

SERVICE USER AND RESIDENT PRIVACY NOTICE

1. INTRODUCTION

- 1.1. Cynet complies with Data Protection Law - the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, including amendments to both by the Data (Use and Access) Act 2025. We must tell you why we collect your personal information, how we use it and if we will share it. This privacy notice applies to all current, former and prospective service users.
- 1.2. We keep this privacy notice under review and may update it at any time. The latest version is on our website.
- 1.3. It is important you tell us about changes to information we hold about you.

2. WHO WE ARE AND WHAT WE DO

- 2.1. Cynet is a group of companies providing a wide range of health and social care services for young people and adults within the UK. We use your information to give you the care and treatment you need.
- 2.2. All Cynet companies are registered at the address below.
 - 18 Kings Hill Avenue, Kings Hill, West Malling, Kent, ME19 4AE.
- 2.3. Cynet is a data controller registered with the Information Commissioner's Office (ICO). Each company in the Cynet group that provides a service to you has its own ICO registration reference.

Company Name	Companies House Number	ICO Registration Reference
Caireach Limited	05276348	ZA462583
Cynet Behavioural Health Limited	03977299	ZA462355
Cynet Learning Disabilities Limited	02111989	ZA126317
Cynet (DH) Limited	08529052	ZC109656
Cynet (OE) Limited	03872364	Z5406736
Cynet Care Services Limited	02683377	Z5195051
Cynet Clifton Limited	06486927	Z1842355
Cynet Health Care Limited	2141256	Z466114X
Cynet Learning Disabilities Midlands Limited	02626319	ZA126691
Cynet NW Limited	4059699	ZA462350
Cynet Surrey Limited	4590303	ZA462348
Everycorner Limited	08501568	ZA462373
Isand (Domiciliary Care) Limited	07705437	ZA462577
Isand Limited	05276369	ZA462587
Relativeto Limited	08167401	ZA462580
Woodrowe Healthcare Limited	11465289	ZA533022
Stepping Stones Resettlement Unit Limited	03220818	Z7523003
Cynet Newton House Limited	02045357	ZC109652
Short Ground Limited	06846986	ZA462364

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3. DATA PROTECTION OFFICER (DPO)

- 3.1. We have a Data Protection Officer (DPO) to oversee our compliance with Data Protection Law.
- 3.2. If you have any concerns or questions about our use of your personal information, you can contact our DPO by emailing dataprotection@cygnethealth.co.uk or posting a letter addressed to Data Protection Officer, Cygnet Health Care, Southside Building, 31 Hurst St, Birmingham, B5 4BD. If you are in Cygnet's care and need help to do this, please ask your care team. If you are a pupil in a Cygnet school, we also have an education privacy notice.

4. INFORMATION ABOUT YOU THAT WE COLLECT AND USE

- 4.1. Cygnet collects information about you that is necessary to provide direct care to you. Cygnet may collect this information from you and various other sources.
 - If applicable, 'detention documentation' meaning legal papers that show you must stay in a Cygnet Hospital. In England and Wales, the Mental Health Act 1983 applies. In Scotland the Mental Health (Care and Treatment) (Scotland) Act 2003 applies. Cygnet may also receive together with the detention documentation, reports, assessments, certificates, and judicial decisions plus correspondence about them.
 - Previous health and social care placements to maintain continuity of your care if you are transferred to Cygnet;
 - Your General Practitioner (GP);
 - Other organisations, including the National Health Service (NHS), that provide direct care to you or fund the cost of it;
 - Your carers, relatives and friends;
 - Organisations with safeguarding / public protection duties;
 - CCTV systems may operate at Cygnet sites for safety, security, safeguarding, prevention and detection of crime, investigation of incidents and protection of service users, residents, staff and visitors.
 - In limited circumstances, publicly available information may be considered where relevant to safeguarding, risk management, prevention or detection of crime, or the delivery of safe care.
- 4.2. Personal information may include your:
 - Name, NHS number and date of birth;
 - Home address, email address and telephone number(s);
 - Marital status and employment status;
 - Contacts e.g. carers, relatives, and friends; and
 - Opinions and decisions about your contact with our services.
- 4.3. More sensitive information may include your:
 - Specific health data such as relevant history, diagnosis, formulation, therapy and therapeutic activities, prescription and as required drug administration, physical observations, test appointments and test results, dietary requirements and intake, assessments of capacity to consent to treatment, mental disorder, and risk that you present to yourself or others;
 - Racial or ethnic origin;
 - Religious beliefs (if appropriate); and
 - Sexual orientation.

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- 4.4. If you have previous criminal convictions or potentially have engaged in criminal activity, we may need to collect and use information relating to these matters so far as it is relevant to:
- the direct care we provide to you;
 - the health and safety of our staff, other service users and visitors; and
 - our safeguarding responsibilities including any duty to cooperate with multi-agency public protection arrangements.
- 4.5. Cynet uses secure digital systems and technologies, including cloud-based services, analytics tools, and assisted technologies, to support the delivery, safety, security and improvement of health and social care services. Appropriate technical and organisational safeguards are in place to protect your information.
- 4.6. Some organisations or technology providers acting on our behalf may process information outside of the UK. Where this occurs, we ensure appropriate safeguards are in place to protect your information according to Data Protection Law.

5. OUR PURPOSES AND LAWFUL BASIS FOR PROCESSING YOUR INFORMATION

- 5.1. Cynet's purposes include being able to:
- Confirm your identity and status under mental health legislation;
 - Assess your health/social care needs and deliver appropriate direct care to you as our service user;
 - Review care and treatment to ensure that it is centred on you and the highest standard possible;
 - Cooperate with organisations that commission or fund the cost of your direct care so they can assess the suitability of a placement for you including if necessary multi-agency public protection arrangements;
 - Prevent harm or injury to you or another person;
 - Manage and investigate complaints made by you about your care and treatment;
 - Respond to legal or other claims about your care and treatment;
 - Share your information where we must for our legal compliance;
 - Share your information where that is necessary for safe and effective direct care;
 - Ensure that we can raise invoices or making funding applications for providing direct care;
 - Prevent and detect crime; and
 - Provide statistical analysis of the use of services and so that we can plan future services.
- 5.2. Processing includes any action we take with your information. Under UK GDPR we must have at least one lawful basis. We may have more than one. We explain each lawful basis below.
- Public task - Cynet uses your information where it is necessary to provide you with direct care. This is a specific task in the public interest set out in law relating to the commissioning of publicly funded health and social care services.
 - Legal Obligation – Cynet uses your information where it is necessary to comply with a legal obligation.
 - Contract - Cynet uses your information where it is necessary for performing a contract with you or taking steps at your request before entering into that contract.

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- Consent – Cynet may use your information with your consent in circumstances where we are able to give you a real choice.
- Legitimate interests – Cynet may use your information where it is necessary for our legitimate interests or those of a third party (where they are not overridden by your rights).
- Vital interests – Cynet may use your information where it is necessary for emergency medical care, and you are unconscious or otherwise incapable of giving consent to the processing.

6. CONDITIONS FOR PROCESSING MORE SENSITIVE INFORMATION

- 6.1. Under Data Protection Law we must meet an extra condition where we process more sensitive information.
- 6.2. When we process information about your health, racial or ethnic origin, religious beliefs and sexual orientation (also known as special category data), at least one of the reasons below applies:
- Employment law;
 - Health or social care;
 - Public health;
 - Statistics for research;
 - Regulatory requirements;
 - Prevention or detection of unlawful acts;
 - Safeguarding of adults at risk and / or children; or
 - Disclosure to an elected representative.
- 6.3. If we process information about criminal convictions, allegations / investigations, and proceedings, at least one of the reasons at 6.2 above and /or below applies:
- You have given consent to the processing;
 - Protection of vital interests where you cannot consent;
 - You have put the information in the public domain; or
 - It is necessary for legal claims.

7. SHARING YOUR INFORMATION

- 7.1. We will share your information within the care team providing you direct care. That team could include doctors, nurses and other allied health professionals providing you with care and treatment. Support workers, therapists, activity coordinators and other authorised staff will also have access to information about you as required so they can follow your care plans to keep you safe and well and maintain daily records for you. All employees have a confidentiality clause in their employment contracts and must comply with Data Protection Law.
- 7.2. We may use your information about your direct care for referrals within the Cynet group so the suitability of a transfer from one Cynet service to another may be assessed and effective care provided if you are transferred. We may also share information about your direct care for referrals /transfers to placements with other care providers and where you are to be discharged from our care into the community.
- 7.3. We will only share your personal information with other individuals or organisations (third parties) where we have a lawful basis to do so and meet an extra condition if more sensitive information is included. You may give us your consent to share e.g. with your family but there are situations we may lawfully share without your consent.

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We will share the minimum amount of information necessary taking an approach that is proportionate to our purpose.

- 7.4. We may share your personal information with:
- Boards responsible for planning NHS services in England, Scotland and Wales;
 - Local Authorities and other public authorities who commission or fund direct care;
 - NHS Hospital Trusts and private direct care providers;
 - Your GP, community health teams, dentists, opticians, pharmacists, specialists to whom you are referred;
 - Organisations with safeguarding / public protection duties;
 - National Independent regulators for care services in England, Scotland and Wales;
 - Government departments and agencies;
 - The Police and other law enforcement agencies;
 - Tribunals and Courts;
 - Technology providers, cloud hosting providers, IT support providers, software suppliers and other data processors acting on our behalf under contractual confidentiality and security obligations;
 - Individuals holding power of attorney or who have been appointed as your deputy or guardian;
 - Ombudsmen schemes and other organisations to which we must respond if you have made a complaint to them;
 - Third parties if you are incapable of giving consent and we determine that the sharing is in your best interests taking into account your known wishes before you were incapable; and
 - Our auditors / professional advisers (including solicitors and insurers).

8. NATIONAL DATA OPT-OUT

- 8.1. The national data opt-out is an NHS Digital service which allows an NHS patient to opt out of their confidential patient information being used for research and planning in certain specific circumstances.
- 8.2. The National Data opt Out does not affect the use of your information for your direct care and treatment.
- 8.3. Cynet will consider and apply the National Data Opt-Out preferences where required by law and NHS Policy before disclosing confidential information for purposes beyond your direct care.
- 8.4. You can make your choice online at:
- <https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>

9. YOUR RIGHTS UNDER DATA PROTECTION LAW

- 9.1. Data Protection Law gives you individual rights around the use of your personal information. These are:
- The right to be informed**
- You have the right to know what information we hold about you and how we use it;
- The right to access your information**
- You have the right to access the information that Cynet holds about you. This is often called making a Subject Access Request (SAR);

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The right to rectification

- You have the right to ask us to update your records if you think they are not accurate;

The right to erasure (sometimes called the right to be forgotten)

- In certain circumstances you have a right to have your information erased but not where our lawful basis for processing is either public task or legal obligation (please see section 5 above);

The right to restrict processing

- If you feel that either the information we hold about you is not accurate or you wish to raise another issue with us about what we do with it, you can ask for restrictions on processing, e.g. sharing, whilst we investigate. If you are a current service user, you can ask your care team for restrictions on processing your information. Otherwise please contact the Cygnet Data Protection Officer (please see section 3 above);

The right to data portability

- This right is limited to information we collected with your consent or the purpose of performing or entering into a contract with you. It is a right to have the information sent to you or another data controller you nominate in a machine-readable format.

The right to object

- This is a right to give us reasons why you object to Cygnet processing your information and tell us if you wish us to stop processing. Whether it is available depends on our lawful basis for processing (please see section 5 above). It does not apply where our lawful basis is either legal obligation or contract or vital interests. Where our lawful basis is public task, we may not agree to stop if the processing is for the defence of legal claims.

Rights around automated processing including profiling

- Cygnet does not currently use your information to make decisions about you without the involvement of a health professional or other authorised employee, so these rights do not apply. We will update this privacy notice if this changes.

Right to complain to the Information Commissioner's Office (ICO)

- You have a right to complain to the ICO if you feel Cygnet is not complying with Data Protection Law and / or you are unhappy with any decision we have made about one of your other rights above. You can call the ICO's helpline on 0303 123 1113 or find information on how to complain to the ICO on their website <https://ico.org.uk/>. The ICO may expect you to have complained to us first. To do this you can email dataprotection@cygnethealth.co.uk or post a letter to Data Protection Officer, Cygnet Health Care, Southside Building, 31 Hurst St, Birmingham, B5 4BD. If you are in Cygnet's care and need assistance with this, please ask your care team to assist you.

10. HOW LONG WE KEEP YOUR INFORMATION

10.1. We have an ongoing project to digitise records kept on paper so most of your records will be kept in electronic format.

10.2. The usual retention periods for health records are as follows:

- Physical health records - 8 years after the last treatment date; and
- Mental health records – 20 years after the last treatment date/contact with the service (where the service user has died the retention period will be 10 years from the date of death)

10.3. We retain adult social care records for 8 years.

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- 10.4. We retain children's records up to the service user's 26th birthday unless the service user was detained under Mental Health Act in which case the period is the same as the one for mental health records.
- 10.5. Education records for pupils in Cygnets schools have different retention periods that are covered by our education privacy notice.
- 10.6. Our full retention periods are aligned with NHS Records Management Code of Practice unless legal or regulatory requirements require longer retention.