> <p>(b) Necessary to comply with our legal and regulatory obligations;</p>
To enforce legal rights or defend or undertake legal proceedings	<p>(a) Identity</p> <p>(b) Contact</p>	<p>Depending on the circumstances:</p> <p>(a) to comply with our legal and regulatory obligations;</p> <p>(b) in other cases, for our legitimate interests (to protect our business, interests and rights)</p>
Statistical analysis to help us manage our business, eg in relation to our performance, service user base, service range or other efficiency measures	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Usage</p>	Necessary for our legitimate interests (to be as efficient as we can so we can deliver the best service to you at the best price)

What we use your personal data for	Type of data	Lawful basis/bases for processing including basis of legitimate interest
Protecting the security of systems and data used to provide the services	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> </ul>	<ul style="list-style-type: none"> <li>(a) Necessary to comply with our legal and regulatory obligations</li> <li>(b) We may also use your personal data to ensure the security of systems and data to a standard that goes beyond our legal obligations, and in those cases our reasons are for our legitimate interests, ie to protect systems and data and to prevent and detect criminal activity that could be damaging for you and/or us</li> </ul>
Updating and enhancing service user records	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Usage</li> <li>(d) Criminal convictions</li> <li>(e) Special category</li> <li>(f) Communications</li> </ul>	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> <li>(a) to perform our contract with you or to take steps at your request before entering into a contract;</li> <li>(b) to comply with our legal and regulatory obligations;</li> <li>(c) for our legitimate interests (making sure that we can keep in touch with our service users about</li> </ul>

What we use your personal data for	Type of data	Lawful basis/bases for processing including basis of legitimate interest
		existing and new services)
Ensuring safe working practices, staff administration and assessments	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Usage data</li> </ul>	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> <li>(a) Necessary to comply with our legal and regulatory obligations;</li> <li>(b) Necessary for our legitimate interests (to make sure we are following our own internal procedures and working efficiently so we can deliver the best service to you)</li> </ul>
<p>To share your personal data with third parties that will or may take control or ownership of some or all of our business (and professional advisors acting on our or their behalf) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency</p> <p>(In such cases information will be anonymised where</p>	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Usage Data</li> <li>(d) Criminal convictions</li> <li>(e) Special category</li> </ul>	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> <li>(a) To comply with our legal and regulatory obligations;</li> <li>(b) Necessary to protect your vital interests</li> <li>(c) Necessary for our legitimate interests, (to protect, realise or grow our business)</li> </ul>

<b>What we use your personal data for</b>	<b>Type of data</b>	<b>Lawful basis/bases for processing including basis of legitimate interest</b>
possible and only shared where necessary)		

## Appendix 3

### Your rights

You have the following rights, which you can exercise free of charge:

Access	The right to be provided with a copy of your personal data
Rectification	The right to require us to correct any mistakes in your personal data
Erasure (also known as the right to be forgotten)	The right to require us to delete your personal data—in certain situations
Restriction of processing	The right to require us to restrict processing of your personal data in certain circumstances, eg if you contest the accuracy of the data
Data portability	The right to receive the personal data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations
To object	The right to object: <ul style="list-style-type: none"><li>• at any time to your personal data being processed for direct marketing (including profiling);</li><li>• in certain other situations to our continued processing of your personal data, eg processing carried out for the purpose of our legitimate interests unless there are compelling legitimate grounds for the processing to continue or the processing is required for the establishment, exercise or defence of legal claims</li></ul>
Not to be subject to automated individual decision making	The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you
The right to withdraw consents	If you have provided us with a consent to use your personal data you have a right to withdraw that consent easily at any time

	<p>You may withdraw consents by [<i>insert details as relevant depending on consents</i>]</p> <p>Withdrawing a consent will not affect the lawfulness of our use of your personal data in reliance on that consent before it was withdrawn</p>
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