

MHFAider Support App[®]: FAQs on data protection, for corporate use

About the FAQs

These FAQs are for individuals who have received MHFA[®] training with MHFA England[®] and who subsequently wish to download the MHFAider Support App[®] (the “App”) and use it in their work environment, particularly in the context of providing first aid services to fellow staff members. We refer to such individuals in this FAQs document as “you”.

This document has been developed in partnership with DAC Beachcroft LLP, an international law firm, headquartered in London, with expertise in insurance and healthcare.

It is not intended as a replacement for your organisation’s own internal data protection policies and procedures, which you should ultimately adhere to as a priority.

What personal data is collected via and processed by the App?

The App processes data of two types of individuals – data relating to you, and data relating to the person you are supporting in the work environment, e.g., a fellow employee (who we refer to from herein as the “service recipient”).

Your data

We collect your first name, last name, and email address to create a login to use our App.

For more information about our use of your personal data in relation to the App, please see our privacy notice, [here](#). This FAQs document mostly focusses on personal data of service recipients, which is recorded by you on the App.

Service recipient

There are optional fields for you to collect the following data about service recipients via the App:

- The ‘Name’ or unique identifier of the service recipient who you have had the conversation with
- ‘Notes’ where you can note reflections of the conversation and your response

The above optional information about service recipients will not be accessible to

anyone except you. We recommend that any information about the recipient (as in your reflective notes) are kept to a minimum and do not include data which would enable them to be identified by anyone besides you (e.g., surname, date of birth etc.). Instead, you should include minimal information which would only allow you to identify them, e.g., a first name only or their initials.

There are **mandatory** fields for:

- The 'Date' of when the conversation took place
- The 'Duration' of the conversation in minutes
- The 'Situation' that describes the main issue/s discussed (multiple choice option)
- 'Signposting' that describes any professional or other support that you have encouraged the service recipient to seek. (This is via a multiple-choice option)

The above mandatory information relating to service recipients will be accessible by MHFA England at an anonymised level for reporting purposes. It will also be provided back to you on the Insights tab of the App, summarising your activity during the previous month.

What special category data is processed on the App?

In your personal reflections in relation to any Mental Health First Aid provided, you may find that you are referring to more sensitive data linked to the recipient's name (first name only to be recorded), particularly any data concerning their mental and physical health, and possibly other forms of what is known as special category data under the UK General Data Protection Regulation (GDPR).

Any special category data recorded by you will only be accessible by you, and you will owe a duty of confidentiality to the service recipients. Your organisation will need to ensure that it has identified a lawful basis and condition for processing such special category data under the UK GDPR / Data Protection Act 2018.

MHFA England will not access any special category data as we have put in place significant levels of encryption and limitations on access rights, which means that we do not view personal data (including special category data) relating to service recipients.

How and for what purposes is the App data processed?

At MHFA England we will process App data solely for the purposes of providing the App. Our processing activity is limited to hosting the data (which we do using a third party).

As a Mental Health First Aider (MHFAider®) you will process App data for the purpose of secure reflective notes and utilising the features and services provided by the App. You can only see the data relating to service recipients with whom you interact (i.e.,

you cannot see data relating to service recipients for other MHFAiders® within the same organisation).

What are the roles of the different parties under the GDPR?

- Employer organisation – your employer is the Data Controller under the UK GDPR in respect of both your data and the data of service recipients (who are your fellow employees)
- You – as an employee of the employer organisation, are effectively acting on behalf of your employer in relation to collecting, recording, and using the personal data of a service recipient
- MHFA England – is a Data Processor, acting under the instructions of the employer organisation
- Service Recipient – they are Data Subjects

Please see the [Information Commissioner’s Office \(ICO\) website](#) for more details regarding the rights and obligations of different parties under the UK GDPR.

Who can access the App data and to what extent?

Party	What data can they access on the App
Employer organisation	None
You	<ul style="list-style-type: none"> - Reflective notes which you have added – whether this is conducted via face-to-face meetings, phone calls, video conference calls etc. - Insights tab to show statistics of your reflective notes to inform your self-care, which you may want to review
Service recipient	None
MHFA England	<p>We deliberately set access controls so that we can only view the following data:</p> <ul style="list-style-type: none"> - Your user details - Total number of conversations logged - Average time spent in contact with each user - Situations which describe the main issue/s discussed - Which support sources the service recipients are signposted to

What are the employer's responsibilities under the GDPR in relation to the App data?

As data controller, your employer organisation must comply with all relevant aspects of the GDPR in relation to the collection and processing of the personal data of both MHFAiders® and service recipients, these include but are not limited to the following key obligations:

- Determining a valid lawful basis under UK GDPR to process personal data
- Identifying a condition for processing special category data of service recipients
- Ensuring adequate security measures are in place to safeguard the confidentiality, integrity, and availability of the information
- Providing a privacy notice to individuals
- Ensuring that GDPR compliant controller to processor clauses are in place with MHFA England
- For all internal data handling policies and procedures – including responding to subject access requests
- Determining data retention periods and who will be able to add/remove user accounts when required

What are MHFA England's responsibilities?

As a data processor in relation to personal data of service recipients, MHFA England will comply with its obligations under the App's Terms and Conditions which are available on the App. These include implementing appropriate security measures to ensure personal user data is protected against unauthorised access or disclosure, use or modification.

We use Microsoft Azure to host personal data, in UK data centres. Access to our databases is only possible with encryption keys, which is highly protected and secured within Azure. We will not otherwise make personal data available to anyone with whom you have not instructed or permitted us to distribute or share such personal data.

What are your responsibilities?

You are responsible for determining what, if any, personal data is noted in the reflective notes.

Secure reflective notes should remain confidential, and it is your responsibility to ensure that personal data of service recipients is not disclosed to unauthorised individuals.

You are responsible for monitoring access and use of the App's services under your own account. You should refer to your employer's internal data privacy notice and internal data handling policies and procedures for further guidance.

Are there GDPR compliant data processing clauses between our organisation and MHFA England in relation to the processing of the App data?

Yes. Please refer to the App's Terms and Conditions which are available on the App. You can access this on behalf of your employer.

Who is responsible for ensuring that the App data is accurate and up to date?

Whilst your employer is the data controller, in practice, certain tasks will need to be performed by you – for instance, you should ensure that data held on the App is up to date and does not contain inaccuracies.

Who is liable if there is a breach of the GDPR in respect of the App data?

Under the UK GDPR, both controllers and processors can be liable for breaches and can face fines from the ICO as well as compensation claims from data subjects whose data has been lost, damaged, or disclosed to unauthorised recipients etc.

If MHFA England becomes aware of any unauthorised or unlawful processing of the personal data or any personal data breach, we will notify the employer without undue delay including all relevant information.

You, acting on behalf of your employer organisation, play a big part in ensuring that personal details on the App are not disclosed to unauthorised individuals and you should refer to your organisation's security incident reporting policies and procedures for any breaches in information security.

If you become aware of a breach which could affect the App data, for instance if you lose your mobile phone or other device on which you have downloaded the App, then you should contact us and your employer immediately and we will be able to assist in closing your account, so that a third party would not be able to access the information on the App.

Ultimately, the question of who would be liable in the event of a data breach would be determined according to the facts relating to the incident i.e., which party caused the breach.

How long is the App data held for and which party determines the retention periods?

In practice, you will actively manage what data is recorded on the App, how it is amended and when it is deleted. MHFA England only process App data for as long as your account remains active, following which we will delete the data unless we are instructed otherwise.

Which party is responsible for handling data subject access requests or other requests from a data subject e. g., request for deletion, rectification of their data?

As data controller, it is the responsibility of the employer organisation to ensure that all data subject access requests (and other requests e.g., request for erasure, rectification etc.) are handled according to their own internal policies and procedures and otherwise in compliance with the UK GDPR.

MHFA England shall provide reasonable assistance to help the employer organisation respond to such requests. However, given your role in managing the App data in practice (and our inability to access the App data), your employer may request your reasonable assistance to help them respond to such requests.

What security measures do MHFA England have in place to protect App data?

MHFA England has minimised the data that you can log on the App, to only be what is pertinent to the operation of the App. It uses strong encryption and limit administrator access and visibility to service recipient data.

At MHFA England, we're committed to protecting and respecting individuals' privacy and adhere to all current applicable data privacy laws and regulations. MHFA England has implemented appropriate technical and organisational measures to ensure the security of our systems and safeguard individuals' rights.

All data is hosted on data centres in the UK (and some anonymised data in the EU). The highly sensitive reflective notes are only accessible by you.

Sensitive data for the reflective notes is encrypted and passwords are hashed. If you have any privacy related concerns, please contact us at info@mhfaengland.org.

Where is the App data stored?

The MHFA England database is hosted in Azure UK South (London). No data is stored on local devices.

Is any App data transferred outside of the European Economic Area (EEA)?

No data is transferred outside of UK South (London).

Does any third party have access to the App data?

Only restricted MHFA England and our App developers will have access to App data. The reflective notes will remain strictly confidential and will not be accessed by anyone other than you.

Developers currently have logins to use the user management and reporting portals to perform quality assurance on changes made. As mentioned above, Microsoft Azure hosts data held on the App.

Does the App incorporate any AI technology or automated decision making in respect of the App data?

No.

Is the App data used by MHFA England for any data analytics?

Analytics are collected for reporting purposes; however, your data and any personal data included in the reflective notes cannot be identified in the reporting system. Analytics is only carried out with fully anonymised, aggregated data.

Analytics will be conducted on the total number of conversations logged, the average time spent in conversations (per user and in total), the types of situations which required your support, and which support sources are signposted to.

MHFA England may use analytics to track use of the App which enables us to understand how you use the App and track any apparent patterns or trends. These analytics will help us to continue to develop and improve the services we offer to improve the mental health of the nation.