



## PRIVACY NOTICE

### **This document;**

This policy is designed to be simple, and clear to understand without the usual jargon included – within the document you will find out what information we collect, how we use it and what your rights and choices are relating to your personal data.

### **Statement;**

Winterhead Ltd is responsible for exercising the statutory approval functions of the Secretary of State for Health under Section 12(2) and Section 145(1) of the Mental Health Act (1983) (MHA) for the South of England.

Winterhead is based within the United Kingdom, and as such is registered with the Information Commissioner's Office (ICO) as a Data Controller under the UK Data Protection Act of 1998.

Data protection lead: Heather Waltham

Email: [heather.waltham@winterhead.co.uk](mailto:heather.waltham@winterhead.co.uk)

Telephone: 07725 744357

This policy will be updated to reflect any changing terminology and requirements as the regulation comes into effect:

### **Registration Information:**

We are required under legislation, Section 12(2) and Section 145(1) of the MHA 1983, to maintain registers of practitioners who are approved under the above Act. We are responsible for making sure that the practitioners undertaking work under the above Act are suitability approved to do so.

We hold contact information so that we can contact practitioners about their approval, invite them to apply for renewal, and advise them they have conditions to meet by a set date. We do not use any practitioner's information for marketing purposes.

## **What we hold:**

We hold information about practitioners both medical and non-medical who are registered with us. We also hold information about practitioners who apply for approval under the MHA 1983, and practitioners who are no longer registered.

For the Section 12 and Approved Clinician purposes we hold some or all of the following information:

- Professional registered name
- Personal name
- Date of birth
- Gender
- Organisation Name
- Professional Address
- Residential Address
- Telephone numbers landline and mobile
- Emails professional and personal
- Professional registration number
- Professional qualification
- Job Title
- Continuing Professional Development
- Disclosure and Barring Service information
- Professional fitness to practice incidents
- Professional warnings or conditions on your registration
- Professional Performance Alerts
- Other relevant information to support their application for approval.

## **How we share it:**

We are required to make professional address, professional telephone and approval information on the National Approvals Database to external registered users of the database, these include AMHP services, Police, Courts HR Departments Finance departments in the NHS and Private Sector.

We share non-public information with relevant third parties when it is necessary to assist them with the statutory function or legitimate interests. Third parties include the Regional Approval Offices in UK, Professional registration organisations, Department of Health and Social Care, Approvals Panel England South, Employers, Responsible Officers and other bodies where appropriate This information may include the information above and if the applicants is subject to fitness to practice investigations, has conditions or warning on their professional registration. We do not share any practitioners information for marketing purposes of any kind. The information is not stored outside the UK.

## Why we hold it

The Mental Health Act 1983 requires us to maintain a register of approved practitioners in the South of England. We are required to hold information for six years after the practitioner's latest approval has ended. Information on Practitioners who are not approved will also be held for a period of six years.

## Social Media

Winterhead Ltd does not use any social media sites.

## Sensitive Personal Data

Following an assessment of the website and capturing process, we can confirm that we do not knowingly capture data deemed as 'personally sensitive' as defined in the GDPR.

## Your rights as a data subject

As per the Data Protection Act and refined by the General Data Protection Regulation, you have the right under database protection legislation to access and control the information we hold about you, although there are also exemptions from those rights. Below is information on your rights and details of what to do if you have a question.

These include;

- The right to be informed about our collection and use of your personal data.
- The right to access the personal data we hold about you;
- The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete. **We do not use your data for marketing purposes in any way.**
- The right to be forgotten, i.e. the right to ask us to delete or otherwise dispose of any of your personal data that we have. (If your data cannot be deleted, will we provide you with a justification);
- The right to restrict the processing of personal data;
- The right to object to us using your personal data for a particular purpose or purposes;
- The right to data portability;
- Rights relating to automated decision-making and profiling. **We do not use your data in this way.**

## Accessing your data

You are entitled to request a copy of the personal data we hold about you. To do this, you can email [heather.waltham@winterhead.co.uk](mailto:heather.waltham@winterhead.co.uk). We will usually respond within one month, but if the request is complex or involves large amount of data, this may take up to three months to respond.

There is no charge for making an access to data request, but we would have the right to charge a small fee if the request is found to be 'manifestly unfounded or excessive'.

In certain cases we do not have to provide a copy of the data because an exemption applies. This is likely to be because:

- The data is also the personal data of another person and it would not be reasonable to disclose it to you without their consent..
- Disclosing the data would prejudice our Statutory Function.

### **Controlling how we use data**

You have the right under the GDPR to control how we use your data, by asking us to delete it or limit how we use it. To do this email [heather.waltham@winterhead.co.uk](mailto:heather.waltham@winterhead.co.uk)

There are some exemptions you must be aware of. We do not have to comply with a request to delete or stop using your personal data if, for example;

- We are legally required to use your personal data in a particular way.
- We are using your data to carry out our statutory function.
- There are other exemptions which can apply in particular circumstances. If we do not comply with your request we will inform you and explain why this is the case.

If we do not address your request or fail to provide you with a valid reason why it is unable to do so, you have the right to contact the Information Commissioner's Office to make a complaint. They can be contacted via [www.ico.org.uk](http://www.ico.org.uk) or by telephone on 0303 123 1113.

### **Declaration of Data Sharing**

The information that you provide to us through this website will only be used for the purpose of processing your application for approval. It will not be used for any Marketing purposes.

### **Website Cookies**

Cookies are small text files which are transferred from our websites, applications or services and stored on your device. Winterhead do not use cookies on their website.

### **External Links**

Throughout the website, we may provide links to external parties and partners for further information and content. Whilst we take every precaution to ensure that your time on this website is safe and secure, Winterhead cannot guarantee the security of third-party sites and must advise that the usual internet safety precautions should be used.

### **Contacting us**

If you have any questions about this Privacy Policy, would like to exercise any of your statutory rights, or to make a complaint, please email:

[heather.waltham@winterhead.co.uk](mailto:heather.waltham@winterhead.co.uk)

### **Updates to this policy**

This policy will be updated regularly and was last reviewed on 18/07/2024