

## Berkshire Family Mediation Privacy Policy

Under the Data Protection Act 2018 and the terms of the General Data Protection Regulation (GDPR) which came into force in the UK in May 2018, anyone that processes personal data must follow strict rules to make sure the information is:

- used fairly, lawfully and transparently.
- used for specified, explicit purposes.
- used in a way that is adequate, relevant and limited to only what is necessary.
- accurate and, where necessary, kept up-to-date.
- kept for no longer than is necessary.
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

'Personal data' is information relating to living people who may be identified from the information held whether or not their name is specifically mentioned. 'Processing' is a broad term which refers to almost anything that can be done to information, including collecting it, storing it, recording it, amending it, or destroying it.

*Our Privacy Policy explains:*

1. What information we collect and how we collect it.
2. Why and how we use your information.
3. How long we keep your information for.
4. How we may share your information.
5. How we treat information regarding children.
6. Your rights on the information we hold about you.
7. How we keep your information safe and secure.
8. Changes to this privacy policy.
9. How to contact us.

The Data Controller is Berkshire Family Mediation.

### 1. What information we collect

To provide our services and for the other purposes set out below, we collect and process personal data from users. We may collect the following information:

- Personal information (for example, your name, email address, postal address, phone numbers, and date of birth)
- Sensitive personal data (for example, details of any disabilities or health issues, ethnicity, details regarding domestic abuse)
- Attendance information (such as number and type of meetings attended)
- Safeguarding incidents.

From time to time and as permitted by applicable law(s), we may collect personal data about you and update any existing personal data that we currently hold from other third-party sources.

We collect your information from:

- Referral forms completed by users or their representatives (such as solicitors or parents of children under the age of 14). These forms may be hard copies, emails or completed through our website.
- Other information provided from referring organisations such as Cafcass, Courts or Social Services.

We may also collect information from telephone conversations with you, emails, and other written forms. We also hold information gathered during verbal communication in meetings.

## 2. How we use information

We are entitled to process data under article 6(F) of the GDPR. Your personal data may be used in the following ways:

- To provide our services to you.
- To respond to your requests and inquiries.
- To improve our services. For example, to request your participation in surveys or other initiatives which help us to gather feedback in order to develop and enhance our services.
- To comply with applicable laws and professional regulations. For example, to comply with court orders, Legal Aid requirements or to carry out professional ethics/conduct investigations.
- To enable us to maintain our own accounts and records and to support and manage our employees.

### *Consent and lawful processing of data*

We process such personal data for the following purposes and legitimate interests:

- providing and enhancing our services.
- administration and programme delivery.
- dealing with medical needs – we must have had explicit consent to use any information you provide.
- all other cases that are necessary for our legitimate interests. These may include actions relating to safeguarding, fraud or proceeds of crime.

## 3. How long will we keep your information for?

Our standard period of retention of data is six years. This enables us to comply with legal requirements relating to Legal Aid contracts and other regulations relating to the delivery of accredited mediation.

We will only hold personal information that is adequate, relevant and in relation to its purpose.

## 4. Sharing and disclosure to third parties

We may disclose your personal data to third parties from time to time under the following circumstances:

- You request or authorise the disclosure of your personal details to a third party.

- The information is disclosed as permitted by applicable law(s) and/or to comply with applicable law(s) (for example, to comply with a search warrant or court order).
- The information is provided to service providers who perform functions on our behalf – for example:
  - Hosting providers for the secure storage and transmission of your data.
  - Legal and compliance consultants, such as external counsel, external auditors, Legal Aid Agency, Professional Practice Consultants or complaints supervisors or the Family Mediation Standards Board in the event that a formal complaint is made to them.
  - Technology providers including those who assist in the development and management of our web properties.

## 5. Parents and children

If the person about whom we are holding information is younger than 14 years old, then we will need to seek consent from the parent or legal guardian if consent is required. Once the person reaches the age of 14, we will seek consent from them.

## 6. Subject access and user rights

As a user, you are subject to the following rights:

- The right to be informed of the use of your personal data.
- The right to access and/or to require the correction or erasure of your personal data.
- The right to block and/or object to the processing of your personal data.
- The right to not be subject to any decision based solely on automated processing of your personal data.
- In limited circumstances, you may have the right to receive personal data in a format which may be transmitted to another entity.

If we hold information about you, you may make a request in writing (including by email) to access the personal data we hold about you. Subject to a few limited exceptions, you will be provided with:

- A copy of the data held (most data is held on our database)
- The source of the data
- The purpose of the data
- Information regarding who it may be disclosed to. You will be reminded that some mediation documents are legally privileged.

Compliance with subject access requests is not required if we have complied with an identical or similar request within a six-month period prior to the new request and the data has not changed substantially in that period.

If the information requested is deemed excessive, we may need to charge a fee.

We will respond to a request promptly and we will aim to provide the information no more than 40 days from receipt of the request.

## 7. Information security

We work to protect the personal information that we hold on your behalf, its confidentiality, integrity and availability.

- We review our information collection, storage and processing practices, including physical security measures, to guard against unauthorized access to systems.
- We restrict access to personal information to contractors, staff and volunteers who are subject to strict contractual confidentiality obligations and may be disciplined or have their contracts terminated if they fail to meet these obligations.
- We have an IT Security Policy in place which defines the measures we take to protect your personal information. We use a combination of technology and procedures to ensure that our systems are protected, monitored and are recoverable. For example, all our phones and laptops are password-protected, and we send our documents to you in password-protected formats.
- When we close mediation cases, we destroy records in line with our document retention policy depending on whether the case is a private case or legally funded.
- We only use third party service providers where we are satisfied that they provide adequate security for your personal data.
- If data is retained for professional development and training purposes to comply with professional requirements, we will anonymise documents and redact confidential information.

We appreciate that error can arise and in the event of a data breach, the Service Manager will be informed, and the organisation will contact the Information Commissioners Office within 72 hours.

#### *Compliance and cooperation with regulatory authorities*

We regularly review our compliance with our Privacy Policy. If we receive formal written complaints, we will contact the person who made the complaint to follow up. We will work with the ICO to resolve any complaints regarding the transfer of personal data that we cannot resolve with our users directly.

## **8. Changes**

Our Privacy Policy may change from time to time. We will not reduce your rights under this Privacy Policy without your explicit consent.

## **9. How to contact us**

You may seek to exercise any of these rights by sending a written request to the Service Manager at Berkshire Family Mediation, Davidson House, Forbury Square, Reading, RG1 3EU or email: [info@berksfm.co.uk](mailto:info@berksfm.co.uk). Our office phone number is 01189 571159.