



## Data Protection & Privacy Policy

Early Break is fully committed to comply with the UK General Data Protection Regulation (UK GDPR).

The UK GDPR applies to all organisations that process data relating to employees, as well as to others including customers, contractors and clients. It sets out principles which should be followed by those who process data; it gives new and extended rights to those whose data is being processed.

To this end, Early Break endorses fully and adheres to the six principles of data protection, as set out in Article 5 of the UK GDPR.

1. Data must be processed lawfully, fairly and in a transparent manner in relation to individuals
2. Data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
3. Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
4. Data must be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
5. Data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
6. Data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

These principles must be followed at all times when processing or using personal information. Therefore, through appropriate management and strict application of criteria and controls, Early Break will:

- observe fully the conditions regarding the fair collection and use of information including the provision of consent
- meet its legal obligations to specify the purposes for which information is used
- collect and process appropriate information only to the extent that it is needed to fulfil
- the purposes of our operational needs and day to day functions and to comply with any legal requirements

- ensure personal data is accurate and up to date
- ensure that the information is held for no longer than is necessary
- ensure that the rights of people about whom information is held can be fully exercised under the UK GDPR (ie the right to be informed that processing is being undertaken, to access one's personal information; to prevent processing in certain circumstances, and to correct, rectify, block or erase information that is regarded as incorrect)
- take appropriate technical and organisational security measures to safeguard personal information
- publicise and abide by individuals' right to appeal or complain to the supervisory authority which is the Information Commissioner's Office (ICO) in the event that agreement cannot be reached in a dispute regarding data protection
- ensure that personal information is not transferred abroad without suitable safeguards

### **Who do we receive data from**

Early Break works with a lot of different services across our 3 strands of work, which are Substance Misuse, Emotional Health and Wellbeing and Family Services.

To perform our services effectively as well as yourself we may receive data about you from a wide variety of individuals and organisations such as:

- GP
- Youth Justice Team/Probation (dependant on your age)
- Childrens services (social services)
- Schools/School Nurses
- Youth Services
- Childrens/Adult Mental Health services (dependant on age)
- Other charities
- Helplines
- Hospitals (particularly A&E departments)
- Childrens Homes
- Housing Providers
- Adult Treatment Services
- Police
- Secure Units
- A relative/s
- Concerned other/s
- Publicly available information
- Your Employer

We will also keep you informed of who we have received information from whilst we are providing services to you.

### **What Data do we collect?**

To be able to offer you the best possible service we need to collect relevant information about you, this helps us make decisions about your service. We do not collect or store any information that is not relevant to our work with you.

We offer a diverse range of service at Early Break and can collect different levels of information about you dependant on what service you are accessing.

The below list covers the full list of data we may collect as a service:

- **Your general demographic data**  
This means details about you such as your name, date of birth, address, contact details (phone number/email address) and dependant on your age, your parent/carers name and contact details
- **Further information you give us**  
When we meet you for the first time, alongside the general information we obtain about you such as your name, date of birth, etc you might explain in more detail any difficulties you are experiencing such as anxiety or depression. If this is relevant to functions the service needs to perform for you, we may also need to collect this. This information is called 'Special Category' data under the UK GDPR and is treated more sensitively and with extra safeguards in place
- **Information to and from 3<sup>rd</sup> Parties.**  
We may receive information about you from other people and services that you may have interacted with. This could include general demographic information as they may send a referral into the service on your behalf or it could be part of the work of other organisations who contact us about you. Where we receive a request to share personal data about you to a 3<sup>rd</sup> party, we will contact you first to seek your views. The exception to this is where we are legally obliged to do so or situations where we feel you are at risk of immediate harm or are being harmed

### **What about more sensitive data?**

The laws says that some kinds of personal data needs to be handled more sensitively than others and as mentioned above is referred to by the UK GDPR as Special Category Data.

The categories of Special Category (sensitive) Data Early Break would process is limited to:

- Personal data about your ethnic origin and race
- Health related data
- Data concerning your sex life or sexual orientation

We promise that we will:

- Only ever use information about your health or ethnic origin where you or your parent or guardian has given consent. An example of this is if you tell us something we believe is so important that it should be shared with your GP (Doctor) for your welfare
- Never analyse or target any young person based on their gender, age or ethnic origin

### **The lawful bases we use for processing your data**

- Consent

- Contract
- Legal Obligation
- Vital Interests

The UK GDPR sets out different legal gateways for processing personal data where the purpose must be met by one or more for it to be lawful. Primarily Early Break relies on the lawful basis of 'Consent' as its main legal basis to perform its services and takes a "granular" approach ie. it asks for separate consent for separate items and will not use vague or blanket requests for consent. As well as keeping evidence of any consent Early Break ensures that people can easily withdraw consent (and tells them how this can be done).

However sometimes we are required to process data via the terms of a business 'Contract' we enter into with other organisations such as sharing information back to them where we hold their data for the purposes of a data subject access request.

On some occasions we are obliged to share data under statutory legislation and regulations. We do this under the lawful basis of 'Legal Obligation.' An example of this is where we need to share certain items of personal data with the Department of Education.

A rare yet important lawful basis we may process your personal data under is also 'Vital Interests.'

Circumstances where this may be relevant is if we believe you may be in danger and to protect your welfare interests it is essential that we need to share your data to organisations such as the Ambulance Service or Police or your parent/carer without gaining your permission.

### **Who do we share your data with?**

At the start of our work with you we will discuss if you are working with any other people, also during our work with you another service may become involved with you. We do this to make sure that we understand how your needs are being met to make sure we are not duplicating work and to also join up our work with other organisations to better support you. We will discuss these services with you and ask your permission if we can share relevant information with them. e.g. you may be involved with the criminal justice service and want us to talk to you Youth Justice Worker about what work we are doing with you. It could be appropriate as part of our work to talk to a Pastoral Lead at your school to let them know what work you are doing and what additional support you might require in school. It could be that a Housing Provider has a rule about people using drugs on their premises and as such you may require us to talk to them about your involvement with our service.

To be clear any sharing of your data is done with your consent.

### **File Retention (How long will we keep data about you)**

At Early Break we have a File Retention Policy which clearly outlines how long we will keep information about those who access the service:

- **Children's records**

In relation to Children's records, the information is held for a period of 25 years from the date of birth of the individual. If there are further reasons at that point for retaining the information then it may be retained beyond that date. A clear note will be made on the case file as to why it would be retained and the new period of retention. The Data Controller has overall sign off of these decisions.

- **Over the age of 18**

Where services are provided beyond the age of 18, an appropriate retention period is 8 years from the date of last contact (case closure) with the individual. If there are further reasons at that point for retaining the information then it may be retained beyond that date.

A clear note will be made on the case file as to why it would be retained and the new period of retention. The Data Controller has overall sign off of these decisions

If you have any questions about this privacy Policy then please email [info@earlybreak.co.uk](mailto:info@earlybreak.co.uk) with the header Privacy Policy or alternatively call the office on 0161 7233880

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