

National Confidential Forum Privacy Policy August 2018

1. What this policy is about

This privacy policy tells you how we at the National Confidential Forum (the Forum) deal with any information which you give us. It applies to any information that you provide us – from your initial enquiry to anything you say or send to us. It explains your rights over that information whether or not you decide to take part in the Forum. It explains:

1. What your rights are
2. What information we collect when you contact us or make an enquiry
3. What information we collect about you when you apply to the Forum
4. What information we collect about you when you take part in the Forum
5. What we will use this information for
6. Who will see the information
7. How we will store the information and keep it safe
8. How you give **consent** and what that means for you
9. How we manage information when you sign up for our newsletter

Words in bold are explained in the **Glossary** at the end of this policy.

2. Purpose of the National Confidential Forum

The purpose of the Forum is to give adults who were in **institutional care** in Scotland as children the opportunity to describe their experiences of that care in confidence. The Forum was set up by the Scottish Government under **legislation** called the Victims and Witnesses (Scotland) Act 2014 and it has 3 **legal obligations**:

- To receive and listen to testimony from those who were in institutional care as children with the aim of contributing positively to their current health and wellbeing
- To identify patterns and trends and make recommendations about policy and practice which the Forum considers will improve institutional care
- To signpost to other appropriate services those who were in institutional care as children

Under the same legislation, the Forum was established as a committee of the **Mental Welfare Commission** for Scotland (the Commission). **Hearings for participants** are held by the Forum and information from hearings is kept separately from the other data held by the Commission. Only Forum members and staff will have access to the **personal information** that you give us.

3. Data Protection

For the purpose of your data protection, the Commission is the registered **Data Controller** for the Forum. They are overseen in this role by the UK **Information Commissioner's Office (ICO)**. The **ICO** is there to uphold your rights under the **Data Protection Act 1998 (DPA)** and the **General Data Protection Regulations (GDPR)**. Within **GDPR**, the Forum lawfully processes your data under Article 6 (1) (a) and (c):

- (a) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes
- (c) processing is necessary for **compliance with a legal obligation** to which the controller is subject

This means that the legal basis for the Forum managing your personal information is firstly your **consent** and secondly so that the Forum can fulfil its **legal obligations** within legislation.

4. The Forum's promise to you

The Forum treats your information with the greatest of respect and we will always seek your **consent** and be clear with you about how we use your information. We will explain any jargon used by us in dealing with your information. The Forum has a **consent form** which you complete before attending the Forum. You can see a copy of the consent form at the end of this document in Appendix 1. The term **personal information** at the Forum is used to cover a variety of information including:

- what you say
- what you write
- anything you send us
- any documents, emails, photos you might show us

The term **personal data** is used to mean any information which could identify you. We will treat any **personal information** you give us securely and confidentially. Usually, the Forum will only hold personal information about you for a short period of time only and any experiences you tell us about will be recorded **anonymously**. This means that we remove any information which could identify you, any **institution** you tell us about and any other individuals you mention in your **testimony**.

5. Your rights over your personal information

Under **data protection law** you have a right to know:

1. What kind of information we keep about you
2. The reason we are keeping it and how it is used
3. Who might see it
4. How long we keep it

You also have the following rights:

5. To consent to all or part of your **personal information** being kept by us
6. To request access to **personal information** we hold about you

Under the **DPA** and the **GDPR** we must deal with your personal data fairly and lawfully and we must uphold your right to privacy. The Forum collects and uses information about you for the specific purposes of the Forum. We will:

- Only collect relevant information from you (that is information that we need so that you can take part in the Forum)
- Store this information securely and confidentially at the Forum
- Only use information for the reason(s) we have told you and not for any other reason
- Not keep your information for longer than we need to

6. Information we collect about you

We need to collect certain information about you so that you can take part in the Forum. We collect information from you at the following times:

1. When you contact us to make an **enquiry** about the Forum (this is usually by telephone but may be via email or a contact form on our website)
2. When you make an **application** to the Forum (this is when you complete an application form to say that you want to come to the Forum and tell us about your experiences)
3. When you attend the Forum as a **participant** and give **testimony** (this is when you tell us about your experiences in care – we make an **audio recording** and then **transcribe** this)

7. What we use your information for

The Forum only uses your information to carry out its **legal obligations**. We use your information in a number of ways to carry out the Forum's functions, these are described below:

7.1 Enquiries

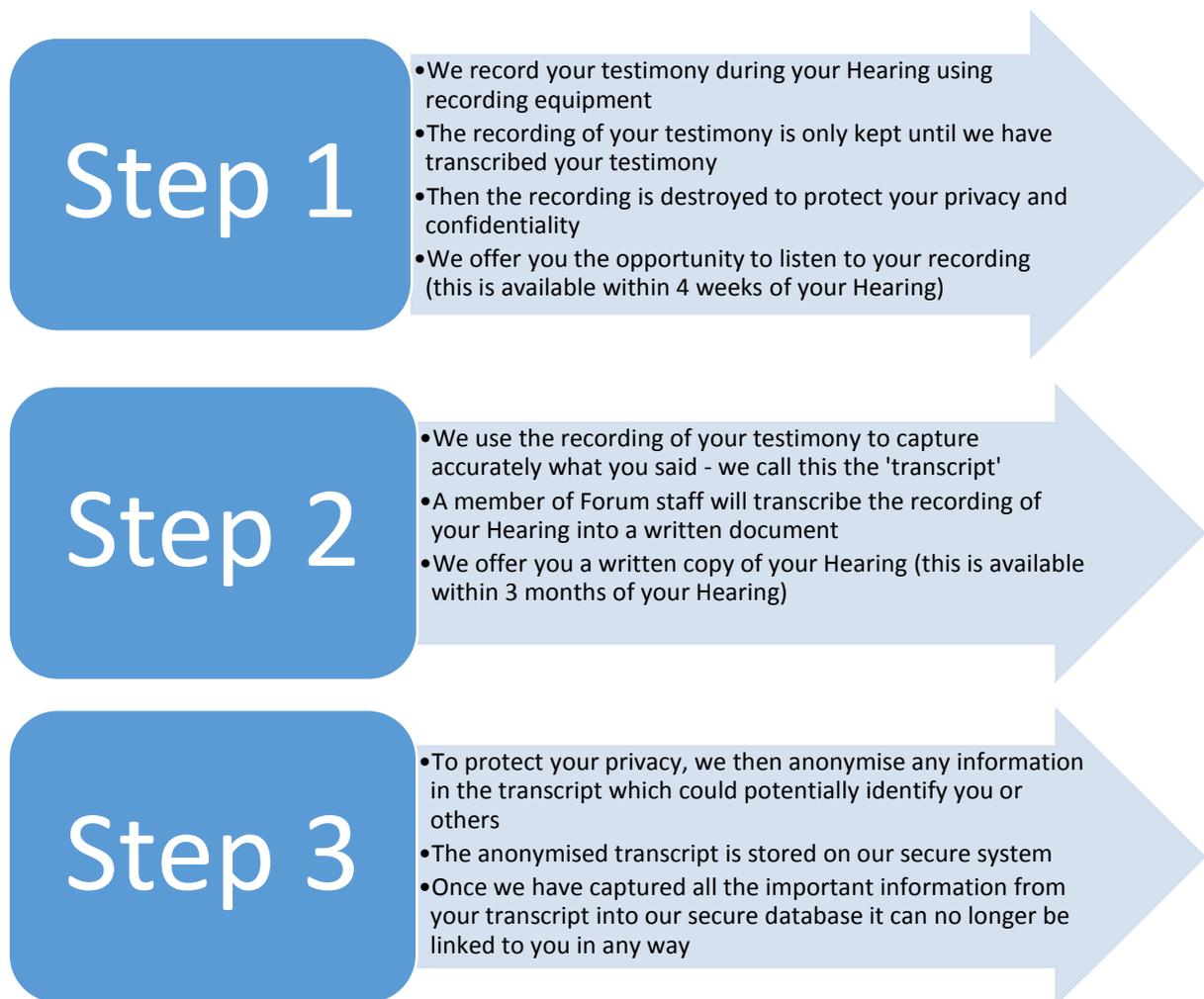
When you contact the Forum to find out more about us, we call this an **enquiry**. You can contact the Forum by telephone, by email, by letter or by a contact form on our website (which becomes a secure email message). We collect **personal information** about you on our secure database in order to deal with your enquiry. This is information like your name, address and preferred contact method. We use this information to process your enquiry, establish whether you are eligible to come to the Forum and then to provide you with an **application** form. If you decide that you don't want to take things further, we remove your personal data.

7.2 Applications

You need to complete an **application** form to participate in the Forum. This includes some **personal information** about yourself which we store on our secure database. This is information like your name, address, date of birth, arrangements for your **hearing** and details of any institutions you attended. We use this information to process your **application** – for example so that we can contact you and arrange your transport to take part in the Forum. The **application** form includes your signed consent to take part in the Forum. The information on your **application** form is transferred by Forum staff onto our secure database once we receive it and is then confidentially destroyed.

7.3 Verbal Testimony

If you come to the Forum and tell us about your experiences in person we make an **audio recording** of this at the time (if you **consent** to this). When you attend the Forum, Forum staff will go through the testimony giving process with you so that you are prepared. Staff will also explain what your **consent** to this process means and gain your written consent. The process is described below as a series of steps:



7.4 Written Testimony

If you send us your experiences in writing we transfer your information onto our secure database once we receive it and then it is confidentially destroyed.

7.5 Follow Up

After you have given testimony, Forum staff will use your personal information to contact you in order to check that you are alright and also to provide information about support available to you. The Forum has an independent, confidential **support line** which is available for participants to use at any stage in the process of giving testimony. With your consent, and only if you want, Forum staff can link you directly with the **support line** by providing your contact details to the counsellor there. Otherwise, Forum staff provide you with information about the **support line** and you make your own choice about contacting it.

7.6 Reports

One of the functions of the Forum is to provide reports that can identify any patterns and trends in the experiences of individuals who come to the Forum about their time in institutional care as children. We may also make recommendations about policy and practice which could improve current or future institutional care.

The law setting up the Forum says that reports from the Forum must be **anonymous** (<http://www.legislation.gov.uk/asp/2014/1/crossheading/national-confidential-forum>). This means that no person or institution can be identified in the reports, unless they are already public knowledge. Reports must not identify:

- Anyone who was in institutional care as a child
- Anyone who is alleged to have been abused
- Anyone who is alleged to have been an abuser
- Any place providing institutional care

In order to provide reports, Forum staff use the anonymous information in our secure system to analyse and understand what the information provided by you and other participants means in order to make recommendations. It is only Forum staff who have access to our secure system.

7.7 Feedback

We value your views on your experience of the Forum and we will ask you to provide feedback to us about this. We therefore use your personal information to contact you after you have been to the forum to send you a feedback form (either online or in paper form). It is your choice whether you complete and return this. We will not be able to identify you from your feedback form as the form is anonymous and the completed forms go to an independent agency. The results are collected and analysed by an independent agency.

8. Disclosure and who sees your information

We will keep your personal information private and confidential. The only exceptions to this are where we must **disclose** or may **disclose** the information you give us for specific legal reasons. We must disclose information where:

1. **Disclosure** is necessary to prevent crimes of abuse against a child or a vulnerable adult. You might tell us something during your **testimony** which means there could be harm to a child or adult now. For example, information about someone who abused you who could still be working with children. If this happens we must **disclose** the information to the police. We will always discuss this fully with you at the time and find the best way to do this.
2. **Disclosure** relates to allegations of crimes of abuse in the past against a child or a vulnerable adult. You might tell us something during your **testimony** about harm that was done to you or another person in the past. If we consider it in the **public interest**, we will share this information with the Police. We will always discuss this fully with you at the time and find the best way to do this.
3. A judge orders the Forum to **disclose** information.
4. The **Commission** receives a complaint from you about the Forum and the **Commission** needs to investigate this for you.
5. The Commission receives a **Freedom of Information** request about the Forum

9. How we store your information

The Forum only stores your information to carry out its legal role. We only store your **personal information** with your **consent** and for the time limited purposes described above. Our storage processes are described below:

9.1 Applications

We enter the information you provide us on your application form into an electronic system where it is stored securely. Once this has happened your paper application form is confidentially destroyed. Your information is kept on an electronic system in order to process your application and to make arrangements for you to attend the Forum. We will also store your information so that we can ask you to give feedback about your experience of attending the Forum as described above.

9.2 Testimony

The audio recording of your **testimony** will be stored securely on our system until we have **transcribed** it. During this time you can come back and listen to what you said if you want to. If you submit written testimony to us we will enter the information into our database in the same way we would have done if you had given testimony in person. Once we have **transcribed** your testimony, the recording is confidentially

destroyed. If you want a written copy of your **testimony** from us after your hearing, this will be provided to you within 3 months in a way which suits you. Once we have transcribed and anonymised your testimony, it is stored in the confidential database and all other copies are confidentially destroyed. At this stage it is no longer possible to link your personal information with your testimony.

We collect and store written information anonymously in a specialised, secure system called a database. Once information has been entered into the database all recordings, documents and notes are destroyed. When we use direct quotes from you, people reading our reports will not be able to identify you but you may be able to identify yourself. If you bring any personal documents to the Forum as part of your testimony (for example photographs or letters), these will be returned to you at the end of your hearing. No copies are kept by the Forum.

9.3 Confidential storage

It is very important that the Forum keeps your **personal information** safe and secure. We ensure your privacy and confidentiality in the following ways:

- The Forum offices are securely locked and are only be accessed by Forum staff and Forum contractors
- Forum staff ensure that any confidential information in the office is securely locked away or secured in our electronic records
- Written notes are stored in the Forum's safe until destroyed
- All our electronic systems are password protected and **encrypted** and can only be accessed by authorised Forum staff
- All Forum staff are trained in the **Data Protection Act** and follow strict guidelines

9.4 Privacy at hearings

The Forum offices are in an office block in central Glasgow containing a number of organisations who receive regular visitors. You should not therefore be identifiable as someone taking part in the Forum if you have your **hearing** at the Forum office. We ask all participants and anyone you bring with you not to disclose the location and not to reveal the identities of any other participants you know of without their agreement. The **hearings** are held in private within our office in a sound proof room. So only you, anyone you bring with you and the members of the Forum listening to your testimony will be present. If you have your hearing at home or at another venue, Forum staff will ensure that your privacy is maintained by making a specific plan with you for this.

10. Forum Newsletter

The Forum produces electronic newsletters which provide information about Forum activities to people and organisations who have given their consent to receive these. The newsletters are sent out to peoples' email addresses. The Forum maintains a list of names and email addresses for this and the information is shared with our

public relations agency, **Clark Communications**, who issue the newsletter on our behalf. Every newsletter includes an 'unsubscribe' option which means that people can opt out of receiving the newsletter at any time. If someone opts out then their name and email address are removed and deleted from the list by both the Forum and **Clark Communications**.

11. How to contact us about your privacy

You may wish to contact us at the Forum to find out more about this privacy policy and how we handle your personal information. You can contact us at:

National Confidential Forum
Suite 3, Level 2
290 Bath Street
Glasgow G2 4GR

Telephone: **0141 352 2333**

Freephone: **0800 121 4773**

Email: information@nationalconfidentialforum.org.uk

Website: www.nationalconfidentialforum.org.uk

You can request to see your personal information and have it corrected or deleted by contacting Forum staff on **0141 352 2333**. If at any stage you wish not to be contacted, let us know and we will respect that.

You can opt out of taking part in the Forum at any stage. You can also change your mind and withdraw your **consent** for us to handle your information whilst it still identifies you personally. Once your testimony has been anonymised and stored in the database it will not be possible for us to identify that it is yours. Therefore at that stage, we will not be able to access your information if you withdraw your consent.

If you have any concerns about how we handle your data please contact the Forum's Project Manager on **0141 352 2333** in the first instance.

The Commission is our **data controller**. You can contact the Commission's **Data Protection Officer** on **0131 313 8777** if you wish to raise a complaint about how we have handled your personal data. The Commission will investigate the matter for you. You can contact the Commission at:

Mental Welfare Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH13 5HE

Telephone: **0131 313 8777**

Freephone: **0800 389 6809**

Email: enquiries@mwscot.org.uk

Website: www.mwscot.org.uk

If you are not satisfied with the response you can complain to the Information Commissioner's Office on **0303 123 1115**.

12. Further information

For further information about Data Protection and your rights you can visit the UK Information Commissioner's Office (ICO) website www.ico.org.uk or contact the Information Commissioner's Office in Scotland at:

Information Commissioner's Office
45 Melville Street
Edinburgh EH3 7HL

Telephone: **0303 123 1115**

Email: scotland@ico.org.uk

Website: <https://ico.org.uk/>

13. Glossary

Allegations: Where a person says that another person has committed a crime against them or another person.

Application: When someone requests to attend the Forum, we call this an application.

Anonymously: Where a person is not named or identified.

Audio Recording: This is an electronic record of sound and it is how we record your testimony. We use recording equipment in the hearing to do this.

Clark Communications: A registered Scottish communications company who work under contract with the Forum and manage our electronic newsletter distribution.

Consent: When you give your permission for something to happen.

Cookies: When you access a website, cookies are pieces of information stored on your computer about the internet documents that you have looked at.

Data Controller: the person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data is processed.

Data Protection Act (DPA): The legislation which requires organisations to protect information about people (such as their names and addresses). This includes rules about keeping such information safely and about when personal information can be shared with others.

Data Protection Officer: the named person in an organisation responsible for overseeing data protection to ensure compliance with GDPR requirements.

Disclosure: Where information about a person is shared with another organisation. For the Forum this organisation will usually be the police.

Encrypted: Where information is protected and can only be read by an authorised person with the required passwords.

Enquiry: When someone contacts the Forum to find out more, we call this an enquiry.

Freedom of Information Act: This law provides public access to information held by public authorities. It does this in two ways: public authorities are obliged to publish certain information about their activities and members of the public are entitled to request information from public authorities.

General Data Protection Regulation (GDPR): The regulation which now controls data protection and privacy across the Europe Union. The regulations govern how publicly funded organisations like the Forum handle personal information.

Hearing: Where someone gives testimony to the Forum at an arranged time and place, we call this a hearing. Hearings can take place in our office, a person's home or any other private location that is secure and suits the participant.

Information Commissioner's Office (ICO): The organisation who ensures that your rights to privacy are protected.

Institutional Care: Living away from home in a care, education or health service. Institutional care does not include foster care or kinship care.

Legislation: These are rules or laws made by a Government.

Legal obligation: This is the requirement to do what is imposed by law.

Mental Welfare Commission for Scotland: The Commission is a scrutiny body in Scotland set up under legislation to safeguard the rights of people who are subject to mental health laws.

Participant: When someone takes part in the Forum, we call them a participant.

Personal Data / Personal Information: This means information about someone who is alive and who can be identified from the information.

Public interest: This is information about anything which affects the rights, health, or finances of the public at large.

Statutory: This is something which is required under law.

Support Line: The Forum has a confidential telephone support line provided by a trained counsellor which is available to anyone taking part in the Forum.

Testimony: What someone who takes part in the Forum tells the Forum at a hearing or in writing.

Transcript: The written document produced from your testimony.

Transcription: Where information from an audio recording is listened to and typed into a written document or transcript. At the Forum transcription is only undertaken by Forum staff.

Appendix 1 – Consent Form

This document explains how we ensure that your information remains confidential and we protect your privacy. When you come to the Forum, we make a promise to you to keep your testimony secure and confidential – we promise to protect your privacy and to learn from your testimony. This document also contains a consent form for you to sign so that we have a record of your consent to provide us with information at your Hearing and for us to securely process this information.

We value everything you tell us

Any information you share with us at the Forum will stay with us and it will be used **only** for the purposes of performing our tasks which are set out in the Victims and Witnesses (Scotland) Act 2014. This means:

- receiving and acknowledging testimony
- identifying patterns and trends
- producing reports that reflect what peoples' testimonies have told us
- making recommendations to improve institutional care now and in the future.

When we publish reports we will use the information you gave us at your Hearing but not in such a way that it will not be possible to identify you.

In certain circumstances, the Forum may be required to disclose your personal information without your consent – for example, to prevent a crime or where we identify risk to another person. We will inform and involve you in this process if it is required.

Our promise to you

If you complete one of our application forms, email us or call us, we will use the information you give us to contact you. You can request to see this information and have it corrected or deleted by contacting your Hearing Co-ordinator on **0141 352 2333**. If at any stage you wish not to be contacted, let us know and we will respect that.

If you have any concerns about how we handle your data please contact the Project Manager on **0141 352 2333** in the first instance. We have both a feedback and complaints process available to you, please get in touch if you wish to find out more.

You can opt out of taking part in the Forum at any stage. You can also change your mind and withdraw your consent for us to handle your information whilst it still identifies you personally.

It is very important that we keep your testimony secure and confidential. Our process is described below.

National Confidential Forum – Keeping Your Testimony Secure

Step 1

- We record your testimony during your Hearing using recording equipment
- The recording of your testimony is only kept until we have transcribed your testimony
- Then the recording is destroyed to protect your privacy and confidentiality
- We offer you the opportunity to listen to your recording (this is available within 4 weeks of your Hearing)

Step 2

- We use the recording of your testimony to capture accurately what you said - we call this the 'transcript'
- A member of Forum staff will transcribe the recording of your Hearing into a written document
- We offer you a written copy of your Hearing (this is available within 3 months of your Hearing)

Step 3

- To protect your privacy, we then anonymise any information in the transcript which could potentially identify you or others
- The anonymised transcript is stored on our secure system
- Once we have captured all the important information from your transcript into our secure database it can no longer be linked to you in any way

Your Consent

By signing this consent form, I confirm that I have read and understood the information about my privacy and confidentiality.

I understand that my participation in the Forum is voluntary and that I am free to withdraw from participation at any time without giving a reason.

I also understand that I can withdraw consent for the Forum to store and use my personal data at any time.

I understand that my personal data will be collected and used by the Forum in the ways described in this document. I also understand that my information will ultimately be anonymised and used by the Forum to carry out its duties.

I understand that the Forum may be required to disclose personal information, in accordance with the Forum's Privacy Policy, in limited circumstances without my consent.

I consent to participate in the National Confidential Forum.

Name:

Signature:

Date: