



# FIRST LIGHT

## **FAIR PROCESSING NOTICE FOR CLIENTS**

First Light collect data and information about you so that we can provide an effective, compassionate and high-quality service. This Fair Processing Notice explains what data we process, why we process it, our legal basis, how long we keep it and the rights of clients.

We will always make sure that our client's information is protected and treated securely. Any information that we process will be held in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other UK or EU data protection legislation.

### **Our contact details**

First Light is the trading name of First Light South West Ltd  
Company number: 3440794 | Charity registration number: 1090457  
Registered address: The Business Centre, 2 Cattedown Road, Plymouth PL4 OEG

Phone: 03458 12 12 12  
Email: [info@firstlight.org.uk](mailto:info@firstlight.org.uk)

Our Data Protection Officer is Kristy Gouldsmith and she can be contacted at [dataprotection@firstlight.org.uk](mailto:dataprotection@firstlight.org.uk)

### **What data do we process?**

We provide Domestic Abuse Services and Sexual Violence Services and in order to provide these services, we need to process your personal data. We process information about you when you begin using our services or when we have had a referral for you from the police, hospital or other agencies and we process it on an on-going basis.

Dependent upon the services required, we may process the following:

- name, address, phone number, date of birth and marital status;
- a record of the information that you provide to us;
- a record of your attitude, behaviour and demeanour, including any changes;
- the name, address, telephone number and date of birth of your next of kin, family members or of any person named by you;
- the name, address and telephone number of your general practitioner and of any officer of a local social services authority whose duty it is to supervise your welfare;
- the date on which you started using our services;
- the date on which you ceased to use our services;
- a record of any incident affecting you which is detrimental to your health or welfare, which record shall include the nature of the incident and whether medical treatment was required;
- a record of any medical care provided to you, including a record of your condition and any treatment or surgical intervention;
- details of any specialist communications needs that you may have and methods of communication that may be appropriate;
- a record of any complaints/ compliments made by you and the action taken in respect of any such complain/ compliment;
- data on ethnicity, language, nationality, country of birth, sexual orientation, religion, trade union membership;

- data revealing your physical or mental health;
- if you are referred to another service provider, the name of the provider and date on which you were referred;
- criminal conviction data, if any; and
- a unique client number.

If you have been referred to us by the police or another agency, we will tell you who referred you and what information was provided in your referral form.

### **Why do we need to process personal data on our clients?**

First Light needs to process personal data about our clients in order to provide an effective, compassionate and high-quality service, to fulfil our legal and contractual obligations and, if necessary, to protect your vital interests. We will process your data to:

- provide you with the services or information that you have asked for;
- keep a record of your relationship with us
- send you correspondence and communicate with you;
- meet our legal obligations;
- protect your vital interests;
- respond to or fulfil any requests, complaints or queries that you may have;
- share your data with other parts of the health and social services system such as local hospitals, GPs, social workers, and other health and care professionals, if required or if you consent;
- share your data with courts, police or other law enforcement agencies if required by law, court order or at your request;
- understand how we can improve our services or information;
- generate reports on our work and service; and
- safeguard our staff and volunteers.

### **Our legal basis for processing personal data**

By law, we need a legal basis for processing the personal data of a client. We will process your data using the legal basis of consent, legal obligation, vital interests, public interests and legitimate interests.

#### ***Consent***

Consent is given where we ask you for permission to use your information in a specific way and you agree to this. Where we use your information for a purpose based on consent, you have the right to withdraw consent for this purpose at any time.

#### ***Legal obligation***

We have a basis to use your personal information where we need to do so to comply with one of our legal or regulatory obligations. For example, in some cases we may need to share your information with our various regulators such as the Charity Commission or the Information Commissioner. We have a legal duty to share information with the police and/or children's social care if a child or young person is considered to be at risk of significant harm (Children Act 2004 and Working Together to Safeguard Children).

### ***Vital interests***

We have a basis to use your personal information where it is necessary for us to protect life or health. For example, there may be a safeguarding issue which requires us to share information with emergency services, the police or social care.

### ***Public interest***

Processing of personal data in the public interest is where the processing is necessary for reasons of substantial public interest on the basis of UK or EU 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. For example, we can rely on this legal basis to process your data as we are providing a service that is in the public interest.

### ***Legitimate interests***

We have a basis to use your personal information if it is reasonably necessary for us to do so and in our "legitimate interests" (provided that what the information is used for is fair and does not unduly impact your rights).

For example, First Light has a legitimate interest to keep your personal data on our systems in order to keep it secure, process it and to provide you with a service.

We only rely on legitimate interests where we have considered any potential impact on you, whether or not our processing is excessive and that our processing does not override your right

***Special categories of personal data*** are data revealing health, race, religious beliefs, political views, trade union membership, sex life or sexuality or genetic/biometric information. We will process this type of information about you only if we are required to do so and if we have a specific exemption under the GDPR, which are: your explicit consent, your vital interests, or if it is in the public interest.

*We process the following data with your **consent** to start with, as you tell you about yourself and others, but we will then use another legal basis to process it after the initial conversation. We will also process this data when you have been referred by another agency and this processing will be done as we are providing a service in **the public interest**.*

- name, address, phone number, date of birth and marital status;
- a record of the information that you provide to us;
- a record of your attitude, behaviour and demeanour, including any changes;
- the name, address, telephone number and date of birth of your next of kin, family members or of any person named by you;
  - the name, address and telephone number of your general practitioner and of any officer of a local social services authority whose duty it is to supervise your welfare;
  - a record of any complaints/ compliments made by you and the action taken in respect of any such complain/ compliment;

*We can process special categories because we are providing a service that is in the **public interest**:*

- a record of any incident affecting you which is detrimental to your health or welfare, which record shall include the nature of the incident and whether medical treatment was required;
- a record of any medical care provided to you, including a record of your condition and any treatment or surgical intervention;
- details of any specialist communications needs that you may have and methods of communication that may be appropriate;

- the processing of any data on ethnicity, language, nationality, country of birth, sexual orientation, religion or trade union membership;
- the processing of any data revealing your physical or mental health; and
- sharing your health data with another service provider.

*We process all of your personal data due to our **legal obligation to share** it and when it is in your **vital interests**. This processing is necessary for the purposes of social security or social protection law as we have a legal duty to share information with the police and/or children's social care if a child or young person is considered to be at risk of significant harm (Children Act 2004 and Working Together to Safeguard Children). We also have a **legal obligation** to share information with the police and social services if you are deemed to be at a high risk of harm.*

We process the data concerning health without your **explicit consent** if you are physically or legally incapable of giving consent and the processing is **your vital interests** (essential for your life):

We process data on your criminal convictions, if any, as we are providing a service that is in the **public interest**.

We process the personal data of other people (the suspect, for example, or your children or friends) as is necessary for reasons of **substantial public interest** because the processing is necessary for the provision of confidential counselling, advice or support services.

*In the case of any legal disputes, we will process the following personal data because we have a **legitimate interest** and the processing is necessary for the establishment, exercise or defence of legal claims:*

- all personal data will be shared, as required, with our legal advisors, consultants and insurers

*We will process the following personal data because it is a **legitimate activity** of ours and enables us to provide our services:*

- name, address, phone number, date of birth and marital status;
- a record of the information that you provide to us;
- a record of your attitude, behaviour and demeanour, including any changes;
- the name, address and telephone number of your next of kin, family members or of any person named by you;
- the name, address and telephone number of your general practitioner and of any officer of a local social services authority whose duty it is to supervise your welfare;
- the date on which you started using our services;
- the date on which you ceased to use our services;
- a record of any complaints/ compliments made by you and the action taken in respect of any such complain/ compliment;
- all personal data is stored securely on servers and in the cloud;
- to have CCTV for the safety and security of clients, staff and visitors;
- if you are referred to another service provider, the name of the provider and date on which you were referred; and
- a unique client number.

### **How long do we hold the personal data of our clients?**

As all our services are commissioned by different organisations detailed below is the retention period for all services.

### **Cornwall and Isles of Scilly Integrated Domestic Abuse and Sexual Violence Service**

We deliver this service in partnership with Barnardo's. Barnardo's and First Light are the data processors and Cornwall Council (Safer Cornwall Partnership) are both the data controller and commissioner of the service. We retain your information for **20 years** in line with the requirements of Cornwall Council.

### ***Devon and Cornwall Independent Sexual Violence Advisory Service (ISVA)***

First Light is the data controller and Devon and Cornwall Police are the data controllers. The Office of the Police and Crime Commissioner is the commissioner (funder) of the service. We retain your information for **25 years** in line with the requirements of the Independent Inquiry into Childhood Sexual Abuse (IICSA).

### **Plymouth Sexual Violence Therapeutic Service**

First Light is the data processors and joint data controllers with Plymouth City Council. Plymouth City Council is the commissioner (funder) of the service. We retain your information for **25 years** in line with the requirements of the Independent Inquiry into Childhood Sexual Abuse (IICSA).

### **Plymouth Art Therapy Project**

First Light is the data processor and data controller. We retain your information for **25 years** in line with the requirements of the Independent Inquiry into Childhood Sexual Abuse (IICSA).

### **Wiltshire Sexual Assault Referral Centre (SARC)**

First Light is the data processors and NHS England are both the data controller and commissioner (funder) of the service. We retain your information for **30 years** in line with the requirements of NHS England.

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

Subject to our legal basis, we share data with:

- Other parts of the health and social services system such as local hospitals, GPs, social workers, and other health and care professionals;
- Organisations we have a legal obligation to share information with for safeguarding purposes;
- The courts, police or other law enforcement agencies if we have to by law, court order or at your request;
- Outreach and specialist agencies, with your consent e.g. including Stalking, Advocacy, refuges, pet refuge etc;
- Our legal advisors and consultants;
- Our insurance providers; and
- Our software and cloud service providers.

### **Data transfers out of the EU or EEA**

We do not transfer any personal data of clients out of the EU or EEA.

### **Rights of clients or their representative**

#### ***Your rights***

You have rights in respect of our processing of your personal data which are:

- To access to your personal data and information about our processing of it. You also have the right to request a copy of your personal data (but we will need to remove information about other people).
- To rectify incorrect personal data that we are processing.
- To request that we erase your personal data if:
  - we no longer need it;
  - if we are processing your personal data by consent and you withdraw that consent;
  - if we no longer have a legitimate ground to process your personal data; or
  - we are processing your personal data unlawfully
- To object to our processing if it is by legitimate interest.
- To restrict our processing if it was by legitimate interest.
- To request that your personal data be transferred from us to another company if we were processing your data under a contract or with your consent and the processing is carried out automated means.

If you want to exercise any of these rights, please contact us. In instances where we are not the data controller, we will inform the data controller of your request so that they may make a decision.

If you have a concern about the way we are collecting or using your personal data, please raise your concern with us in the first instance.

You may also contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.