

Fair Processing Notice



When you come to Youth Talk for support, the charity needs to make you aware of two important items of information as follows:

1. Information about the data we hold on people using the service
2. Information about any data that may be shared

Why we hold your data

As part of supporting you, the charity needs to keep on its files some details about you. This includes information about how we best contact you and some other details such as your date of birth, address, GP, the school or college you may attend as well as details on the sessions you have with your counsellor. Without this basic information we are unable to support you.

All of this information is held securely on our confidential database with the only people able to access it being your counsellor and our administrative team. No one else has access to this data and everything is kept completely confidential. This note outlines some important information for you to be aware of in terms of how we manage your data.

Are my details shared with anyone?

The service that we provide is completely confidential. This means that we will not reveal to anyone what takes place during your sessions. All of your information is kept securely on our database and is not shared with anyone outside of the organisation. There are two exceptions to this as follows:

- If your counsellor/psychotherapist feels that you are, or someone you know is, in danger of significant harm we have a duty of care to inform local social services. If it is possible, your counsellor will discuss this with you before any contact is made.
- As Youth Talk receives some funding from the NHS we have to provide monthly statistics to the National Mental Health Services Data set. This information is fully encrypted and does not include your name. Further information about this is outlined below.

We pride ourselves on the confidential nature of our work – it is fundamental to how we work and the feedback we get from clients is that they are very happy that their confidentiality is always fully respected when using our service.

Why we share information with the NHS

Your counselling sessions are partly funded by the NHS. Because of this we have to share some information about you with NHS Digital. This notice explains what information we share and why.

We share your information so that it can be used in the NHS's Mental Health Services Data Set (also called the MHSDS or national data set). You can find out more about the national data set at <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/mental-health-services-data-set>

In brief, the national data set helps the NHS to do these things:

- monitor access and waiting times
- embed 'parity of esteem', ie valuing mental health equally with physical health
- check whether services help patients to recover.
- monitor service performance, clinical interventions, patient experience and treatment, and work out how services can be improved
- check that mental health services are available to all patients

What information is shared and how

As a small charity we do not have the necessary systems to share information directly with NHS Digital. As such, we work with the Hertfordshire Partnership University NHS Foundation Trust ("HPFT").

HPFT are the main NHS provider of mental health services in Hertfordshire. They are in a position to help us by providing technical information and expertise to ensure our data submission is accurate.

The information we pass to HPFT is:

- Your date of birth
- Your postcode
- Your gender (if stated)
- Your ethnicity (if stated)
- Your GP's practice
- The referral date (the date you first contacted us)
- Date of each session and whether you attended or not

We will send your information in a Microsoft Access database. For security this is sent in an encrypted form. Equally, if the NHS need to send data about clients to Youth Talk they will use the same encrypted system.

HPFT pass your information securely to NHS Digital using their secure access to NHS Digital systems. Fewer than five staff at HPFT will have access to your information, on a "need to know" basis, and they will be required to keep it safe and private.

Once your data has reached NHS Digital it will be deleted from the HPFT system as soon as possible, usually within two months.

What will happen to your information?

Once sent by HPFT all the data is automatically encrypted as soon as it is received by NHS Digital. This means that NHS statisticians working on the national dataset only deal with unidentifiable information, i.e. no-one can tell the data is about you.

Neither HPFT nor NHS Digital will publish any information that could identify you.

The only circumstance where personal information might be shared about individuals is if the police request information for the specific purpose of investigation of crime. However, this will be very rare and subject to legal constraints. For more information on this see

https://digital.nhs.uk/binaries/content/assets/legacy/pdf/d/4/disclosure_of_personal_information_to_the_police.pdf

Youth Talk's legal obligation to share your information

Youth Talk is obliged by law to provide your information to NHS Digital. For this reason your consent is not required. (If you want to see the full legal details, please look at the Legal Section below.)

However, if you do not want your data to be shared, the NHS allows you to opt out of providing data to the national dataset. If you wish to opt out you will need to let your counsellor or Youth Talk reception staff know within 7 days of receiving this notice.

What to do if you are concerned

If you have any worries about anything in this notice, please talk to your counsellor or to Youth Talk Reception staff.

If you wish to make a complaint about how we handle your information, we recommend you first talk informally to your counsellor or to Youth Talk Reception staff.

If you are not satisfied after that, or if you prefer to make a formal complaint straightaway, please email us at info@youthtalk.org.uk, or write to us at Lower Ground Floor, Dagnall House, 2 Lower Dagnall Street, St Albans, Herts AL3 4PA.

You can also contact the Information Commissioner's Office to make a complaint. For details see <https://www.gov.uk/data-protection/make-a-complaint>.

Legal section

Under the General Data Protection Regulation 2018 and the Data Protection Act 2018, the lawful basis for sharing your information is **compliance with a legal obligation**.

Under section 254 of the Health and Social Care Act 2012, the National Health Service Commissioning Board (which is generally known as NHS England) has required the Health and Social Care Information Centre (known as NHS Digital) to collect the information in the NHS Mental Health Services Data Set. As a result, NHS Digital has issued a notice under section 259 of the same Act requiring all NHS-funded providers, including Youth Talk, to provide the necessary information for this data set.

Because the information we are sharing is health information, we also have to fulfil an additional condition. That condition is that **the processing of the information is**

necessary for the purposes of the provision of health or social care or treatment or the management of health or social care systems and services, under article 9(2)(h) of the General Data Protection Regulation 2018, supported by paragraph 2 of part 1 of Schedule 1 to the Data Protection Act 2018.

There is some more information about the MHSDS and the law at <https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/gdpr/gdpr-register/mental-health-minimum-data-set-mhmlds-gdpr-information>.