

# Privacy Notice by Service Area

October 2023



## Please note:

For all health-related services we may share information with NHS GPs & hospitals, where it is necessary to ensure that you continue to receive the appropriate care. This is usually done where there are complications or health issues which are identified, or where further treatment is required. We take client confidentiality very seriously and wherever possible we will give you the choice about sharing information with partners such as your GP but there are circumstances where we are required to share in accordance with legal obligations and public tasks.

Where we have received a referral from the NHS or health provider, we will advise referring agencies (for example, your GP) of the outcome of your treatment. To withdraw consent for sharing please email [dataprotection@bpas.org](mailto:dataprotection@bpas.org). Please note, if the information has already been shared at this point you will need liaise with the referrer directly and engage your data protection rights as appropriate. We will routinely notify your referrer if you do not attend treatment. Referrer details may be kept for the duration of that clients file to help us evidence compliance with data protection legislation.

If your treatment is entirely or in part delivered by a NHS hospital, or another provider, that agency will be responsible for managing the information they hold about you for the purposes of the treatment. You should refer to their Privacy Notice for further information.

## Areas:

1. BPAS abortion, vasectomy, contraception and STI services
2. Appointment booking services
3. Employees, Contractors and Agency Workers
4. Partners, Donors, Campaigners and Research Participants
5. CCTV

## 1. BPAS abortion, vasectomy, contraception and STI services

Service Area	Operations (clinics, telemedicine and associated support services)
The reasons we use your data	<ul style="list-style-type: none"><li>• Facilitate &amp; document; treatments, care, visits, contact and advice in accordance with our legal obligations, public tasks and legitimate interests.</li><li>• Provide aftercare treatment and advice</li><li>• Investigate clinical incidents in accordance with the relevant standards and laws.</li><li>• To obtain funding from the National Health Service (NHS) in accordance with our legitimate interests.</li><li>• Process client feedback/surveys and complaints in accordance with our legitimate interests.</li><li>• Record telephone calls for training and quality purposes in accordance with our legitimate interests.</li><li>• Undertake research including medical research.</li><li>• Defend or administer legal proceedings.</li><li>• Process payments for services</li><li>• To comply with health &amp; charity laws</li></ul>

	<ul style="list-style-type: none"> <li>• To adhere to information security obligations</li> <li>• To safeguard individuals</li> <li>• To ensure compliance with data protection legislation</li> </ul> <p>BPAS are required to provide notifications of abortions to the Governmental Chief Medical Officer. All information is strictly confidential and only shared where required by law. More information on statutory requirements in relation abortion can be found at <a href="https://www.gov.uk/health-and-social-care/abortion">https://www.gov.uk/health-and-social-care/abortion</a></p> <p>We may share your information with statutory agencies to prevent or detect crime or to promote safeguarding.</p> <p>We may produce &amp; publish anonymised statistics or research findings from time to time.</p> <p>Anonymised mass communications may be distributed in accordance with section 4 of this document – for example to send a customer satisfaction survey to those who have consented.</p>
<p>Legal basis for processing</p>	<p>The following lawful bases apply to the information we process about you:</p> <ul style="list-style-type: none"> <li>• Legitimate interests</li> <li>• Legal obligations (as set out below)</li> <li>• Public tasks (arising from the below laws)</li> <li>• Explicit Consent (where expressly requested)</li> <li>• Legal claims</li> <li>• Medical research</li> </ul> <p>BPAS is subject to numerous obligations, these include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Abortion Act 1968</li> <li>• The Abortion Regulations 1991</li> <li>• Medicines Act 1968</li> <li>• Health and safety legislation</li> <li>• Health services legislation &amp; standards</li> <li>• NHS England Serious Incident Framework (2015)</li> <li>• Charitable standards and laws</li> <li>• NHS - A Framework for Sexual Health Improvement in England</li> <li>• Care Quality Commission (Registration Requirements) Regulations 2009</li> <li>• The Care Quality Commission (Registration) and (Additional Functions) and Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012</li> <li>• The Care Quality Commission (Registration and Membership) (Amendment) Regulations 2012</li> <li>• Vulnerable Groups Act 2006</li> <li>• Care Act 2014</li> <li>• The Children Act 2004 &amp; 1989</li> <li>• The Modern Slavery Act 2015</li> <li>• Statutory guidance on medical research</li> <li>• The Human Rights Act 1998</li> <li>• The Data Protection Act 2018 &amp; the UK General Data Protection Regulations</li> </ul>

Who we share your data with

**Where necessary:**

- NHS
- Public Health England
- Care Quality Commission (CQC)
- An Official Ombudsman
- Third party health providers such as sexual health providers, pharmacies and laboratories
- Statutory agencies – such as the Police, the Information Commissioner’s Office (ICO), local authorities, governmental bodies and safeguarding bodies.
- Our IT supplier to enable digital services and maintenance
- Third party data protection consultants and specialists
- Third party ultrasound providers
- Trainee medical professionals – please note such individuals will be subject to strict confidentiality agreements and be required to undertake data protection training
- Third party digital suppliers of live chat and chat bot functionality

Clients should consider website privacy notices when using online resources.

We may need to conduct safeguarding consultations before proceeding with treatment and advice. To promote accessible services BPAS offer clients virtual safeguarding consultations via **WhatsApp video call**. WhatsApp is not mandatory and only used when consent is given. Clients can opt for an in-person consultation at any time. We encourage clients to undertake their own assessment of WhatsApp data processing operations and terms & conditions prior to installing and using the application. To find out more information about WhatsApp please refer to:

<https://www.whatsapp.com/legal/terms-of-service-uk>

When computers make decisions about you

There are no automatic decisions.

When your data gets sent to other countries

Data is not routinely shared outside the UK & Adequate Area\*

There may be limited circumstances where BPAS will share information outside the UK for example confirming appointments with clients outside of area.

Where BPAS share data with third party organisations residing outside the UK & Adequate Area it will ensure that the relevant legal bases and safeguards are in place.

\*An Adequate Area is a country which has been deemed to have the appropriate safeguards in place by the Adequacy Regulations and the Information Commissioners Office.

## 2. Appointment Booking Services

Service Area	Booking and Information
<p>The reasons we use your data</p>	<ul style="list-style-type: none"> <li>• We book and manage appointments for BPAS clients, and on behalf of third party health and care partners – this includes:               <ul style="list-style-type: none"> <li>○ Managing appointments and treatment on behalf of third party health &amp; care partners*</li> <li>○ Referring appointments and treatments to third party health &amp; care partners*</li> <li>○ Retaining booking records</li> </ul> </li> <li>• Facilitate &amp; document; treatments, care, visits, contact and advice in accordance with our legal obligations, public tasks and legitimate interests.</li> <li>• To obtain funding from the National Health Service (NHS) in accordance with our legitimate interests.</li> <li>• Process client feedback/surveys and complaints in accordance with our legitimate interests.</li> <li>• Process payments for services</li> <li>• Record telephone calls for training and quality purposes in accordance with our legitimate interests.</li> <li>• Undertake research including medical research</li> <li>• Defend or administer legal proceedings.</li> <li>• To comply with health &amp; charity laws</li> <li>• To adhere to information security obligations</li> <li>• To safeguard individuals</li> <li>• To ensure compliance with data protection legislation</li> </ul> <p>We may share your information with statutory agencies to prevent or detect crime or to promote safeguarding.</p> <p>We may produce &amp; publish anonymised statistics or research findings from time to time.</p> <p>Anonymised mass communications may be distributed in accordance with section 4 of this document – for example to send a customer satisfaction survey to those who have consented.</p> <p>*Please note that information will only be shared with third parties where the appropriate information governance and security arrangement are in place.</p>
<p>Legal basis for processing</p>	<p>The following lawful bases apply to the information we process about you:</p> <ul style="list-style-type: none"> <li>• Legitimate interests</li> <li>• Legal obligations (as set out below)</li> <li>• Public tasks (arising from the below laws)</li> <li>• Explicit Consent (where expressly requested)</li> <li>• Legal claims</li> <li>• Medical Research in the public interest</li> </ul> <p>BPAS is subject to numerous obligations, these include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Abortion Act 1968</li> <li>• The Abortion Regulations 1991</li> <li>• Medicines Act 1968</li> </ul>

	<ul style="list-style-type: none"> <li>• Health and safety legislation</li> <li>• Health services legislation &amp; standards</li> <li>• NHS England Serious Incident Framework (2015)</li> <li>• Charitable standards and laws</li> <li>• NHS - A Framework for Sexual Health Improvement in England</li> <li>• Care Quality Commission (Registration Requirements) Regulations 2009</li> <li>• The Care Quality Commission (Registration) and (Additional Functions) and Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012</li> <li>• The Care Quality Commission (Registration and Membership) (Amendment) Regulations 2012</li> <li>• Human Fertilisation and Embryology Act 1990</li> <li>• Vulnerable Groups Act 2006</li> <li>• Care Act 2014</li> <li>• The Children Act 2004 &amp; 1989</li> <li>• The Modern Slavery Act 2015</li> <li>• Statutory guidance on Medical Research The Human Rights Act 1998</li> <li>• The Data Protection Act 2018 &amp; the UK General Data Protection Regulations</li> </ul>
Who we share your data with	<p><b>Where necessary:</b></p> <ul style="list-style-type: none"> <li>• NHS</li> <li>• Public Health England</li> <li>• Care Quality Commission (CQC)</li> <li>• An Official Ombudsman</li> <li>• Third party health providers such as sexual health &amp; care providers, pharmacies and laboratories</li> <li>• Statutory agencies – such as the Police, the Information Commissioner’s Office (ICO), local authorities, governmental bodies and safeguarding bodies.</li> <li>• Our IT supplier to enable digital services and maintenance</li> <li>• Third party data protection consultants and specialists</li> <li>• Third party ultrasound providers</li> <li>• Trainee medical professionals – please note such individuals will be subject to strict confidentiality agreements and be required to undertake data protection training</li> </ul> <p>Clients should consider website privacy notices when using online resources.</p>
When computers make decisions about you	There are no automatic decisions.
When your data gets sent to other countries	<p>Data is not routinely shared outside the UK &amp; Adequate Area*</p> <p>There may be limited circumstances where BPAS will share information outside the UK for example confirming appointments with clients outside of area.</p> <p>Where BPAS share data with third party organisations residing outside the UK &amp; Adequate Area it will ensure that the relevant legal bases and safeguards are in place.</p>

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### 3. Employees, Contractors and Agency Workers

Service Area	Human Resources and I.T. services
<p>The reasons we use your data</p>	<ul style="list-style-type: none"> <li>• To process your pay and related information</li> <li>• To manage your employment under our relevant statutory duties &amp; employment policies</li> <li>• To comply with equality &amp; diversity obligations &amp; tasks</li> <li>• To manage performance, conduct &amp; skills to process your employee benefits</li> <li>• To manage work-related health information</li> <li>• To process statutory deductions</li> <li>• To allow the administration of your personal pension</li> <li>• To allow for the transfer of budget information</li> <li>• To allow independent auditors to ensure that we are complying with our internal policies and processes</li> <li>• To allow you to access the relevant external training linked to your personal development</li> <li>• To determine your suitability for roles (for job applicants)</li> <li>• To undertake pre-employment checks should your employment application be successful (for job applicants)</li> <li>• To complete anonymised equalities statutory returns and to target future recruitment campaigns</li> <li>• To support or defend legal claims</li> <li>• To safeguard employees and clients</li> <li>• To facilitate digital access to resources</li> <li>• To manage allocation and use of user accounts &amp; BPAS assets</li> <li>• To manage information security; through monitoring and preventing information security incidents</li> <li>• To investigate &amp; resolve complaints or service requests</li> <li>• To enable business continuity as required through back up and restore functionality</li> <li>• To authenticate employee account details, through multi-factor authentication</li> <li>• To enable the use &amp; integration of systems and digital platforms</li> <li>• To ensure that clinical and care standards are adhered to</li> <li>• To assess and share information regarding your vaccination status where required by law to ensure compliance with data protection legislation</li> </ul> <p>We may share your information with statutory agencies to prevent or detect crime or to promote safeguarding.</p> <p>We may produce &amp; publish anonymised statistics or research findings from time to time.</p> <p>Anonymised mass communications may be distributed in accordance with section 4 of this document – for example to send a staff survey</p> <p>Staff should consider website privacy notices when using online resources.</p>

<p>Legal basis for processing</p>	<p>We process your data in accordance with:</p> <ul style="list-style-type: none"> <li>• Our contractual obligations</li> <li>• Our legitimate interests and our substantial legitimate interests</li> <li>• Our legal obligations – under employment, equalities, health safety legislation and to comply with clinical and care standards</li> <li>• Explicit consent (where expressly requested)</li> </ul> <p>The relevant legislation includes:</p> <ul style="list-style-type: none"> <li>• Employee Rights Act 1996</li> <li>• The National Minimum Wage Act 1998</li> <li>• The Agency Workers Regulations 2010:</li> <li>• The Equality Act 2010</li> <li>• The Working Time Regulations 1998</li> <li>• The Data Protection Act 2018</li> <li>• The Employee Relations Act 1999</li> <li>• The Maternity and Parental Leave etc. Regulations 1999</li> <li>• The Coronavirus Act 2020</li> <li>• The Health Protection (Notification) Regulations 2010</li> <li>• The Public Health (Control of Disease) Act 1984 and associated Regulations</li> <li>• The Safeguarding Vulnerable Groups Act 2006</li> <li>• The Health and Safety at Work Act 1974</li> <li>• The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021</li> </ul>
<p>Employee monitoring</p>	<p>We may monitor the use of BPAS assets, staff conduct &amp; records of time keeping for purposes such as preventing and detecting criminal acts, investigating unauthorised use, making sure that policies are being followed and for training and quality control in accordance with the schedule 1 (1), (2) &amp; schedule 2 of the Data Protection Act 2018, &amp; Article 6 (b), (c) &amp; (f) of the UK General Data Protection Regulations 2016. Examples of employee monitoring may include but is not limited to: surveillance, system audits, remote working, IT access &amp; usage, building access conduct, performance and the use &amp; management of financial assets. Please note that all staff are not routinely monitored in a blanket manner – all monitoring will be proportionate and justified.</p> <p>Certain electronic monitoring and interception rules are in place to help BPAS comply with its responsibilities under data protection legislation. Electronic monitoring and interception may also be used where it:</p> <ul style="list-style-type: none"> <li>• allows BPAS to comply with other regulation</li> <li>• establishes the existence of facts</li> <li>• acts as a means of verification that the person being monitored is performing his or her work to standards</li> <li>• is in the interests of UK security</li> <li>• may prevent or detect criminal activity</li> <li>• ensures the communication system operates effectively</li> <li>• allows BPAS to detect unauthorised use of the system</li> </ul>
<p>Who we share your data with</p>	<p>Both <b>internal &amp; external partners</b>, and <b>services users</b> will have access to information relating to you acting in your professional capacity. Disclosures will be balanced with our duty of confidence to you and your expectation of privacy.</p> <p><b>External organisations</b> such as:</p>

	<ul style="list-style-type: none"> <li>• Care Quality Commission</li> <li>• H M Revenue &amp; Customs,</li> <li>• Disclosure and Barring Service,</li> <li>• H M Court Service,</li> <li>• Police Authority,</li> <li>• Department of Work and Pensions,</li> <li>• Pensions Administrators</li> <li>• External organisation linked to TUPE legislation.</li> <li>• HR System IT supplier Software-for-People</li> <li>• External employment lawyers (involved in staff litigation)</li> <li>• Our partners</li> <li>• Third party system providers including but not limited to Microsoft, SharePoint, RotaMaster and Mimecast</li> <li>• Third party data protection consultants and specialists</li> <li>• Trainee medical professionals – please note such individuals will be subject to strict confidentiality agreements and be required to undertake data protection training</li> </ul>
When computers make decisions about you	There are no automatic decisions.
When your data gets sent to other countries	<p>Data is not routinely shared outside the UK &amp; Adequate Area *</p> <p>There may be limited circumstances where BPAS will share information outside the UK for example confirming appointments with clients outside of area.</p> <p>Where BPAS share data with third party organisations residing outside the UK &amp; Adequate Area it will ensure that the relevant legal bases and safeguards are in place.</p> <p>*An Adequate Area is a country which has been deemed to have the appropriate safeguards in place by the Adequacy Regulations and the Information Commissioners Office.</p>

#### 4. Partners, Donors, Campaigners and Research Participants

Service Area	Communications, Marketing and Research
How we collect your data	<p><b>Information you give us.</b> You may give us information about your identity, contact details, financial and/or transaction data and marketing &amp; communications preferences when you sign up to a newsletter, sign a petition or become an e-campaigner, join us at an event, training session or donate to us.</p> <p><b>Information we collect about you.</b> We may automatically collect personal information that is in the public domain through social media platforms or donation partner, this will be done overtly.</p> <p><b>Information we receive from other sources.</b> We may receive personal data about you from various third parties and public sources. For example, we may receive:</p> <ul style="list-style-type: none"> <li>• Technical data from analytics providers;</li> <li>• Contact, financial and transaction data from providers of technical, payment and delivery services;</li> </ul>



	<ul style="list-style-type: none"> <li>• Public sources of information on the internet based on what you do</li> <li>• (journalists) or your opinions as they relate to our services, and</li> <li>• Identity and contact data from selected business partners, data brokers or aggregators.</li> </ul> <p>We may purchase lists of data from organisations, from time to time, that can provide data privacy records showing your consent for the use of this data by us. There may also be instances where people make purchases on your behalf and sign you up to our services or information. If this is the case then we will endeavour to contact you within thirty (30) days to let you know this has happened, and you can ask us to stop processing at this point. We may also use your information if you have made this public, are over 18 and may have interacted with us.</p>
<p>The reasons we use your data</p>	<ul style="list-style-type: none"> <li>• Process payments, claim gift aid and complete identity checks</li> <li>• Contact you regarding general BPAS information</li> <li>• To inform you about services &amp; campaigns</li> <li>• To fulfil purchases you have made from us</li> <li>• Promote engagement and fulfil BPAS' charitable aims</li> <li>• To comply with information security and payment security obligations</li> <li>• To undertake research in accordance with purposes outlined in sections 1 &amp; 2 of this document</li> <li>• To ensure compliance with data protection legislation</li> </ul> <p>We may produce &amp; publish anonymised statistics or research findings from time to time.</p>
<p>Legal basis for processing</p>	<p>We process your data in accordance with:</p> <ul style="list-style-type: none"> <li>• Our legitimate interests</li> <li>• Contractual obligations</li> <li>• Your Explicit Consent (where expressly requested)</li> </ul> <p>NOTE: You can withdraw consent by contacting <a href="mailto:external-affairsteam@bpas.org">external-affairsteam@bpas.org</a></p>
<p>Who we share your data with</p>	<p><b>Facebook</b> - If you interact with us through Facebook then you will be subject to their privacy policy that can be found here:</p> <p><a href="https://www.facebook.com/legal/FB_Work_Privacy">https://www.facebook.com/legal/FB Work Privacy</a></p> <p><b>Google</b> - Google Analytics provide analytics data on the use of website and other digital interaction platforms. Their privacy policy can be found at:</p> <p><a href="https://support.google.com/analytics/answer/6004245?hl=en">https://support.google.com/analytics/answer/6004245?hl=en</a></p> <p><b>HMRC</b> - If you allow us to reclaim GiftAid then we need to check your status with HMRC and apply for the tax rebate, when we do this we exchange information with HMRC and this data will be subject to their data privacy notice that can be found at:</p>

<https://www.gov.uk/government/publications/data-protection-act-dpa-information-hm-revenue-and-customs-hold-about-you/data-protection-act-dpa-information-hm-revenue-and-customs-hold-about-you>

**Instagram** - If you interact with us through Instagram then you will be subject to their privacy policy that can be found here:

<https://privacycenter.instagram.com/policy>

**JustGiving** - If you donate to us through Just Giving then you will be subject to their data privacy notice that can be found at:

<https://www.justgiving.com/about/info/privacy-policy/privacy-policy-v30>

**Mailchimp** - We use Mailchimp to send our marketing and campaign emails. Their privacy policy can be found here:

<https://mailchimp.com/legal/privacy/>

**Microsoft** - Microsoft provide our email service and when you email us this will be controlled under:

<https://privacy.microsoft.com/en-gb/privacystatement>

**Payment service provider / Bank** - If you donate to us; to process your payment, we may need to share information with our partners to process this payment.

**Savoo** - If you donate to us through Savoo then you will be subject to their data privacy notice that can be found at:

<https://www.savoo.co.uk/info/the-legal-stuff/privacy/>

**Survey Monkey** – we use survey monkey to send our surveys their privacy notice can be found here:

<https://www.surveymonkey.co.uk/mp/legal/privacy/>

**VirginMoneyGiving** - If you donate to us through Virgin Money Giving, then you will be subject to their data privacy notice that can be found at:

<https://uk.virginmoney.com/service/virgin-money-giving-privacy-policy/>

**X (formerly known as Twitter)** - If you interact with us through Twitter then you will be subject to their privacy policy that can be found here:

<https://twitter.com/en/privacy>

	<p><b>YouTube</b> - If you interact with us through our You Tube channels then you will be subject to their privacy policy that can be found here:</p> <p><a href="https://policies.google.com/privacy">https://policies.google.com/privacy</a></p> <p><b>Other external organisations:</b></p> <ul style="list-style-type: none"> <li>• Statutory agencies such as the Police</li> <li>• Third party system providers including but not limited to Microsoft, and Mimecast</li> <li>• Third party data protection consultants and specialists Auditors</li> <li>• Trainee medical professionals – please note such individuals will be subject to strict confidentiality agreements and be required to undertake data protection training</li> </ul>
When computers make decisions about you	There are no automatic decisions.
When your data gets sent to other countries	<p>Data is not routinely shared outside the UK &amp; Adequate Area*</p> <p>There may be limited circumstances where BPAS will share information outside the UK for example confirming appointments with clients outside of area.</p> <p>Where BPAS share data with third party organisations residing outside the UK &amp; Adequate Area it will ensure that the relevant legal bases and safeguards are in place.</p> <p>*An Adequate Area is a country which has been deemed to have the appropriate safeguards in place by the Adequacy Regulations and the Information Commissioners Office.</p>

## 5. CCTV

Service Area	Clinics and Facilities Management
The reasons we use your data	<p>BPAS or its partners may use footage to investigate incidents that have happened on or in the vicinity of premises. We may share your information with statutory agencies, to prevent or detect crime.</p> <p>In premises where CCTV systems are owned by partner organisations (for example, BPAS clinics within premises and CCTV owned by the NHS) BPAS will ensure the necessary legislation has been considered.</p>
Legal basis for processing	<p>We process CCTV footage in accordance with:</p> <ul style="list-style-type: none"> <li>• BPAS' legitimate interests</li> <li>• Health &amp; Safety legislation</li> <li>• The Protection of Freedoms Act 2012</li> <li>• The Surveillance Camera Code of Practice</li> <li>• The Data Protection Act 2018</li> <li>• The UK General Data Protection Regulations</li> <li>• Employment legislation</li> <li>• Crime legislation</li> </ul>

Who we share your data with	<p>Where there is a lawful basis and the processing is necessary, we may share your data with:</p> <ul style="list-style-type: none"> <li>• Statutory agencies such as the police / IT system providers</li> <li>• Third party data protection consultants and specialists</li> </ul>
When computers make decisions about you	There are no automatic decisions.
When your data gets sent to other countries	<p>Data is not routinely shared outside the UK &amp; Adequate Area*</p> <p>There may be limited circumstances where BPAS will share information outside the UK for example confirming appointments with clients outside of area.</p> <p>Where BPAS share data with third party organisations residing outside the UK &amp; Adequate Area it will ensure that the relevant legal bases and safeguards are in place.</p> <p>*An Adequate Area is a country which has been deemed to have the appropriate safeguards in place by the Adequacy Regulations and the Information Commissioners Office.</p>

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