

## THE CHALLENGING BEHAVIOUR FOUNDATION PRIVACY POLICY

**Please read this Privacy Policy carefully to understand our practices regarding your personal data and how we will collect, use and store your personal data. We may update this policy from time to time so please check it regularly.**

### **1. INTRODUCTION & GENERAL STATEMENT OF POLICY**

The Challenging Behaviour Foundation (CBF) exists to demonstrate that children, young people and adults with severe learning disabilities whose behaviour challenges, can enjoy normal life opportunities when their behaviour is properly understood, and they receive appropriate individualised support. The CBF supports families, professionals and other stakeholders through education, information, research and partnership working to enable this to happen and will work strategically to influence national policy and practice.

### **2. IMPLEMENTATION OF POLICY**

We will fully comply with the Data Protection Act 2018 (The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR)).

We are committed to protecting the privacy of your personal data. We will respect any personal data you share with us and keep it safe. We aim to be clear when we collect your personal data and not do anything you wouldn't reasonably expect. We will only share data with selected 3rd parties in order to facilitate data processing on behalf of the Challenging Behaviour Foundation, or to improve our service to you. We never share or sell your data for others to use for their own purposes.

This policy is intended to inform you how and why The Challenging Behaviour Foundation uses personal data. When we refer to "we" or "us" in this policy we are referring to The Challenging Behaviour Foundation.

**Who we are:** The Challenging Behaviour Foundation (CBF) is a registered charity in England and Wales (No 1060714) for children, young people and adults with severe learning disabilities and behaviours described as challenging and their families. Our vision is for anyone with severe learning disabilities who displays behaviour that challenges to have the same life opportunities as everyone else. We work to improve understanding of challenging behaviour, empower families with information and support, and help others to provide better services and more opportunities.

**Why we collect Data:** We will use your personal information to provide you with the services, products or information you have requested. We also collect and store data to help us improve our services to you. We will record your communication preferences and keep you up to date with the latest research, resources and information, fundraising events and sharing best practice, when explicit consent is given. We tailor our invites to take part in surveys, focus groups, research or events that are relevant to you. We also use our

anonymised data statistics to support our campaigning and influencing work and in funding applications.

### **How we collect Data:**

#### **Direct contact with the CBF - Email/phone/post**

- We will collect and record personal information about you that you voluntarily provide when contacting the CBF. Due to the type of support we provide, we may collect and use special categories of personal sensitive data about you or a 3<sup>rd</sup> party you may tell us about (for example information about a learning disability diagnosis, challenging behaviour being displayed, health, safeguarding, ethnic origin). We use caller display on our telephone system and may record your telephone number, if appropriate, for the purposes of providing support. This information is treated as confidential and used for the purposes of providing support and internal analysis (for example trends in enquiries).
- We may share your information with other professionals we work with as part of our service to you. With the exception of there being a safeguarding concern, or when we are bound by law, we will only do this with your explicit consent and agreement. In the case of an exception, we will still seek to gain your consent first, but if you choose not to consent, we must follow our safeguarding policy or legal obligations. A copy of our safeguarding policy can be provided on request.
- If you sign up to join a support or campaigning network (for example CB-NSG associate membership) we will record your name, job title (if relevant) and email address. We do not sign people up to our networks without consent.
- We may collect information voluntarily provided such as requests for resources or attending an event.
- If you send a query or complaint to us, we will use the personal information you provide to us (for example, your name and the name(s) of any other individuals involved) in order to process your query or complaint and respond to you. A copy of our Complaints Policy can be provided on request.
- We are sometimes required to collect personal sensitive information to satisfy the terms of a funding grant, for example, age, ethnic background, if English is the first language, and this is anonymised.
- We never buy or sell personal data or use it for automated decision making or profiling.
- We will gain permission/consent to use any photo/image used in our work (for example on our website or in publications).

By providing us with your personal data, including sensitive personal data such as your age or ethnic background, you consent to the collection and use of any information you provide in accordance with the purposes in this privacy statement.

If your personal details change, please help us to keep your information up to date by notifying us. You can do this by emailing [info@thecbf.org.uk](mailto:info@thecbf.org.uk) or telephoning 01634 838739.

**Website:**

- We will collect personal information that you voluntarily provide us if you fill in a contact form on our website, such as your name, email address or telephone number. This is treated as confidential information.
- Your email address will never be sold to 3<sup>rd</sup> parties or spammed.
- Collecting Domain Information: we use a 3<sup>rd</sup> party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. The CBF also collects domain information (e.g. IP address and referring URL s) as part of its analysis of the use of the website. This data enables us to become more familiar with how people visit our site, how often they visit and what parts of the site they visit most often. This information is collected automatically and requires no action on your part. This information is only processed in a way which does not identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website.
- Use of Cookies\*: Some pages on our website use “cookies”. These files may be used for site registration and customisation the next time you visit us, and to make navigating the website more user-friendly.

*\*A cookie is a piece of data that a website can send to your browser, which may then be stored on your computer as an anonymous tag that identifies your computer but not you. You should note that cookies cannot read data of your hard drive. Your web browser may allow you to be notified when you are receiving a cookie, giving you the choice to accept it or not. By not accepting cookies, some pages may not fully function, and you may find it harder to access certain information on the website.*

- We collect relevant information through the 3<sup>rd</sup> party organisations, Stripe and Shopify, when you purchase resources through our website. This information is treated as confidential and never passed on.

**Research and evaluation:** We use 3<sup>rd</sup> party providers, SurveyMonkey and Microsoft Forms, to carry out surveys for research and evaluation purposes. The information gathered will be provided by you voluntarily and used only for the purpose for which it was obtained. We may share the findings of the research or evaluation with other organisations, but data will be anonymised and individuals will not be identifiable. You may be asked to provide contact details for any follow up discussions which will be shared on a need-to-know basis within the CBF or evaluation/research teams. Case studies will be anonymised unless you have given us consent to use your name.

**Direct engagement/focus groups:** Sometimes as part of specific projects or to inform consultations we run focus groups or engagement activities to better understand the views, experiences and perspectives of families and individuals with severe learning disabilities. The aim of such work is to inform policy making through lived experience. Such discussions involve sharing individual experiences and personal or difficult experiences, which will be written up and shared with policy makers. Families who agree to take part are made aware that any experiences shared outside of the room will be anonymised unless families explicitly ask to be named (for example to secure a direct response from a statutory organisation to the problems they are encountering). Consent will be gained for direct engagement with

individuals with a learning disability using our consent policy which includes best interest meetings if needed.

**Fundraising:** Charitable giving is very important to CBF 'in order to fund its work to achieve its aims. We collect and record information voluntarily provided to us through:

- Online Giving – Stripe & PayPal
- Text Giving - DONR
- 100 Club applications
- Recording one off donations
- Standing order/regular giving donations
- Event sign-up & supporters news (for example quiz nights)
- Gift Aid declarations

**Training Workshops:** We will record your name and email address plus, if relevant, your job title and organisation to keep you up-to-date with workshop information and to record your attendance at a workshop. You may additionally choose to sign up to support networks and our newsletter.

**Recruitment & Volunteering:** If you apply for a job/vacancy, including casual work and volunteering at the CBF, we will retain the application, CV and scoring sheets for one year, after which they will be destroyed. If you are selected for an interview, we will retain photocopies of your ID and qualifications (if relevant) until a decision on recruitment is made. If unsuccessful following an interview, your ID, certificate of qualifications and any references obtained will be destroyed immediately. If successful, an offer is accepted and you work or volunteer for us,, they will be held on your employment record which will be retained for a minimum of 6 years after you cease working with us. With your consent we may retain your details for further employment opportunities. Equal Opportunities and Monitoring information provided by applicants and staff may be stored for up to two years and presented to the Trustee Board as anonymised data then destroyed.

**Working with the CBF:** If you are employed by the CBF, or are a free-lance consultant, casual worker or volunteer for the CBF, we will hold personal data for contractual, internal and financial reasons. For example, we require your bank details in order to reimburse expenses and pay wages. We will delete your bank details immediately after you cease working with us, but will retain relevant personal data for a minimum of 6 years from the cessation date. We will abide by the DBS Code of Conduct when disclosures and basic checks are carried out.

**Supplier information (providing goods/services):** Where the CBF uses 3<sup>rd</sup> party suppliers to deliver some of our internal services (for example, IT & HR support), we will ensure there is a signed confidentiality agreement in place and these suppliers only access the information to explicitly assist the CBF.

## UK GDPR

Article 5 of the UK GDPR sets out seven key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability
- Article 5(1) requires that personal data shall be:
  - “(a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
  - (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
  - (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
  - (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
  - (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
  - (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').”

CBF processes personal data under one, or more, of the following Lawful Bases:

- Consent
- Contractual
- Legal Obligation
- Legitimate Interest

## Data security

- We have appropriate security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.
- We hold data electronically in our secure database and document management system. We protect our network infrastructure by using firewalls and anti-malware software. We encrypt data leaving the CBF on removable media, using industry standard encryption methods that encrypt the data in transit.
- We store papers in lockable cabinets in our offices when not being actively used and we have a secure off-site document storage facility for archived papers. Our offices are secure and only CBF staff can access areas where personal data are stored.
- When necessary, we dispose of or delete your data securely.
- We ensure that our employees, and contractors are aware of their privacy and data security obligations, and we take reasonable steps to ensure that employees of 3<sup>rd</sup> parties working on our behalf are aware of their privacy and data security obligations.
- We limit access to your personal information to those employees and other 3<sup>rd</sup> parties on a need-to-know basis. Access to family support enquiries and subsequent personal sensitive data is restricted to the Family Support Team.
- The transmission of information via the internet is never completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your electronic information transmitted to us and any transmission is at your own risk.
- We keep all information you give us in countries within the European Economic Area (EEA), or who have protection standards in line with those within the EEA.

**Data retention:** Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes it was obtained for in the first place, or as required by law (for example, tax and audit purposes).

We review the personal data (and the categories of personal data) we are holding on a regular basis to ensure the data we are holding is still relevant to the CBF and is accurate. If we discover that certain data we are holding is no longer necessary or accurate, we will take reasonable steps to correct or delete this data as may be required.

**Individual's right to access:** Under certain circumstances, by law, individuals have the right to:

- access their personal data, commonly referred to as subject access requests. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- ask us to correct any information that we hold about you which is incorrect, incomplete or inaccurate.
- ask us to erase your personal information from our files and systems where there is no good reason for us continuing to hold it, commonly referred to as the right to be forgotten.
- object to us using your personal information to further our legitimate interests (or those of a 3<sup>rd</sup> party) or where we are using your personal information for direct marketing purposes.

- ask us to restrict or suspend the use of your personal information, for example, if you want us to establish its accuracy or our reasons for using it.
- ask us to transfer your personal information to another person or organisation.

If you have given your consent to us processing your personal information (for example, consent to receive information about our resources and events), you have the right to withdraw your consent at any time. To withdraw your consent, please contact [info@thecbf.org.uk](mailto:info@thecbf.org.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your personal information and, subject to our retention policy, we will dispose of your data securely or we may anonymise the record if data is required for reporting and audit purposes.

Individuals can make a subject access request verbally or in writing. We will follow the guidance from the [Right of access | ICO](#). To make a subject access request you should email: [info@thecbf.org.uk](mailto:info@thecbf.org.uk) or telephone 01634 838739.

## Reporting Concerns

If you have a complaint or concern about the CBF's information rights practices you can report it to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. You can call their helpline on 0303 123 1113 or visit their website <https://ico.org.uk/concerns/> for further information.

**Details of person in charge of UK GDPR at CBF:** If you have any questions about how your data is handled and stored then please contact Helen Marron, [helen@thecbf.org.uk](mailto:helen@thecbf.org.uk) or telephone 01634 838739.