## ****User Privacy and Confidentiality Policy (Breaking the Silence text service)****

Last updated: Tuesday 14th April 2020 17:00 (Bradford, BST)

**INTRODUCTION**

At Breaking the Silence (“Khamoshi Ko Towrnah”, a Meridian Centre Project, “we”, or “us”), our goal is to support BAME male victims and survivors of abuse in crisis. At the Breaking the Silence ‘triage’ text service we are here to help you out of a crisis – we give people the facility to reach out, for a limited period (one x 20 minute session), to a trained and supervised Therapist to move from a position of crisis to a calmer, more manageable state of mind. Our organisation is called Meridian Centre and we are a registered charity in England number 115297.

Importantly, when you message us, we aim to create a “safe space” in which you feel able to discuss difficult topics.

Your privacy and the security of information about you are very important to us. Our privacy and security guidelines apply to all Breaking the Silence employees as well as those who provide technical support and we take these privacy safeguards very seriously

Due to Safeguarding restrictions we cannot accept texts directly to the service. When you call Breaking the Silence phonelines, you can ask for the ‘triage’ text service by speaking directly to a therapist inside working house 3pm-8pm Monday to Thursday, or out of hours using our voicemail service. We require your mobile telephone number and an appropriate time and date to initiate the triage. To use the service you will need access to either a wifi or a data connection e.g. 3G and the mobile app ‘Telegram messenger’, available from the Apple App Store and Android Play Store. Please note this must be inside our working hours (Monday to Thursday 3pm – 8pm). Upon commencement of the session you will receive messages with a link to these Terms of Service and our Privacy and Confidentiality Policy (“Privacy Policy”) and other relevant documentation.

We take the protection of your data very seriously. Please refer to our User Provacy and Confidentiality Policy. We retain an encrypted copy of the ‘triage’. If you fear your messages may be intercepted by those around you, resulting in a breach of confidentiality that places you at risk, we can use the message self-destruct feature. We wil retain a copy of the conversation but the messages will disappear automatically on your device.

Our Terms of Service explain our service and set out the ground-rules for using it.  **Before using or accessing the service we provide (the “Service”), please read both the Terms of Service and this Privacy Policy (the “Terms”).  The Terms govern your access and use of the Service**. You may contact Breaking the Silence by e-mail at info@breaking-the-silence.org uk if you have any questions about them. If you don’t agree to the Terms you may not use the Service. If you no longer wish to receive messages, you may opt out at any time by texting the word STOP.

**CHANGES TO THE TERMS**

The Terms may be changed from time to time. The most up-to-date Terms will always be the ones that are posted here.  Changes to the Terms of Service will be effective immediately upon our posting them here on our website.

If we decide to make any changes which affect how we use your personal information we will place clear notifications on the front page of our website for a minimum of a month prior to those changes being implemented. This is to allow you time to review them here. If you then continue to use the Service after that time we will take it that you have agree to those changes.

By using our Service after receiving those automated messages, you agree to the practices outlined in the current Terms, including the collection and processing of your personal data, including special category data, as described in the Terms.

In order to protect your confidentiality, we never initiate direct contact with you. We are therefore unable to notify you directly of any changes to the Terms. Your use of the Service after any such changes have been posted shall constitute your acceptance of the revised Terms.

This Privacy Policy will inform you if, when and to whom we disclose your information; it will explain your Data Protection Act and General Data Protection Regulation (“GDPR”) rights relating to this information and what choices you have in how we use that information. So before using the Service, please read the following.

**COLLECTION AND USE OF YOUR PERSONAL AND SPECIAL CATEGORY DATA**

In order to use the Breaking the Silence text service we require access to your mobile telephone number. We will retain this as we need it in order to enter into a conversation with you and provide you with our service. We do not require you to supply any other data in order to access our service. We do not even need your name. By default, your number is only visible to people who you've added to your address book as contacts. You can further modify this in Settings > Privacy and Security > Phone Number. If you have reasons to worry about your personal security, we strongly recommend clearing us from your history should you access our website from your computer and make sure we are not saved in your mobile telephone contact list.

**WHAT PERSONAL AND SPECIAL CATEGORY DATA WE COLLECT**

When using the ‘Secret chat’ function, all of the text messages that you send us are stored securely. Apart from your telephone number, we do not routinely collect any other personally identifying data from you. In order to make the conversation between you and our therapist flow more smoothly you may wish to provide us with your name, but that should not be more than your first name.

When you are in conversation with us you may be upset or in a difficult situation. You may choose to tell us things that are deeply personal to you, that you may never have told another person. This could mean that you may tell us things which involve the following topics:

race;

ethnic origin;

political opinions;

religious or philosophical beliefs;

trade union membership;

health;

sex life;

or sexual orientation.

This list isn’t exhaustive, and you can choose to talk with us about anything you would like or need to. However, under the GDPR, the types of information listed above are classed as special category data. That means that we require your specific consent in order to discuss any of these topics with you. This is because we will store this information within the confidential record of our conversation with you.

We send you a link to the Terms including this Privacy Policy in the automated text messages that we send you when you first contact us.

**IF YOU CHOOSE TO CONTINUE USING OUR SERVICE AFTER RECEIVING OUR AUTOMATED MESSAGES, YOU WILL BE CONSENTING TO US KEEPING ALL OF THE TEXT MESSAGES, PROCESSING AND STORING YOUR TELEPHONE NUMBER INCLUDING ANY PERSONAL OR SPECIAL CATEGORY DATA THAT YOU CHOOSE TO SHARE WITH US.**

**LOCATION DATA**

We do not routinely gather data about your location. If you message us, we do not automatically know where you are. There are occasions when we may ask you to give us your location. You are not under any obligation to give it to us. We will only ever ask for it if we feel that we need it to help you. You can find more information about this in the section of this policy titled “CONFIDENTIALITY AND DISCLOSURE TO THIRD PARTIES.”

**HOW WE USE YOUR PERSONAL AND SENSITIVE DATA**

We keep a record of the telephone number that you contacted us from. We use your telephone number to identify you. When using the secret chat function without the ‘self-destruct’ function, we also keep the text messages sent between you and your therapist.

We keep the text messages for a few reasons. We use the information for internal purposes such as auditing, data analysis and research to improve the service that we provide; additionally, we clear it of all personal data (so that you can never be identified) and use the anonymised data that is produced to conduct an analysis of the trends that are occurring within our conversations.

**COLLECTION AND USE OF DATA THAT IS NEITHER PERSONAL NOR SENSITIVE**

We also collect data that is neither personal nor special category; that is, data that cannot be directly used to identify or contact you. We may collect, use, transfer, and disclose this type of data for any purpose, including but not limited to improving services, disclosing to third parties to generate support for Breaking the Silence/Breaking the Silence text service, or as required by law.

Below are examples of data that is neither personal nor sensitive, that we collect and how we may use it:

* We may use aggregated, anonymised information such as age, gender, language, and the time of our conversation to better understand user behaviour and improve our service.
* We also may collect information regarding usage of Breaking the Silence text service, such as the conversation volume, average length of conversation, and other data. This information is aggregated and helps us conduct internal research, so we can improve the quality of our service.

**CONFIDENTIALITY AND DISCLOSURE TO THIRD PARTIES**

Breaking the Silence respects and seeks to preserve the confidentiality of people who use our service. This confidentiality is based on the common law ‘duty of confidence’ (essentially this means that when someone shares personal information in confidence it must not be disclosed without some form of legal authority or justification. In practice this will often mean that the information cannot be disclosed without that person’s explicit consent unless there is another valid legal basis <https://www.ukcgc.uk/manual/confidentiality>) and is shared between you, the service user and Breaking the Silence .  Our Therapists also have an obligation of confidentiality. They will only use and disclose any information provided to them within the rules set by Breaking the Silence. We do not routinely ask for names or location information. No identifying information or discussion between you and the service is disclosed to an external third party except in the exceptional circumstances outlined below.

We will always endeavour to get your consent before we contact a third party but there are situations, described below, where we will pass on information without consent. If we deem that the situation is safe for you, we will work with you in making decisions about involving a third party. We will only share information with people or entities when the law allows us to do so.

We will always think carefully about whether we need to break confidentiality. This is especially important if you are a young person, aged under 18. We will choose to break confidentiality and engage with a third party in the following circumstances:

∙••••• You ask us to;

∙••••• We believe that your life or someone else’s life is in imminent danger;

∙••••• You are a young person, aged under 18, who is being hurt, abused or neglected;

∙••••• You tell us that you are endangering the safety of another person.

We are also unable to provide confidentiality in the following circumstances:

* A message sent to or through Breaking the Silence text service contains specific information about a terrorist suspect or terrorist activity that will take place or has taken place in the world. This information must immediately be disclosed to the police;
* Breaking the Silence is forced through legal action to disclose specific confidential information; this can include legal action taken under the Data Protection Act and during criminal investigations.

**POLICE, SOCIAL AND MEDICAL SERVICES**

If one of our therapists identifies imminent risk of harm to yourself or someone else (you have the desire, plan, means, timeframe) or suspects emotional/physical abuse or neglect, they may let you know they’re concerned about your safety. At this point, they might ask you for some identifiable information (such as your age, where you are and your name). If they have concerns about your safety or you share information about the abuse of a child or young person, they may contact the police, medical, or social services.

**RESEARCH**

We are hoping to create a formal process for sharing information about our text conversations with researchers at universities and other institutions. We typically share anonymised data with trusted researchers when it will result in insights that create a better experience for our service users. We will always follow best practices for sharing data based on the guidance from the institution’s ethics committee, and any relevant legal limitations or security checks.

**OUTSIDE SIGNPOSTS**

Sometimes, we may signpost you to another service. We will give you information to help you contact them, but we will NOT give them your contact information. It is up to you if you want to follow our signpost to their service. If you would like to receive support from other services, please note that different rules may apply to their use or disclosure of Personal and Special Category Data. We do not control the privacy policies of other services.

**THIRD PARTY SERVICES**

If you contact us through a third-party service your information may be shared between us and that third party. For example, in the exceptional circumstances described above, we and the third party may exchange your location information to contact local police, medical or social services in an emergency.

**OTHER THIRD PARTIES; LEGAL PROCESSES**

In certain narrow circumstances, we may disclose Personal Data that we collect from you to additional third parties if we believe such disclosure is necessary:

∙••••• to comply with the law or in response to a court order, government request, or other legal process;

∙••••• to protect the interests, rights, safety, or property of Breaking the Silence, its affiliates, employees, including but not limited to our therapists.

**RETENTION OF INFORMATION**

We retain and store two different types of data after our conversation with you. Your Personal and Special Category Data, that is your telephone number and the record of all the text messages that you exchange with us, will be stored for up to 7 years after you last contact us. Once this time has passed we will permanently delete this data from our records. If you contact us again after this time, you will appear to be a new service user. We will not have any record of our previous conversations with you.

We anonymise the data that is extracted from our conversations with you. This anonymised data will be retained indefinitely. This data is independent of the text record and cannot be attributed to you. We keep this data as it helps us to improve our own services and it contributes to our data set.

**HOW WE PROTECT YOUR PERSONAL AND SENSITIVE DATA**

We take the protection of your data very seriously. Telegram’s ‘special secret chats’ use end-to-end encryption, leaving no trace on their servers, support self-destructing messages and don’t allow forwarding. On top of this, secret chats are not part of the Telegram cloud and can only be accessed on the device of origin (ours). We take administrative, technical, and physical measures, to protect your Personal and Sensitive data from loss, theft, misuse, unauthorised access, disclosure, alteration, and destruction. We make use of 2 step verification, requiring both an SMS code and a password to log in.

**Telegram is more secure than mass market messengers like WhatsApp and Line. It is based on the MTProto protocol built upon time-tested algorithms to make security compatible with high-speed delivery and reliability on weak connections. Telegram supports two layers of secure encryption. Server-client encryption is used in Cloud Chats (private and group chats), Secret Chats use an additional layer of client-client encryption. All data, regardless of type, is encrypted in the same way — be it text, media or files. Encryption is based on 256-bit symmetric AES encryption, 2048-bit RSA encryption, and Diffie–Hellman secure key exchange.**

To protect the data that is not covered by end-to-end encryption (in the off chance some communication is not shared via the ‘secret-chat’ function), Telegram uses a distributed infrastructure. Cloud chat data is stored in multiple data centers around the globe that are controlled by different legal entities spread across different jurisdictions. The relevant decryption keys are split into parts and are never kept in the same place as the data they protect.

Telegram can help when it comes to data transfer and secure communication. This means that all data (including media and files) that you send and receive via Telegram cannot be deciphered when intercepted by your internet service provider, owners of Wi-Fi routers you connect to, or other third parties.

But Telegram cannot protect you from those around you should they take your unlocked phone without a passcode. Or from your computer. Or from any other people that get physical or root access to your phones or computers running Telegram.

To avoid breaches of confidentiality we will only use ‘Secret Chats’ preferably with a self-destruct timer. All messages in secret chats use end-to-end encryption. This means only you and the recipient can read those messages — nobody else can decipher them, including the technical staff at Telegram. On top of this, Messages cannot be forwarded from secret chats. And when you delete messages on your side of the conversation, the app on the other side of the secret chat will be ordered to delete them as well.

You can order your messages, photos, videos and files to self-destruct in a set amount of time after they have been read or opened by the recipient. The message will then disappear from both your and your therapists devices. The Self-Destruct Timer is available for all messages in Secret Chats and for media in private cloud chats.

To set the timer, the therapist will choose with you the desired time limit. We recommend no more than ten seconds. The clock starts ticking the moment the message is displayed on the recipient's screen (gets two green checks). As soon as the time runs out, the message disappears from both devices. A notification is sent to both users if a screenshot is taken.

We also recommend enabling 2-Step Verification and setting up a strong passcode to lock your app, you will find both options in Settings > Privacy and Security. We will support you in setting this up before commencing.

Perfect security does not exist anywhere. Although we believe we take appropriate measures to safeguard against unauthorised disclosures of information, we cannot assure you that your Personal and Sensitive Data or communications with Breaking the Silence will never be disclosed in a manner inconsistent with this policy and make no representations or warranties regarding the sufficiency of Telegrams security measures to prevent unauthorised access or interception by third parties.

**YOU SHOULD ALSO PROTECT YOURSELF**

Always be careful and responsible regarding your Personal and Sensitive Data.

Self-destructing messages ensure our conversations do not appear on your phone. You might even want to clear us from your history should you access our website from your computer and make sure we are not saved in your mobile telephone contact list.

**YOUR RIGHTS REGARDING YOUR PERSONAL AND SENSITIVE DATA**

If you wish to exercise any of your rights, as listed below please write to our Data Controller at meridiancentre@hotmail.co.uk or the address below for :

a. Access to your personal information;

b. Objection to processing of your personal information;

c. Objection to automated decision-making;

d. Restriction of processing of your personal information;

e. Your personal data portability;

f. Rectification of your personal information; or

g. Erasure of your personal information.

If you make a request relating to any of the rights listed above, we will consider each request in accordance with all applicable data protection laws and regulations. No administration fee will be charged for considering and/or complying with such a request unless the request is deemed to be excessive in nature.

Upon successful verification of your identity you are entitled to obtain the following information about your own personal information:

a. The purposes of the collection, processing, use and storage of your personal data.

b. The categories of personal data stored about you.

c. The recipients or categories of recipients to whom your personal data has been or may be transmitted, along with the location of those recipients.

d. The envisaged period of storage for your personal data or the rationale for determining the storage period.

e. The use of any automated decision-making and/or profiling.

You may request that we delete your Personal and Sensitive Data, such as your name, physical address (if applicable), phone number, and texts/message transcripts, after which you will be prompted to confirm your request.

You can make any of the other above requests by emailing meridiancentre@hotmail.co.uk or by writing to:

Data Protection Officer

Meridian Centre

St Paul’s Road,

Bradford

BD8 7LS

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.

**COMPLAINTS**

If you have any questions or concerns about this Privacy Policy and our privacy practices or if you wish to file a complaint, please contact our Care Team by emailing Iinfo@breaking-the-silence.org.uk

You have the right to lodge a complaint with the Information Commissioner’s Office (ICO) if you believe your data has been processed in a way that does not comply with the GDPR. You can do so by calling the ICO helpline on **0303 123 1113**or via their[**website**](https://ico.org.uk/concerns/)**.**

**Data Protection Officer**

Contact the Meridian Centre Data Protection Officer by emailing meridiancentre@hotmail.co.uk or by writing to:

Data Protection Officer

Meridian Centre

St Paul’s Road,

Bradford

BD8 7LS