



## Privacy Policy

### Background

The GDPR is the first major change to data protection legislation since the Data Protection Act 1998. GDPR came in to force on 25<sup>th</sup> May 2018 and gives data subjects more control over their data. To comply with this legislative change SUBU Advice has reviewed what data we process, how we process it and why. SUBU Advice has sought guidance from Advice Quality Standards, AdviceUK, Advice Pro and the Information Commissioners Office. With effect from the 25<sup>th</sup> May 2018 this Privacy Policy replaced our policy 'Compliance with the Data Protection Act 1998'.

### Definitions

**Data Subject (client):** the individual that is subject of any personal data, e.g. the client accessing SUBU Advice

**Data processor (SUBU Advice):** responsible for processing personal data on behalf of a controller

**Data controller (CEO):** determines the purposes and means of processing personal data

**Processing:** any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Personal data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Consent** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

**Special category data:** Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Further definitions can be found here. <https://gdpr-info.eu/art-4-gdpr/>

## **What do we process and why?**

SUBU Advice has a legitimate interest (Article 6 GDPR) in processing client data, including enquiry/case details. As such consent isn't required when processing client's data as part of their enquiry/case, unless special category data is being collected which isn't integral to the client case, but can inform the SUBU Advice Manager of any trends. It is necessary for SUBU Advice to protect the interests of the client as well as the interests of the service. Clients have the right to complain if the advice they received was incorrect or unsatisfactory. Without storing client data, including case details, the client may find it difficult to seek redress. SUBU Advice requires client data in the event of a complaint so we can check if the advice provided was accurate. Data is also required to identify trends and make service improvements.

### **Client registration form**

Collecting client data at point of registration aids in the delivery of Advice to the individual as we can get a picture of the client profile to inform the advice provided. The data gathered enables us to understand the demographic of those accessing the service with the aim to make service improvements. We can target groups of Bournemouth University students who may be under represented and ensuring the service is accessible to the diverse student population. The data is reviewed and analysed within the SUBU Advice Annual Report which is completed at the end of each academic year. The SUBU Advice Annual Report is shared with our key SUBU stakeholders: BU staff, SUBU staff, SUBU Elected Officers and Trustees. An individual's file will not be shared with a third party unless the client has provided explicit written consent or we have a legal obligation to do so. Please refer to our Confidentiality Policy.

Sections on our registration which request special category data are not compulsory. Our statement on the client registration form informs clients of their right not to provide this data and clients are asked to consent for us to process this special category data when it is provided. Consent is recorded on Advice Pro.

### **Client feedback form**

We provide clients the opportunity to provide feedback on their experience of accessing SUBU Advice. Clients can disclose their name if they wish as this enables us to respond to their comments e.g. negative feedback where a better understanding of the situation is required and/or where remedial action with internal processes and/or casework for the individual. A clients name will not be disclosed to a third party unless explicit written consent is provided. Feedback is used to measure the effectiveness and quality of the service provided and to inform service improvements. It's also used as promotional tool. Please refer to our Client Involvement Policy for more information.

### **Case files and casework**

Within a case file an Advice Worker may record a client's health information, criminal record, political opinions, religion, trade union membership and/or sexual orientation (special category

data). This information would only be noted if it has implications for the casework being undertaken. This data will not be used for reporting, nor published within a case study unless the client has given explicit consent. This consent is recorded via Advicepro.

Emails to/from clients are not stored in individual staff accounts and should be deleted once added to Advicepro. Similarly, only documents required for an open case will be store in secure section of the I Drive to provide ease of access to the Advice Worker. Once the case is closed, and added to Advicepro, the documents are deleted from the I Drive.

### Small Emergency Grant (SEG)

In order to receive SEG, and in addition to the usual registration data, a client must evidence they have less than £10 in their account. In such instances they may email screen shots of their account to an Advice Worker or provided a mini statement. Screen shots sometimes include account details. These details are added to Advice Pro in accordance with our Case Recording and File Management Policy. Hard copies of evidence are attached to the application form which are stored securely within SUBU Advice.

### Hate crime reporting

Any data processed in relation to a hate crime will be treated in the strictest of confidence and in line with our policies and procedures.

### **Competitions**

On occasion SUBU Advice runs competitions for students during which they may provide us with an email address or phone number. Students will be informed when entering the competition what they data will be used for (contacting them if they win) and that it will be destroyed in confidential waste or permanently deleted once the competition is over. Unless explicit consent is provided the data will not be used for marketing purposes.

### **Consent**

In some instances SUBU Advice will require consent from clients to use their data in a certain way. SUBU Advice has a strict Confidentiality Policy allowing for breaches of confidentiality when there is a risk of harm, money laundering, fraud or acts of terrorism. If none of these are applicable, SUBU can only share a client's data or contact a third party with the clients written consent. See the SUBU Advice Confidentiality Policy and SUBU Advice Third Party Involvement Policy and Procedure for more information.

Consent will be sought from clients with regards to permitting an AQS auditor access to view their case/enquiry and if they permit SUBU Advice to use their anonymised enquiry/case to showcase and promote the work we do to our key stakeholders. Consent is also required when students provide special category data on the registration form so clients are aware of why we are asking for the data.

Consent is requested at sign up for an external auditor (fellow SU Advice Manager) to review the Advice Manager's case files for AQS and quality assurance. Clients can withdraw this consent at any time and their case file on Advice Pro should be updated to reflect this.

Clients can withdraw their consent at any time by contacting SUBU Advice directly or completing another client registration form which is on our website

## **Destruction**

SUBU Advice will store hardcopy data for six years from the end of the academic year during which the case was closed. At the end of each academic year the box of documents is labelled with the destruction date and academic year in which it relates and moved to the secure cage in SC102e. After six years the content of the box is provided to BU's confidential waste contractor, Perrys Recycling for destruction.

The AQS (E1.3) requires SUBU Advice to keep case files for six years as this is the length of time for file retention as stipulated by the Solicitors Regulation Authority. The requirement to hold data for at least six years is both to protect the client (who may discover years later that their advice was inaccurate and therefore seek redress) and to protect the advice organisation (without records we will have no evidence to check whether the case is correct or not).

All electronic data, including case files, are automatically archived by Advice Pro on a monthly basis six years after the case/enquiry was closed. All identifying data is removed and marked as archived. All cases and enquiries are removed along with any case notes and these are marked as archived. An archived client, case or enquiry will no longer appear in search results, however the clients and cases still exist in the database so the SUBU Advice Manager can still search on the non-identifying data. This allows the SUBU Advice Manager and staff to run longitudinal reports to aid in identifying trends.

## **Conflict of Interest**

SUBU Advice routinely supports students where more than one student is involved, e.g. academic offences such as collusion, housemate disputes and complaints. SUBU Advice has a legitimate interest in recording the name of the other party, despite the other party not having accessed the service. The name of the other party will be recorded so if they were to approach the service the COI could be quickly identified and appropriate action taken. Please refer to our Conflict of Interest Policy for further details.

## **Referrals to Student Wellbeing**

A referral to the Student Wellbeing will only occur where the client's consent is provided in writing. Please refer to our Student Wellbeing Referral Guidance for more information. Bournemouth University and the NHS have rigorous processes in place to ensure compliance with the GDPR and as such, we trust that the student data we provide will be treated in accordance with GDPR.

## **Advice Pro**

Advice Pro advocates privacy by design and as such annually employ the NCC Group to undertake penetration testing. Advice Pro is a highly trusted case management system within the advice sector and is fully compliant with the GDPR. See Advice Pro factsheet in Appendix 1. Further details can be found on the Advice Pro GDPR fact sheet in Appendix 1.

## Google Forms

Google Forms is used to capture the client details when they register with the service. This data is manually inputted on to Advice Pro and then deleted from Google Forms. Google Forms also captures client feedback which poses less risk than the client registration information. This information, which may include the client's name (if provided by the client) but no other identifying information, remains on Google Forms until the end of the academic year when the data is transposed in to the annual report. It is then deleted from Google Forms.

We are confident that in using Google Forms our clients data is held in accordance with the GDPR. See Google Cloud website for details as to how they ensure compliance: <https://cloud.google.com/security/gdpr/>

## Breach notification

Advice Pro have a procedure in place in the event of a data breach. The SUBU Advice Manager is responsible for ensuring the Primary Contact details held by Advice Pro are up-to-date to ensure there is no delay in reporting a data breach. If a member of SUBU Advice staff is informed of a data breach involving Advice Pro then they are to alert Advice Pro immediately via [dataprotection@acm-solutions.co.uk](mailto:dataprotection@acm-solutions.co.uk). As well as informing Advice Pro we are also required to inform the Information Commissioners Office (ICO) ideally within 72 hours and the client/s affected. Please see Appendix 1: Advice Pro GDPR factsheet for more information.

## Client rights

### Right to Access

Clients have the right to an electronic copy of their data and to know whether or not personal data concerning them is being processed, where and what for. Clients wishing to have a copy of their data can email [subuadvice@bournemouth.ac.uk](mailto:subuadvice@bournemouth.ac.uk) with their request. Once the identity of the enquirer is confirmed as the client, SUBU Advice will provide, free of charge, an electronic copy of the client's data, including all case files within one month of the request. The enquirer will be asked three security questions asking them to confirm their identity, e.g. phone number, email address, postcode, date they accessed the service, student reference number etc...

### Right to be forgotten

The right to be forgotten entitles the client to have the data controller erase their personal data, cease further dissemination of the data and potentially have third parties halt processing of the data. The SUBU Advice Manager can delete cases and clients from Advice Pro, however this may not be possible where we have a legitimate interest to retain this data. If a client wishes us to delete their data from Advice Pro they can contact the SUBU Advice Manager to discuss the feasibility of their request, and where possible, this will be actioned by the SUBU Advice Manager. Before a client's data is deleted the SUBU Advice Manager shall consult a legal adviser and our insurance provider to seek advice before deleting any files. Consideration will be given to whether the client has the right to have their data deleted based on the reasoning for wishing to do so and if the clients desire take precedent over their long term interest, e.g. complaint/appeal.

The SUBU Advice Manager will ensure the client is fully aware of the implications of deleting their data, highlighting to them the options available. A response to the clients request will be provided within 30 days from the initial request. The SUBU Advice Manager is responsible for keeping a record of all instances when a client requests to be ‘forgotten’.

Confirmation of the client’s identity will be required before engaging in discussion with the client.

### Data Portability

Clients have the right to access their data in a machine readable format. As such Advice Pro has added the option to export the client and case files in XML format. See Advice Pro GDPR factsheet for further details. See Appendix 1.

### Right to Rectification

If a client informs us that their data is incorrect they can complete another client registration form with the correct details and this will be updated. Alternatively, they can contact us and discuss the updates required, after their identity has been confirmed.

### Right to Restrict Processing:

Clients will have the option to consent or not for the differing uses of their data. Therefore a client may consent for an AQS auditor to review their file, but not for their file to be used as a case study. This gives our clients control over what we do with their data.

## **Securing the offices**

The last member of staff to leave the SUBU Advice office is responsible for locking the reception desk drawers which contains the keys to all offices, desk drawers and office cupboards. The key for the reception desk drawers then needs to be placed in the secure drop box on the 1<sup>st</sup> floor near main reception. They are also responsible for ensuring that the main door to SUBU Advice is locked.

There is limited access to Advice via a key card entry system, and individual offices are locked when not in use.

All staff are individually responsible for locking their PC when left unattended and locking any written case notes or client documents in their desk drawers when the office isn’t in use.

## **Review**

Our Privacy Policy and Statement will be reviewed annually in accordance with the Advice Quality Standards, section G2.2 or where legislative changes come in to force before the annual review date.

<p><b>Review by:</b> SUBU Advice Manager</p> <p><b>Reviewed frequency:</b> Annually</p> <p><b>Last reviewed:</b> August 2023</p> <p><b>Date of next review:</b> August 2024</p>
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