

# Privacy Notice for Service Users & Customers

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In accordance with the General Data Protection Regulation (GDPR) and the privacy & electronic Communications regulations (PECR), we have implemented this privacy notice to inform you, as service users and customers of our organisation, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This privacy notice also applies to carers of service users and customers.

## A) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data when relevant

## B) TYPES OF DATA HELD

We keep several categories of personal data on our service users and customers in order to enable us to offer services, products, help and guidance, and to be able to keep people up to date with our work and plans. We will need to collect as much data as necessary to do what you have asked us, or what a referring organisation has asked us. This will include, as a minimum, contact details, a record of what you have chosen to contact us about, any agreed actions we take and any correspondence with us.

Specifically, we hold the following types of data:

- a) personal details such as name, address, email, phone numbers and date of birth
- b) photograph if you use our day care service
- c) information of any health conditions
- d) information on your age, gender, ethnicity, sexual orientation, gender identity, disabilities and how you heard about the organisation for equality monitoring purposes
- e) information gathered via the referral process such as that entered into a referral form
- f) next of kin and emergency contact details

## C) COLLECTING YOUR DATA

You or the referring organisation may provide several pieces of data to us directly during the service access process.

During your time accessing services, we will also gather further information from you, for example, your income details or receipt of benefits if carrying out a benefits check. We may also gather bank account details for yourself or your family/carer if you pay for services.

#### D) LAWFUL BASIS FOR PROCESSING

The law on data protection allows us to process your data for certain reasons only.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis
Provision of services and support	Consent
Contacting you about the service(s) you are accessing by phone, text, email or post	Legitimate interest
Provision of information about our services and activities including by text	Consent
Utilisation of photographs in our publications, website or social media	Consent
Enable the organisation to invoice for payment or refund for services received	Performance of the contract
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests
Health data in relation a public health incident	Our legitimate interests
Anonymised monitoring of the profile of people using our services for equality and diversity purposes	Consent
Monitoring and demonstration of outcomes to funders	Our legitimate interests

#### E) SPECIAL CATEGORIES OF DATA

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data

We carry out processing activities using special category data:

- a) for the purposes of equality and diversity monitoring
- b) where relevant to the support and services you have requested
- c) to comply with the requirements of any public health systems

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest

d) you have already made the data public

## **F) FAILURE TO PROVIDE DATA**

Your failure to provide us with data may mean that we are unable to fulfil the request for service you have made or been referred for.

## **G) WHO WE SHARE YOUR DATA WITH**

Employees within our organisation who have responsibility for service users will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processed in line with GDPR.

Data is shared with third parties with your consent to enable access to relevant services and support.

We may also share your data with third parties for other reasons to comply with a legal obligation upon us, for example any safeguarding issues, HMRC for gift aid notifications and health data in relation to the public health incidents.

Data may be shared with funders including Age UK, to confirm the activity delivered and outcomes. This will not include data which can identify you and is shared under the legitimate interest basis. Identifiable data including your name will only be shared with your consent.

Photographs will be used in our charity publications and leaflets, on our website and social media pages when explicit consent is granted. If you consent to receive our newsletter this is delivered using the Mailchimp platform, further details about their GDPR compliance can be found here <https://mailchimp.com/gdpr>.

We use a third party to provide our customer relationship management (CRM) system and we have a data processing agreement in place with this third party to ensure data is not compromised. They must implement appropriate technical and organisational measures to ensure the security of your data.

We use a third party to process Direct Debit payments for service users and customers accessing our Community Day Care service privately.

We do not share your data with bodies outside of the European Economic Area.

## **H) PROTECTING YOUR DATA**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

## **I) TRANSFER OF YOUR INFORMATION TO THIRD PARTIES**

We may transfer your personal information to a third party as part of a sale or transfer of some or all of our organisation and assets to any third party or as part of any business restructuring, reorganisation or closure; or if we're under a duty to disclose or share your personal data in order to comply with any legal obligation or to enforce or apply our terms of use or to protect the rights, property or safety of our staff, supporters, customers, users of the website or others. However, we will take steps with the aim of ensuring that your privacy rights continue to be protected.

## **J) RETENTION PERIODS**

We only keep your data for as long as we need it for, which, in relation to service users is six years (ten years for some specific purposes) after we have finished working with you to ensure we have a record of what we did in the event of a complaint, or legal claim.

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data, but this could affect the service we are able to provide to you.

## **K) YOUR RIGHTS**

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it
- b) the right of access to the data we hold on you. We operate a separate Subject Access Request policy and all such requests will be dealt with accordingly
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification'
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure'
- e) the right to restrict the processing of the data
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability'
- g) the right to object to the inclusion of any information
- h) the right to regulate any automated decision-making and profiling of personal data

In addition to the above rights, you also have the unrestricted right to withdraw consent, that you have previously provided, to our processing of your data at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use, but this could affect the service that we are able to provide to you. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Vicky Shepherd, Chief Executive via the contact details below.

## **L) MAKING A COMPLAINT**

You are able to raise a complaint with the organisation if you think your data rights have been breached by contacting Elaine Jennings Head of Business Development, Age UK Blackburn with Darwen, Suite 12 Kings Court 33 King Street, Blackburn, BB2 2DH. By telephone on 01254 266620 or by visiting our website: [ageukbwd.org.uk](http://ageukbwd.org.uk) and search for complaint. Our Complaints Policy & Procedure is also available on our website.

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

## **M) DATA PROTECTION COMPLIANCE**

Our Operational Data Protection Lead is:

Elaine Jennings Head of Business Development

Age UK Blackburn with Darwen, 4 King Street, Blackburn, BB2 2DH

Tel: 01254 266620

Email: [data@ageukbwd.org.uk](mailto:data@ageukbwd.org.uk)

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