



## GDPR AND DPA18- Data Protection at Mencap

### **What is GDPR and the DPA18?**

GDPR (General Data Protection Regulation) is an EU law that obliges organisations to protect the personal data they hold, and to make sure they use it responsibly. Personal Data is anything that can be traced to a living person, and the regulation concerns written records held on computers or in files, as well as video and voice recordings. The DPA18 (Data Protection Act 2018) is the UK equivalent of this law, which we must abide by.

### **What data might be collected about me/my family member or friend by Mencap?**

We collect data that allows us to carry out the work we do, report to regulators, and improve how we support people. This means that we use names, contact details, addresses, medical information and more. What we collect, and about whom, depends on there being a clear reason for us to need the data.

The data we collect about you is likely to include:

- Your name
- Your address
- Your contact details

The data we collect about your family member or friend will be more extensive, you can see more details at <https://www.mencap.org.uk/privacy-notice-people-we-support>

### **How does Mencap store my/my family members data?**

We store all data in our secure computer system, and in secure filing cabinets, this helps us to ensure that the data is protected at all times, whether in use or not.

### **What information can be shared with me about my family member or friend under GDPR?**

Part of our contractual obligations with the local authorities and funders mean that we cannot share personal data with people who are not legally allowed to see it. Sometimes, regrettably, this means you may not be allowed to see certain information without a process being followed to ensure we follow the rules.

We can share the information with you if your family member or friend consents to doing so. However, there are rules around consent within GDPR/DPA18, and within other regulations we must abide by, such as the Mental Capacity Act. This means that if your family member does not have capacity, then the consent is not valid, and a 'Best Interests Decision' will likely need to be made instead.

**Please note:**

Regrettably, we cannot allow personal data being published on networks or apps we have not assessed and cannot control, like Facebook, because our contracts do not allow us to do this. This means that we cannot set up Facebook pages for people we support who do not have capacity to do this themselves.

**What information can be shared with others about my family member or friend under GDPR?**

Sometimes, we have to share data with others to enable us to work, in these cases we perform 'Data Protection Impact Assessments and security vetting'. These are processes that help us to make sure we don't collect data we don't need, that any project respects the data, and that the data is also safe with our partners. The data rights set out below apply in all cases.

**What changes if I am my family member or friends' deputy or power of attorney?**

If you are a deputy or have power of attorney, then you can give consent on behalf of the person we support. However, we still need to have a valid reason for sharing or collecting data (this is part of GDPR/DPA18 rules).

**What happens if my, or my family member or friends, data is mishandled?**

If this happens and we assess that this causes a high risk to you or the person we support, we will let you know. You will have the right to complain to us or to the ICO (Information Commissioner's Office) who oversees the use of personal data in the UK.

**GDPR/DPA18 rights**

You, and your family member or friend, have rights concerning the data we hold. Those rights are not always applicable and being able to action them will depend on how the data will have been collected in the first place.

- **Right of access:** This is when you want to know what data Mencap holds, what Mencap does with it, or if you want a copy of it.
- **Right of Erasure:** This is if you wish for the data we hold to be erased. We will comply unless some other law or regulation prevents us to do so and we will explain why we cannot action your request, if this is the case.

- **Right of Correction:** This is if you spot an inaccuracy in the records we hold and you want to rectify it, for example, we hold a wrong address or date of birth.
- **Right of Data Portability:** This means that you can obtain a copy of the data so that you can give it to another provider.
- **Consent withdrawal:** when the data has been obtained with Consent, you have the right to change your mind and revoke the consent at any time, to stop Mencap using this data.
- **Right to restrict processing:** This means that you can chose the use of the data to stop at a certain stage and not be used for a whole project.
- **Right to object:** You can object to your data being used in a certain way.
- **Rights regarding automatic decision making and profiling:** You have the right to have a human being involved in decision affecting you via the use of your data.
- **Right to complain:** You have the right to contact Mencap's Data Protection Officer at [DPO@mencap.org.uk](mailto:DPO@mencap.org.uk) to enquire or complain about the use of your data. You can also contact the Information Commissioner's Office at 0303 123 1113.

If you have a question about your rights, please contact [DPO@mencap.org.uk](mailto:DPO@mencap.org.uk).  
For more information about data protection, you can visit <https://ico.org.uk/>

**Please note:**

If you want to exercise GDPR rights on behalf of the person we support, the same rules will apply as for Consent. Furthermore, because the data we hold is generally very sensitive, we will require a proof of ID before we can action it. If we action it, it will be done within 30 days.

There is a video about GDPR rights on every version of our privacy notice:

<https://www.mencap.org.uk/privacy-notice-people-we-support>