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| Data protection phone scriptsJanuary 2023 |
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Phone scripts

**Having a consistent process when talking to people over the phone about data protection is good practice. A data processing script will help to ensure this. You need to train staff on this.**

**Note that you may not need to use a full script on every occasion; however, ensure consistency where possible.**

**Before you start**

**Before you use either phone script, you need to know your lawful basis for collecting personal and special category data – whether this is information and signposting data, feedback about particular health and social care services or interviews for research purposes.**

**This is vital as it will determine what you tell people and whether you need to obtain consent/explicit consent. The lawful bases that apply to Healthwatch activities for these purposes are:**

**For personal data:**

* **Consent**
* **Public task**

**For special category data (including any data about people's health, wellbeing, medical conditions and treatment):**

* **Explicit consent**
* **Necessary for the provision of health or social care.**

**If you are not collecting personal data (e.g. people's names, addresses and contact details), GDPR doesn't apply.**

**For further information on lawful bases for processing data, see our** [**guidance on data protection.**](https://network.healthwatch.co.uk/guidance/2022-06-17/guide-data-processing-and-protection)

**Short phone script**

**Here is an example of a short script you may want to use.**

**"Healthwatch [insert name] is an independent champion for people who use health and social care services. We have a legal duty to collect information about access to and the quality of those services. We produce reports and make recommendations based on the information we collect. Under data protection legislation, we have a lawful basis for processing the things you tell us.**

**We may ask for information about your health, ethnicity, sexual orientation, religion or belief [exclude the categories you are not asking about] because we want to understand everyone's experiences of health and care. You don't have to tell us any information you don't want to share. Confidentiality is essential to us, so we will only keep your data for as long as necessary. We will not report or share anything that will identify you. We will share this data with Healthwatch England, the independent national champion for health and social care, as we have a legal duty to do so. They will use it to improve health and social care services at a national level.**

**Our privacy statement is available on our website if you want to know more about how we use your data. We can post you a printed copy of our privacy notice if you like."**

**Long phone script**

**This is a longer, more in-depth script you may need to use when conducting in-depth interviews. You should be ready to discuss further and answer any questions.**

**"Healthwatch has a legal duty to collect information about the quality of health and social care services, including your views on how services can be improved. Healthwatch also has a legal duty to produce reports and make recommendations based on the information we collect. The duties are set out in the Health and Care Act 2012 and are part of our 'public functions'.**

**Under the UK GDPR and the Data Protection Act 2018, we have a lawful basis for processing the things you tell us (your personal data). Our lawful basis for processing the data you provide is 'necessary for a public function'/consent. [choose whichever is your lawful basis]**

**[Explain the purpose of the interview and what topics you are going to cover]**

**Some more sensitive types of data are called special category data. [Explain which special category data you are asking for here – note that anything to do with health or wellbeing is special category data]. We have a duty to hear from all local people, so we'll use it to ensure that we can understand everyone's experience of [insert topic].**

**We ask for information about your health and medical treatment because it will help us to understand the context of what you are telling us.**

**We will not report or share anything you tell us in a way that will identify you.**

**Our privacy statement is available on our website if you want to know more about how we use your data. We can post you a printed copy of this privacy notice if you ask us to."**

**Consent**

**If you are collecting people's personal data and your lawful basis is consent, you'll need to add the following to your script:**

**"Do you consent to us collecting, storing and using your data for [insert purpose]? You will need a clear affirmative answer – "Yes" is fine.**

**You must have an effective audit trail of how and when consent was given, so you can provide evidence if challenged. The ICO has** [**guidance about recording consent.**](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/consent/how-should-we-obtain-record-and-manage-consent/#how4)

**Explicit consent**

**As you'll be collecting data about health and social care, you'll also need an additional lawful basis to collect this information, even if you don't collect any demographics.**

**If explicit consent is your lawful basis, you'll need an affirmative answer to a separate question:**

**"Do you agree to your data about my health and care, ethnicity, sexual orientation, disability and long-term condition for Healthwatch [insert name] to understand your experience and how the experiences of different groups differ?"**

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