

Fair Processing Notice - External

Fair Processing Notice – External (Participants and Parents / Guardians / Carers / Account Holders)

When The Inclusion Project processes your personal data we are required to comply with the Data Protection Act 2018 (**DPA**) and the General Data Protection Regulation 2016 (**GDPR**) (the DPA and GDPR are together referred to as the '**Data Protection Legislation**').

Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, date of birth, location data and notes gained from our Area Manager 'Meet and Greet' visit. We may document personal information about you, as well as special categories of data including but not limited to medical and health records, Care Plans and information about your personal circumstances. Our Care Plans are comprised from the information gained from the Joining Form / Participant Information Form / Personalised Risk Assessments, the Meet and Greet Information Form as well as any other documentation you may have provided us with like your EHCP, pre-existing Care Plans or Purple Folder, and any follow up Risk Assessments. All information we hold about Participants are held in a password encrypted secure Box cloud-based system. Access to your information is necessary for our Group Leader and Area Manager staff to be able to offer the personalised care we like to offer as part of our high-quality service.

Your data / information can be updated by submitting one of the online forms on The Inclusion Project web site.

Everything we do with your personal data counts as processing it, including collecting, storing, amending, transferring and deleting it. We are therefore required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This fair processing notice provides information about the personal data we process, why we process it and how we process it.

Our responsibilities

The Inclusion Project is the data controller of the personal data you provide. We have appointed Simon Jackson-Turner and Area Managers for their Areas - all are registered with the ICO - as Data Protection Officers and they will have day to day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

Why do we process your personal data?

We process your personal data in order to provide you with the services you have requested, to fulfil the contract we have entered into with you. We may also process your personal data to respond to any queries or comments you submit to us and to correspond with you on a day to day basis.

We may need personal data from you to be able to provide services to you, to meet our legal obligations, to enter into a contract with you and/or to provide you with all the information you need. If we do not receive the personal data from you, we will be unable to fulfil our obligations to you.

We process most of your information on the grounds of consent from you, legitimate interests (such as building up a Care Plan; safeguarding you; conducting Risk Assessments to keep you safe and so forth), performance of a contract we have entered into with you (Terms and Conditions), protection of the vital interests of a Data Subject or, in the case of special categories of data, processing for the provision of health or social care or the management of health or social care systems or services.

If we obtain consent from you to the processing of your personal data, you can withdraw your consent at any time. This won't affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

Who will receive your personal data?

We only transfer your personal data to the extent we need to. Recipients of your personal data include: Group Leaders who will care for you; Area Manager to co-ordinate your care; Local Authority e.g. if a safeguarding issue should arise; the Care Quality Commission (CQC) as our regulator; and your Parents / Guardians / Carers / Account Holders.

We don't transfer your personal data outside of the EEA.

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How long will we keep your personal data?

We will retain your personal data for as long as you are a Participant with The Inclusion Project. We retain your information for this period as we need to be up to date with information about our Participants to ensure that we can provide individualized, person-centred care, keeping you safe and secure, and in case any issues arise or in case you have any queries. Your information will be kept securely at all times. Following the end of your participation with The Inclusion Project, your files and personal data we hold about you will be permanently deleted or destroyed. If we are required to obtain your consent to process your personal data, any information we use for this purpose will be kept until you withdraw your consent, unless we are entitled to retain the personal data on the basis of other grounds set out in the Data Protection Legislation.

What are your rights?

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which we process your data. More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>). These rights apply for the period in which we process your data.

1. Access to your data

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information. We can send you pdfs of your information electronically, if requested. Your Area Manager will be able to help you to gain access. We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

2. Rectification of your data

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we don't feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

3. Right to be forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- Where we no longer need your personal data for the purpose for which we collected it
- Where we have collected your personal data on the grounds of consent and you withdraw that consent
- Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data
- Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and
- Where the personal data has to be deleted to comply with a legal obligation
- Where a Participant has not attended The Inclusion Project for a period of 6 months (if returning, they would need to complete the application process again).

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

4. Right to restrict processing

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data but we don't have to delete it. This right is available to you:

- If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy
- If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- If the processing is unlawful; or
- If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim
- If a Participant is having a break from attending The Inclusion Project but intends to return in the future.

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5. Data portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

6. Right to object

You are entitled to object to us processing your personal data:

- If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- For direct marketing purposes (including profiling); and/or
- For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

Automated decision making

Automated decision-making means making a decision solely by automated means without any human involvement. This would include, for example, our Appointments' System: Simply Book Me sending automated texts and e-mails to confirm your appointments with The Inclusion Project; and our invoice and payments system: Free Agent will send automated e-mail reminders of overdue payments and thank you / receipt e-mails for settling the invoice.

We carry out the following types of automated decision making using your personal data: Automatic texts and e-mail Appointment Reminders from our Appointment system: Simply Book Me; Automatic e-mails reminding of any overdue invoices that need paying from our invoice and payments system: Free Agent.

Your right to complain about our processing

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office (ICO). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website - <https://ico.org.uk/concerns/>.

Any questions?

If you have any questions or would like more information about the ways in which we process your data, please contact our Marketing Director or Managing Director or your Area Manager.

Fair Processing Notice - External The Inclusion Project

Fair Processing Notice – External (all other authorities' and organisations' staff)

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Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, location data and notes gained from our communications. We may document personal information about you, as well as special categories of data. All information we hold is held in a password encrypted secure Box cloud-based system, or secure e-mail system. Access to your information is necessary to be able to offer the personalised care we like to offer as part of our high-quality service.

Everything we do with your personal data counts as processing it, including collecting, storing, amending, transferring and deleting it. We are therefore required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

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Our responsibilities

The Inclusion Project is the data controller of the personal data you provide. We have appointed Simon Jackson-Turner and Area Managers for their Areas - all are registered with the ICO - as Data Protection Officers and they will have day to day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

Why do we process your personal data?

We process your personal data in order to provide our services, to fulfil the contract we have entered into with staff and Participants / Account Holders / Local Authorities / and other organisations e.g. Partners we work with. We may also process your personal data to respond to any queries or comments you submit to us and to correspond with you on a day to day basis.

We may need personal data from you to be able to provide services to you, to meet our legal obligations, to enter into a contract with you and/or to provide you with all the information you need. If we do not receive the personal data from you, we will be unable to fulfil our obligations to you.

We process most of your information on the grounds of consent from you, legitimate interests, performance of a contract we have entered into; protection of the vital interests of a Data Subject or, in the case of special categories of data, processing for the provision of health or social care or the management of health or social care systems or services.

If we obtain consent from you to the processing of your personal data, you can withdraw your consent at any time. This won't affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

Who will receive your personal data?

We only transfer your personal data to the extent we need to. Recipients of your personal data include: Group Leaders; Area Managers; Local Authority e.g. if a safeguarding issue should arise; the Care Quality Commission (CQC) as our regulator; and possibly Parents / Guardians / Carers / Account Holders.

We don't transfer your personal data outside of the EEA.

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How long will we keep your personal data?

We will retain your personal data for as long as you are working e.g. in Partnership with The Inclusion Project. We retain your information for this period as we need to be up to date with information to ensure that we can provide individualised, person-centred care, perhaps in partnership with your organization, and in case any issues arise or in case you have any queries. Your information will be kept securely at all times. Following the end of your participation with The Inclusion Project, your records / files and personal data we hold about you will be permanently deleted or destroyed. If we are required to obtain your consent to process your personal data, any information we use for this purpose will be kept until you withdraw your consent, unless we are entitled to retain the personal data on the basis of other grounds set out in the Data Protection Legislation.

What are your rights?

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which we process your data. More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>). These rights apply for the period in which we process your data.

1. Access to your data

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information. We can send you pdfs of your information electronically, if requested. Area Managers will be able to help you to gain access. We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

2. Rectification of your data

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we don't feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

3. Right to be forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- a. Where we no longer need your personal data for the purpose for which we collected it
- b. Where we have collected your personal data on the grounds of consent and you withdraw that consent
- c. Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data
- d. Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and
- e. Where the personal data has to be deleted to comply with a legal obligation
- f. Where you have not had contact with The Inclusion Project for a period of 6 months.

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

4. Right to restrict processing

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data but we don't have to delete it. This right is available to you:

- a. If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy
- b. If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- c. If the processing is unlawful; or
- d. If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim
- e. If you no longer work for the organisation The Inclusion Project is in a partnership with.

Fair Processing Notice - External

5. Data portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- a. Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- b. Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

6. Right to object

You are entitled to object to us processing your personal data:

- a. If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- b. For direct marketing purposes (including profiling); and/or
- c. For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

Automated decision making

Automated decision-making means making a decision solely by automated means without any human involvement. This would include, for example, sending automated e-mails from our invoice and payments system: Free Agent will send automated e-mail reminders of overdue payments and thank you / receipt e-mails for settling the invoice.

We carry out the following types of automated decision making using your personal data: Automatic e-mails reminding of any overdue invoices that need paying from our invoice and payments system: Free Agent. Or e.g. automated e-mail 'out of office' replies; or 'I am driving' responses from mobile phones of our Group Leaders and Area Managers.

Your right to complain about our processing

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office (ICO). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website - <https://ico.org.uk/concerns/>.

Any questions?

If you have any questions or would like more information about the ways in which we process your data, please contact our Marketing Director, Managing Director or your Area Manager.