

# Independent Review into the Delivery of Forensic Mental Health Services

**Chairperson: Derek T Barron**

---

## **Privacy Notice**

This notice explains how we collect and handle your personal data. Personal data means any information from which a person can be identified.

We are an independent non statutory review that is looking at the delivery of forensic mental health services in Scotland. Forensic mental health services specialise in the assessment, treatment and risk management of people with a mental disorder who are currently undergoing, or have previously undergone, legal or court proceedings. We will publish a report at the end of the review with recommendations for any improvements.

We need to process personal data to allow us to carry out our work. Due to the nature of our review, we may also need to process sensitive personal data which includes details about a person's health and criminal offences.

We explain in this notice how we collect and handle this data.

## **Why we process your personal data**

We process (or use) your personal data for a number of reasons, but all of these reasons help us to fulfil our [Terms of Reference](#).

## **The types of personal data we collect**

The work of the review means it gathers the following different types of information:

- Your name
- Your email address
- The organisation you work for
- Any other relevant contact details, such as telephone or post
- Information on the areas of our work you are interested in.
- Your views, opinions and ideas about forensic mental health services.

We anticipate that if you are sharing your personal experience of forensic mental health services this could also include sensitive personal data.

Personal data or sensitive personal data that is provided to the review but is not relevant to its work will be redacted or destroyed.

### **How we collect personal data and how we will use it**

If you contact us by telephone, email or letter, we will keep the personal contact data that you provide. This may be your name, email, a phone number and/or an address. We may use it to contact you about the work of the review. We may also use it to help us consider what forensic mental health services are being provided across Scotland and shape any proposals for improvements.

The review is planning a variety of engagement activities across forensic mental health services. These will allow the review to hear the voices of those with experience of receiving these services and their families or carers, as well as staff who are delivering these services. These activities include meeting with groups of people to gather views and experiences of forensic mental health services and a public call for written evidence. As part of these, the review will collect personal data, and you may volunteer sensitive personal information, for example, about your health or criminal convictions.

The review will only collect personal information that is relevant to the review. It is up to you how much personal information you want to share. It will be shared with people working in the review team to allow them to consider what forensic mental health services are being provided across Scotland and shape any proposals for improvements. Any personal data will be anonymised in any public reports or discussion papers unless the review has your specific consent to share it.

We are using the Delib's consultation platform, Citizen Space, for our call for evidence. This collects personal contact data to send an acknowledgement of response. The review may use these to contact you again in the future about the call for evidence, if you have given consent to be contacted.

This collection of data is necessary to allow us to engage with you for the purpose of developing, implementing or reviewing policy and practise on forensic mental health services for the Review.

It is important that the personal data we hold for you is accurate and current. Please keep us informed if your personal data changes over the duration of the review.

### **Working group members**

If you are part of our working groups, your contact details will be collected. These will be on contact lists held by the review and used to provide you with information and papers connected to the working groups and the wider work of the review. Your contact details will be shared with other members of the working groups to allow for effective working among the group members. Your consent will be sought to share

your contact details with anyone contacting the review for whom you are a representative. Your name and the organisation you represent will be made public on the review's information page on the internet and in review's published report.

### **The legal basis for processing personal data**

We process personal data lawfully in compliance with the General Data Protection Regulation (GDPR) and all other UK data protection legislation.

Our lawful basis as defined by GDPR is that we are carrying out a public task that is in the public interest, by fulfilling our function as a review and pursuing the legitimate interest in fulfilling our Terms of Reference. (Article 6(1)(e) of the General Data Protection Regulation (GDPR))

Carrying out a public task means that the processing we carry out is necessary for the performance of a task carried out in the public interest or in the exercise of official authority invested in us. The entire review is for the benefit of the public, by understanding what forensic mental health services are currently being provided in Scotland in order to inform change and improvements.

We can process your data because it is necessary for our legitimate interests in fully carrying out our review and creating records of the services that are available, as well as the findings and recommendations of the review. We can only rely on this lawful basis when we believe our interest is not overridden by your fundamental rights and freedoms.

The legal basis we rely on to process your data is under:

Article 6(1)(e) of the General Data Protection Regulation (GDPR) to carry out official functions or tasks which is in the public interest and necessary for the compliance with our legal obligations under the Mental Health (Scotland) Act 2015.

Article 9 (2) (g) to provide for suitable and specific measures to safeguard the fundamental rights and interests of adults diagnosed with Mental health.

### **How we protect your data and keep it secure**

We keep your personal data secure and only share it with those who need to see it. Data is shared only with organisations whose services and software are needed to help us provide the best possible service. To do this, other organisations are sometimes used to help process data, such as event bookings or our online call for evidence. Each of these organisations has provided us with details of their own GDPR compliance. If you would like to see the privacy policy of an organisation we work with, please contact us using any of the methods at the end of this document.

Personal data is held in secure encrypted electronic storage systems. These systems are only accessible by members of the review team. Any hard copy information is held in secure conditions within the premises to which members of the public do not have

access. Hard copy information is transferred to electronic format as soon as practicable and the hard copy information destroyed securely.

All personal data we receive is handled fairly and lawfully in line with data protection legislation.

### **How long we keep your data?**

We will only keep your personal data for as long as is necessary to allow the review to fulfil its function.

If you contact us by telephone, email or letter during the review, we will keep your personal data that you provide to us. We will do so solely to enable us to carry out the work of the review and will generally retain it for the duration of the review.

We may be required to transfer certain records, including personal and sensitive personal data, to the Keeper of the Records of Scotland at the end of the review.

Personal data that is not relevant to the review will be redacted from records.

Records of the review that are not required by the Keeper, will be destroyed within 3 months of the end of the review.

### **What are your rights?**

You have the right to be informed about how we are using your personal data.

You have the right to request:

- copies of your personal data that we hold.
- to have your personal data corrected if you believe what we hold is wrong.
- to have your personal data we hold on you deleted.
- restrictions on how we use your data.
- your personal data be moved or transferred in a portable and safe way.

You also have the right to withdraw consent where we are relying on consent to process your personal data. However, this does not affect the lawfulness of any processing carried out before you withdraw your consent.

In all a cases, we will consider your request very carefully. We may not always be able to comply with your request. This is because some of these rights are conditional and can only be applied in certain circumstances and/or where there is no compelling reason to continue to process your personal data.

## **Contact and Complaints**

If you wish to contact us about the terms of this privacy notice, please write to: [secretariat@forensicmentalhealthreview.scot](mailto:secretariat@forensicmentalhealthreview.scot)

If you wish to make a complaint about how the review has handled your personal data, in the first instance, please contact the Data Controller at: [dataprotection@forensicmentalhealthreview.scot](mailto:dataprotection@forensicmentalhealthreview.scot)

If you are unhappy with the outcome of any complaint resolution we provide, you have the right to lodge a complaint with the Information Commissioners Office if you are dissatisfied with our service. You can do this:

- through their website <https://ico.org.uk/concerns/>
- by calling their helpline on 0303 123 1113
- or writing to them at UK Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire.