



## **Privacy Statement**

Last reviewed 22/01/2021

### **Deaths in Detention Reviews – Engagement with families/friends**

#### **Mental Welfare Commission for Scotland**

The Deaths in Detention Reviews project is listening to the personal experience of families and friends. Your involvement in interviews or groups is very important to the Commission and to our work. We want you to feel confident that we will not use things you tell us unless you are comfortable about us doing so.

We have prepared this privacy notice that explains how we will process your personal data, please contact us if you have any questions.

#### **1. Privacy Statement.**

We fully respect your right to privacy. This policy tells you how we, the Deaths in Detention Reviews project (DIDR) will deal with any information which you give us. It applies to any information that you provide us – from your initial enquiry to anything you say or send to us. It explains your rights over that information whether or not you decide to take part in this project.

The term **personal data** is used to mean any information which could identify you. We will treat any **personal information** you give us securely and confidentially.

#### **2. Data Controller & Data Protection**

For the purpose of your personal data the Mental Welfare Commission for Scotland is the data controller for all the data collected during the Deaths in Detention Reviews project.

Our contact details can be found on our website at;

<https://www.mwcscot.org.uk/contact-us/>

You can learn more about how the Mental Welfare Commission for Scotland processes and protects your personal data by visiting our website.

<https://www.mwcscot.org.uk/about-us/about-your-personal-information>

Under GDPR we have to appoint someone who has special responsibility to make sure that we are handling your data properly. This person is known as the Data Protection Officer or DPO. At the Commission, the DPO role is held by our Information Governance Manager. If you have any questions about how the



**mental welfare**  
commission for scotland

Commission handles your data, you can send a message to them via email at; [mwc.enquiries@nhs.scot](mailto:mwc.enquiries@nhs.scot).

You can also write to: [Mail will not be collected while the office is closed due to COVID-19] DPO, Mental Welfare Commission for Scotland, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE

### **3. Purpose of the processing and the lawful basis for the processing**

Following a wider government review, Scottish Ministers specifically asked the Mental Welfare Commission to develop a system for investigating all deaths of patients who, at the time of death, were subject to an order under either the Mental Health (Care and Treatment) (Scotland) Act 2003 or part VI of the Criminal Procedure (Scotland) Act 1995 (whether in hospital or in the community, including those who had their detention suspended).

The engagement activities with relatives and friends of patients who died in detention is part of the work toward developing a business case for Scottish Government, for the implementation of a new system for investigating deaths of all of patients who meet these criteria.

The above means that we will process personal data and sometimes personal, sensitive (special) data to enable us to carry out this project in the public interest. Within GDPR and data protection legislation we can lawfully process personal data to perform a public task, articles 6 (1) (c) and 9. 2 (g) – DPA 2018 Schedule 1. Part 6).

A vital part of the Deaths in Detention Reviews project is listening to the personal experience of families and friends. Your involvement in interviews, groups or workshops is very important for our work. Attending one of our engagement activities or responding to our surveys is entirely voluntary and we want you to feel comfortable about how we will use your information.

### **4. Information we collect about you and how we will process it.**

#### **4.1 Participants and potential participants contact details.**

If you have something to tell us, we will ask you to provide your contact details so we can contact you. We would like to collect:

- Your name
- Home address, Postcode



- Email address, Telephone number
- Brief details about the person who died [Name, Age, Date of Death, Where they died]
- What relationship you had with the person who died.
- How you would like us to contact you (Telephone, Video call, Email)

You can give us this information by completing a contact form (available here <https://www.mwcscot.org.uk/policy-and-research/deaths-detention-reviews>) by telephoning a member of the DIDR team (0131 313 8777) or by email [mwc.review@nhs.scot](mailto:mwc.review@nhs.scot).

We will use your contact details to arrange a meeting with you (Covid-19 dependent) and/or invite you to take part in an engagement interview, group or workshop and other activities related to development of the review system. If you change your mind about taking part in the engagement events and want your data to be deleted, please let us know by sending us an email to the following address; [mwc.review@nhs.scot](mailto:mwc.review@nhs.scot).

Your personal contact details will be accessible only by the Deaths in Detention Reviews Team. We need to keep this information for a year after the publication of the final report has been released and fully discussed.

We may collate some of this information for monitoring the public interest in the Deaths in Detention Reviews project and to provide statistical reports about our performance. No personal data will be identifiable in these performance reports. We will not share your personal detail with any other organisations.

#### **4.2 Different ways to learn about your experiences**

Our DIDR team members will meet with individuals and groups to gather your views. We will use these views to guide our work during the project.

The final proposal to the Scottish Government (and any interim reports prepared during the Deaths in Detention Reviews project) will be illustrated with anonymised personal experiences and data extracted from them. We will remove any personal details that would allow any individuals to be identified.

We can use different ways to hear about your experiences:

- Telephone interviews
- Interviews via video meetings (e.g. Microsoft Teams)
- Face to face interviews (Covid-19 dependent)
- Engagement events (e.g. paired interviews, groups, workshops)



- A written account
- Online surveys

We will always take **written notes** at interviews and engagement events.

We may also seek to make **audio recordings** so that we can check the accuracy of written notes. Any audio recordings will be deleted, as soon as possible and within six months, once notes have been verified.

**Recording via online interfaces** (e.g. Microsoft Teams). If this is the engagement method we will send advance information about any proposed recording of the engagement (interview or group) and you will be able to make an informed decision about whether to opt in to the event.

We will inform you about the specific method that we would use for recording your views when we send you an invitation for an event or when we arrange a face to face meeting. We will inform you again at the start of each consultation meeting.

We will keep a copy of written up notes in our secure systems for the DIDR project's internal use for a year after the publication of the final project report.

You may prefer to respond to an **online survey** issued by us. This will allow you to provide your opinions anonymously. The privacy notice for the information collected through any online survey will be available on the survey website. The provider that we are currently using for online surveys is Citizen Space ([https://www.delib.net/citizen\\_space](https://www.delib.net/citizen_space)).

## 5. Your rights

If we hold personal data about you, you have rights over your data. The Information Commissioner's Office, or the ICO for short, lists each of these rights and explains what these mean for you. Please use the link below to read more.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

You can request to see your personal information and have it corrected or deleted by contacting us. If at any stage you wish not to be contacted, let us know and we will respect that.

You can opt out of taking part in the project engagement activities at any stage.

Please bear in mind that even if you request for all your data to be deleted, we may have already extracted some statistical data or used some anonymised information



in our reports. We won't be able to delete data extracted from your participation in the Review once it has been anonymised and integrated in our reports.

If you have any concerns about how we handle your data please contact the Data Protection Officer.

If you ask the DIDR project questions about your data or ask for copies of your personal data and are unhappy with our response you can contact the UK Information Commissioner to complain. You can read more and get contact details from their website at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

## **6. Sharing information**

We will not share your information with any third parties for the purposes of direct marketing.

We will not share your contact details with any other body or institution without your informed and express consent. Nonetheless, there are some exceptional circumstances where we may need to share your information with a health professional or the police, for example, if the information is related to a criminal act, or we believe that there is serious risk of causing harm to yourself or somebody else.

Some times we will use data processors who are third parties who provide elements of services for us. We have contracts in place with our data processors to ensure that they are GDPR compliant. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct. In any scenario, we'll satisfy ourselves that we have a lawful basis on which to share the information and document our decision making and satisfy ourselves we have a legal basis on which to share the information.

## **7. Further information**

For further information about Data Protection and your rights you can visit the UK Information Commissioner's Office (ICO) website or contact them:

The Information Commissioner's Office – Scotland  
Queen Elizabeth House, Sibbald Walk, Edinburgh EH8 8FT  
Telephone: 0303 123 1115  
Email: [scotland@ico.org.uk](mailto:scotland@ico.org.uk)  
Website: <https://ico.org.uk/>