



## Privacy Notice

### 1. Who we are

Edinburgh Young Carers (EYC) is a Company Limited by Guarantee, Registered in Scotland No 212971 and recognised as a Charity in Scotland by the Inland Revenue, No SCO 26270. We are managed by a voluntary Board of Directors and employ a Chief Executive, eleven members of staff and a pool of sessional workers and volunteers.

Our mission is to make a positive difference in the lives and futures of young carers in Edinburgh through support, information, respite and personal development and training. We do this in a number of ways, including young carer groups, one-to-one time with a worker, residential and day trips and providing young carers and their families with information and support to enable them to access other services. You can find more information about who we are and what we do on our website at <http://www.youngcarers.org.uk>

### 2. Information we invite young people and their families to share with us and why

When a young person is referred or self-refers to Edinburgh Young Carers, and they and our workers agree that our service is right for them, we invite the young person to let us have information to enable us to support them. This is likely to include information so we can contact and keep in touch with the young person, such as their full name, postal address, home landline number and, if their parent(s) or guardian(s) are agreeable, their mobile number.

So that our workers can tailor support to the young person and work together with them to record how well this is working, we may ask them for information about their caring situation at home, their health, the health of the person or people they care for and/or of other members of their family and their situation at school, college or work.

### 3. Who will this information be shared with and under what circumstances?

When a young carer talks with any worker at Edinburgh Young Carers, they have the right to expect that what they say will **not** be discussed with anyone who does not work at the Project **unless** they have given their permission.

However, if information shared with staff at EYC by a young person, a member of their family or any other person causes staff to be concerned about the safety of the young carer or of any other person, the worker will share this information with professionals and agencies, for example, social work, education, family doctors – responsible for the care and protection of the young person and of all other persons whose safety has given rise to concern. The young person's lead worker will talk with the young carer to ensure they are fully informed about what information is being shared, why and with whom. Under the circumstances described here, even if the young carer does not give permission, Edinburgh Young Carers will share information. Where practical, the young person will be informed before the information is shared except in the rare circumstance where Edinburgh Young Carers believes that doing so would present a significant risk to the safety of the young person or other person. In these exceptional circumstances, the young person would be informed that information had been shared after the event, as soon as it is considered safe to do so.

If they think it may be helpful to a young carer, our workers may ask their permission to approach staff at their school, their doctor or staff at other organisations who are supporting them or have supported them in the past. Staff will always speak with the young carer before any such approach is made.

As they and their worker plan and develop their journey with Edinburgh Young Carers, the young carer is directly involved in recording progress and next steps. The young carer is thus continuously aware of the information Edinburgh Young Carers holds about them and their caring situation.

#### **4. Access to Personal Information/Subject Access Requests**

By law, 'Data Subjects' (the person for which we hold information) are entitled to request access to the personal information Edinburgh Young Carers holds about them. The formal name for this process is a 'Subject Access Request.' If a young carer, a parent or other family member, a member of the staff team, a sessional worker, a volunteer or a member of the Board of Directors of Edinburgh Young Carers makes a Subject Access Request, EYC will:-

- Give that individual a description of the information EYC holds about them
- Provide them with a copy of the information in a format that they can use
- By law EYC is required to respond to any Subject Access Request within one month. In practice we would hope to respond within a shorter timeframe.

A Subject Access Request should be made either verbally to a member of staff at EYC or in writing to Edinburgh Young Carers, Norton Park, 57 Albion Road, Edinburgh EH7 5QY. If we should have information on an individual that is incorrect, they can ask us to correct this by putting their request in writing to the same address or by asking a member of staff.

*As explained above, young carers are involved with their worker in putting together the records Edinburgh Young Carers holds about them – and they can ask to see these records at any time.*

## **5. Right to have records deleted**

By law, individuals have the right to ask for personal information held on them to be deleted. This is explained to young carers by workers at the beginning of their journey with EYC. However, it is also explained to the young people that it would be very difficult for EYC to continue to support them without records being held. Under certain circumstances, for example, where it is necessary to retain information in the interest of safeguarding a young person and/or any other person(s), or where information might be needed in connection with court proceedings, it might not be possible for EYC to comply with a young person's request to have their records deleted. As staff and young carers work in partnership in the compiling of records, everything possible is done to minimise the likelihood of dispute.

## **6. Confidentiality Policy**

All information shared with workers at Edinburgh Young Carers will be held securely. Online information will be password protected and information held on paper will be locked in secure filing cabinets. Similarly online information held by Edinburgh Young Carers on members of the staff team, sessional workers, volunteers and members of the Board of Directors of Edinburgh Young Carers will be password protected and information held about these individuals on paper will be locked in secure filing cabinets.

When a young carer talks with any worker at Edinburgh Young Carers, they have the right to expect that what they say will **not** be discussed with anyone who does not work at the Project **unless** they have given their permission. A worker may ask a young carer if it is acceptable for the worker to share information with, for example, a teacher, doctor or social worker.

- However, as explained at section 3 of this Notice, if a young carer talks to a worker about something the worker considers might be dangerous for them, or for another person and the worker is concerned about the young carer's safety or the safety of any other person, the worker may need to share information the young person has given to Edinburgh Young Carers with professionals and agencies involved in the care and protection of the young person and their family. A worker will where practical talk with a young carer to ensure they are fully informed about what information is to be shared, why and with whom. Under the circumstances described here, even if the young carer does not give permission, Edinburgh Young Carers will share information. The young person will be informed before the information is shared, unless the exceptional circumstances set out at section 3 of this Privacy Policy apply.

Edinburgh Young Carers will always do whatever they can to **make sure young carers are safe.**

## 7. Data Retention Policy

By law, Edinburgh Young Carers is required not to hold personal information any longer than is necessary and reasonable for the purpose(s) for which it was obtained. When the time comes for a young carer to move on from Edinburgh Young Carers, their worker will have a conversation with them about how long they would like their records to be kept. It might be that the young carer requests that their records should be deleted as soon as they move on, and EYC must comply with this request. Otherwise, EYC will hold on to those records for a set period of time as outlined in the table below. The reason for this timeframe is decided upon by a number of aspects; for example, information to reference should the young person later return to the service after moving on, or the data may be helpful to have available in connection with references for work, college or university or perhaps to share with another organisation they may approach for support in the future.

Similar options are available to members of EYC's staff team, sessional workers, volunteers and members of the Board of Directors of Edinburgh Young Carers.

Under certain circumstances, for example, where it is necessary to retain information in the interest of safeguarding a young person and/or any other person(s), or where information might be needed in connection with court proceedings, it may be incumbent on Edinburgh Young Carers to retain information until all of our responsibilities in relation to safeguarding or court proceedings have been discharged.

The Table below sets out retention periods for specific categories of data held by Edinburgh Young Carers.

Personal details of young person and information about their caring situation	6 years from leaving date
Personnel Files	6 years from leaving date*
Staff records, job applications, references in respect of unsuccessful applicants	6 months from date of notification of application having been unsuccessful*
Bank details for staff salaries etc.	7 years from leaving date*
Records on Board Members	7 years from leaving date*
PVG Information	^Date the individual ceases to do regulated work for the organisation

\*These retention periods have been determined on the basis of HMRC document retention requirements and advice from RBS Mentor.

^Determined on the basis of Disclosure Scotland's Code of Practice for the use of disclosure information and with the functions of registered persons: - last updated 11 September 2017.

## 8. Lawful Basis for Data Handling

Under the EU's General Data Protection Regulation (GDPR), Edinburgh Young Carers requests and holds personal information under the Lawful Basis, **Contract**. The Table below sets out the categories of data held by Edinburgh Young Carers.

Personal details of young person and information about their caring situation <i>Footprints Plan</i>
Information shared in confidence by parent, guardian or family member with staff at EYC
Information shared with social work staff, teachers, other professionals
Information shared with agencies under the Scottish Government's policy, <i>Getting It Right For Every Child</i> (GIRFEC)
Information on funders
Information on auditors
Information on partners and recipients of annual reports
Bank details for staff salaries etc.
Information on suppliers/suppliers' bank details
Staff records. Information on job applications, references and PVG checks
Records of Board members, applications, references, PVG checks

### Special Category Data

Under Article 9(2) of the GDPR, in addition to the requirement to specify a Lawful Basis, additional conditions apply to the processing of **Special Category Data**, as defined in the list below. This type of data could create more significant risks to a person's fundamental rights and freedoms, for example, by putting them at risk of unlawful discrimination. Workers at EYC are especially mindful of our responsibilities when handling Special Category Data shared with us by our young people.

The additional processing conditions for Special Category Data are reproduced at Annex A to this document.

Special Category Data is:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sex life or sexual orientation.

In providing support to young carers, staff at EYC are routinely entrusted with information that falls within the definition of Special Category Data. In the course of one-to-one discussions, young people often raise matters, for example, around sexual orientation or health related needs. Article 9 (2) (a) of the GDPR (reproduced at Annex A to this document) provides for the processing of Special Category Data where, 'the data subject has given explicit consent for the processing of those personal data for one or more specified purposes...'

Prior to any data being processed, every young person has a detailed discussion with a member of EYC's Staff Team. If the young person and the worker decide support from EYC is the best approach, they complete the opening stages of the Footprints Plan at which stage the young person consents to recording and sharing of information on agreed terms – and signs a Confidentiality Agreement contained with the Footprints document. The young person's parent(s) or guardian (s) are also invited or, where the young person under age 13, required to sign an Explanatory Leaflet indicating that they are content with the ways EYC will handle and, in certain proscribed circumstances may share, personal information about the young person. The worker will invite the parent(s) or guardian (s) to have a chat about the ways the young person's data will be handled and to clarify any queries they may have. The worker will then sign and date a section of the Leaflet confirming this discussion has taken place. As well as being provided with the Explanatory Leaflet, parents and guardians will be given a copy of EYC's Privacy Notice. The Explanatory Leaflet contains a user-friendly summary of EYC's data handling policy and invites readers to read the Privacy Notice in its entirety, should they wish to do so.

## **9. Further Information**

If you would like more information on the ways Edinburgh Young Carers looks after personal information, please phone 0131 475 2232 or email us at [info@youngcarers.org.uk](mailto:info@youngcarers.org.uk).

## **10. Changes to this Privacy Notice**

This Privacy Notice was last updated on 17 October 2018. We keep the Notice under review and the most up-to-date version is available on our website at [www.youngcarers.org.uk](http://www.youngcarers.org.uk).

**Edinburgh Young Carers – Data Protection Policy****Conditions listed in Article 9 (2) of the GDPR for Processing of Special Category Data**

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

You need to read these alongside the Data Protection Act 2018, which adds more specific conditions and safeguards:

- Schedule 1 Part 1 contains specific conditions for the various employment, health and research purposes under Articles 9(2), (b), (h), (i) and (j).
- Schedule 1 Part 2 contains specific ‘substantial public interest’ conditions for Article 9(2)(g).
- In some cases you must also have an ‘appropriate policy document’ in place to rely on these conditions.



## Data Protection Policy and Procedure Explanatory Leaflet for Parents and Guardians

### How We Use Personal Information and Keep It Safe

#### *What information might we ask our young people to share with us?*

- We invite our young people to share information with us so that we can support them and provide the best service we can.
- This includes information so that we can contact and keep in touch with the young person - their full name, postal address, home landline number and, if you are agreeable, their mobile number.
- So that we can give the right support to every young person we may ask them about their caring situation at home, their health and the health of the person or people they care for.
- Sometimes we may ask about the health of other members of the young person's family – and about the health of others who share their home.
- Much of the information our young people share with us is classified by law as Special Category Data. The Law (The General Data Protection Regulation 2016/679 and The Data Protection Act 2018) requires consent for processing of Special Category Data. Special Category Data is information about a person's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life or sexual orientation. Workers at Edinburgh Young Carers treat this sensitive information with the utmost care and respect for the privacy of the young person. It is important that our young people feel able to share sensitive information with us as it is often essential for us to be able to provide the help and support they need. By signing the Consent Section at the bottom of this Leaflet you will be providing us with consent to handle, record and store any Special Category Data the young person shares with us.

### *Who sees the information our young people share with us?*

- Our young people have the right to expect that what they say to any worker at Edinburgh Young Carers will **not** be discussed with anyone other than our workers, **unless** they have given their permission.
- To help with their all-round situation we may ask our young people about their situation at school, college or work. With their permission, we may speak with professional staff, for example, a teacher at their school or a social worker.
- **However**, if a young person, a member of their family or any other person shares any information with us that causes our staff to be concerned about the safety of the young person or of any other person, we will share this information, for example, with social workers, teachers or family doctors – professional people who are responsible for the care and protection of the young person and of all other persons whose safety has given rise to concern.
- If we are concerned about the safety of a young person or of any other person, we will share information, even if the young person does not give us permission to do this. The safety of the young person and of the other people involved has to be Edinburgh Young Carers' first concern here. If it is safe to do so, we will tell the young person before we share the information. If there is any risk that telling them first could lead to danger for the young person or for anyone else, our workers will then tell the young person as soon as it is safe to do so.

### *How will we look after your information and keep it secure?*

- If held on computer information is password protected. We pay experts in computing to ensure that all of the electronic systems we use are safe and secure. Information held on paper must be kept in locked cabinets. Our workers are highly trained to keep the personal information shared with us safe at all times.

### *Can a young person see their personal information/file?*

- Our young people are closely involved with our workers in recording their journey with Edinburgh Young Carers and the information they share with us. A young person can ask their worker at any time for access to the information we hold on them. By law, through a process called a Subject Access Request, a young carer, a parent or other family member can ask to see the information we hold on them at any time. This request can be made by asking a worker at Edinburgh Young Carers or by writing to Edinburgh Young Carers, Norton Park, 57 Albion Road, Edinburgh, EH7 5QY. By law we must respond to a Subject Access Request within one month but we would aim to do so more quickly. You can ask us to correct any information in our response that is not accurate.

### *How long does Edinburgh Young Carers keep personal information?*

- When the time comes for a young person to move on from Edinburgh Young Carers their worker will have a chat with them about how long they would like their records to be kept. Often the young person may be happy for us to keep their information for some time as it may be helpful to have available for references for work, college or university or perhaps to share with another organisation they may approach for support in the future.
- Where it may be necessary to keep information in connection with ensuring the safety of a young person or of any other person, or where information may be needed in connection with court proceedings, Edinburgh Young Carers is required by law to keep that information until we have fulfilled all of our responsibilities in connection with safeguarding or court proceedings.

*You may be interested in reading the attached copy of our Privacy Notice which sets out detailed information on the ways Edinburgh Young Carers looks after personal information.*

*Please speak with a worker at Edinburgh Young Carers at any time about anything at all you would like to discuss about our handling of personal information.*

## **AGREEMENT**

**I have discussed EYC's Data Handling Policy with [Parent/Guardian].**

**EYC Worker's Signature:**

**Date:**

**I consent to Edinburgh Young Carers handling personal information in accordance with the terms of this Explanatory Leaflet**

**Parent's/Guardian's Signature:**

*If Young Person aged under 13*

**Young Person's Signature:**

*For Young Person aged 13 and over*

**Date:**