



## Privacy Notice Mental Health Crisis Breathing Space Scheme

When processing your personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this document.

### Data Controller

<b>Name</b>	Cumbria County Council
<b>Address</b>	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
<b>Registration Number</b>	Z5623112

You can search the Information Commissioner's Register of Fee Payers at:  
<https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

### Data Protection Officer

The council's Data Protection Officer is Claire Owen. You can contact the Data Protection Officer by:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

## Purpose

Breathing Space is a debt respite scheme. It provides protections for people who are resident in England and Wales who are in problem debt.

The protections include pausing enforcement action and contact from creditors and freezing interest and charges on debts. A standard breathing space is available to anyone in problem debt who accesses debt advice and meets the eligibility criteria and conditions.

It may be very difficult to engage with debt advice while receiving mental health crisis treatment, but problem debt and mental health problems are often linked. The Government has developed an alternative route to access the protections for people receiving mental health crisis treatment, so that they do not have to access debt advice first.

The Information described in this notice will allow us to make a referral to the Breathing Space scheme on your behalf. This will be done only with your consent.

If you lack the capacity to make a decision to enter into the Breathing Space scheme then a Best Interest Decision under S4 of the Mental Capacity Act will be carried out, to determine if it is in your best interests to be referred to the scheme.

## Data Collection

Your information will be used by an Approved Mental Health Professional (AMHP) to certify that you are receiving mental health crisis treatment. This evidence can be used by a debt advice provider to initiate a mental health crisis breathing space (MHCBS) on your behalf.

In order to process this information, the AMHP will need to:

- 1) Ask for your consent to share personal information
- 2) Certify that you are receiving mental health crisis treatment
- 3) Identify a nominated point of contact
- 4) Submit the evidence form at [www.maps.uk/mhcbs](http://www.maps.uk/mhcbs)

## Data Types

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions:

### Mandatory

- full name
- date of birth
- usual residential address
- nominated point of contact<sup>1</sup> - full name/contact details

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<sup>1</sup> The AMHP will also need to identify for you a nominated person, including their email address and telephone number. A nominated person is someone who will have ongoing involvement in your mental health crisis treatment and can be: The AMHP making the referral or another AMHP,

### Optional

- email address
- landline or mobile telephone number

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- evidence of mental health crisis treatment
- additional information i.e. finance, debts, creditor details

## Legal Basis for Processing Data

When we collect your personal data (such as name, age, address) we rely on the following legal bases:

- **GDPR Article 6(1) (a) Consent**
- **GDPR Article 6(1) (c) Legal Obligation**

Where the council is relying on GDPR Article 6(1)(c) all [Relevant Legislation](#) is listed below.

When we collect your 'special categories of personal data', (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **GDPR Article 9(2) (a) Explicit consent**
- **GDPR Article 9(2) (h) Preventive or occupational medicine**

## Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- Mental Health Act 1983

## Consent

If you are receiving mental health crisis treatment you may be struggling with problem debt. With your permission, we can complete a form to be sent to a debt adviser on your behalf to ask for a mental health crisis breathing space for you. Having a breathing space should stop you being contacted by someone you owe money to or being charged fees and interest on your debts while you are receiving crisis treatment. The breathing space will last for 30 days after your crisis treatment ends.

A debt adviser will share the information we provide in the form with other organisations, including the breathing space scheme administrator, your creditors, and their agents. This needs to happen for them to establish your financial situation and make sure your creditors know you are protected by the scheme. Your creditors will

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a care co-ordinator or a mental health nurse. No-one else's details can be provided involved in your care. If a care co-ordinator has been appointed under the Care Programme Approach, then they should be the nominated point of contact.

be notified that you are in a mental health crisis breathing space, but they will not be given any specific information about your condition or your treatment. The debt adviser will also be able to contact you later, to offer you help to manage your debts. If you happy for us to share your details with a debt adviser, you can see whether you are eligible for a mental health crisis breathing space.

If you want to go ahead, but are worried that your creditors may be violent, we can ask the debt adviser not to share your address with your creditors. We will ask you if you want the debt adviser to consider this.

**An Approved Mental Health Professional will be asked to certify that you are receiving MH Crisis support before the form is returned and a person who is named as your NOMINATED POINT OF CONTACT will regularly be asked by the Debt Advisor whether you continue to receive MH crisis services.**

## Automated Decision-Making/Profiling

We do not use your information for automated decision-making or profiling purposes.

## Data Transfers

Your personal data is not transferred to a third country or international organisation.

## Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Sharing

This information will be shared with a debt advice agency who in turn will share the information with other organisations, including the breathing space scheme administrator, your creditors and their agents.

This will help the debt advice agency to establish your financial situation and make sure your creditors know you are protected by the scheme. Your creditors will be notified that you are in a mental health crisis breathing space, but they will not be given any specific information about your condition or your treatment. The debt adviser will also be able to contact you later, to offer you help to manage your debts.

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations. The council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure council system and can only be accessed by authorised employees within Cumbria County Council working for Adult Social Care.

## Your Rights - Data Subject Access

The General Data Protection Regulation (GDPR) provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request by contacting:

Email: [information.governance@cumbria.gov.uk](mailto:information.governance@cumbria.gov.uk)  
Post: Cumbria County Council, Information Governance Team  
Parkhouse, Baron Way, Carlisle CA6 4SJ  
Telephone: (01228) 221234  
Online: [Contact Form](#)

## Your Rights - Other

In addition to your right of access the General Data Protection Regulation (GDPR) also gives you the following rights:

- the right to be informed via the council's Privacy Notice

- the right to withdraw your consent. If we are relying on your consent to process your data, then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

## Verifying Your Identity

When exercising the rights mentioned above please be aware that under GDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation

- failure to provide additional documentation may lead to the council rejecting your request

## Complaints

If you have any concerns about the information contained in this Privacy Notice, please contact: [BreathingSpace@cumbria.gov.uk](mailto:BreathingSpace@cumbria.gov.uk)

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)

Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD

Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>