

Resident Data Privacy Notice

Overview

Hestia Care ("we" or "us") is committed to data protection and data privacy. With the General Data Protection Regulation (GDPR) becoming enforceable from 25 May 2018, we have undertaken a GDPR readiness programme to review our entire business, the way we handle data and the way in which we use it to provide our services and manage business operations.

We hold personal data on all our residents to meet legal obligations and to ensure we provide appropriate care. This notice details the personal data we may retain, process and share with third parties relating to your placement and vital business operations. We are committed to ensuring that your information is secure, accurate and relevant. To prevent unauthorised access or disclosure, we have implemented suitable physical, electronic, and managerial procedures to safeguard and secure personal data we hold.

Introduction

We have issued this notice to describe how we handle personal information that we hold about our residents and their families (collectively referred to as "you"). For the purposes of this notice, the term "resident" includes those who stay with us on a permanent or non-permanent basis, and those who are assessed for a stay at our Homes.

We respect the privacy rights of individuals and are committed to handling personal information responsibly and in accordance with applicable law. This notice sets out the personal data that we collect and process about you, the purposes of the processing and the rights that you have in connection with it.

If you are in any doubt regarding this notice, please contact Jamie Braganza

Types of personal data we collect

During your employment with us, or when making an application for employment, we may process personal data about you and your dependents, beneficiaries and other individuals whose personal data has been provided to us.

The types of personal information we may process include, but are not limited to:

- Identification data – such as your name, gender, photograph, date of birth,
- Contact details – such as home and business address, telephone/email addresses, emergency contact details.
- Clinical records and medical histories – such as pre-admission assessments, hospital records, risk assessments, treatment plans, consent forms, daily care records, clinical photographs, notes of conversations about your care, appointment dates, GP details
- Background information – such as life histories and any other information that will ensure appropriate care can be provided.
- Spouse & next of kin contact information.
- Financial information – such as proof of funding, funding contracts, financial assessments, estate planning information, all correspondence.
- Records relating to decision making – such as capacity assessments, power of attorney records, notes of meetings regarding best interests.
- Concerns and complaints

Sensitive personal data ('special categories of personal data' under the General Data Protection Regulation) includes any information that reveals your racial or ethnic origin, religious, political or philosophical beliefs, genetic data, biometric data for the purposes of unique identification, trade union membership, or information about your health/sex life. Generally, we try not to collect or process any sensitive personal information about you, unless authorised by law or where necessary to comply with applicable laws.

Purposes for processing personal data

Care

In general, your records are used to direct, manage and deliver the advice and care that you receive or may need and this is to ensure that:

- Decisions that we make about your care are informed and that treatment is safe and effective
- Care Providers and other health or social care professionals involved in your care have accurate and up to date information about you.
- Care providers and Health or social care professionals have the information they need to be able to assess and improve the quality and type of care you receive.
- Our services can meet any future needs.
- Your concerns can be properly investigated if a complaint is raised.

Legitimate business purposes

We may also collect and use personal information when it is necessary for other legitimate purposes, such as to help us conduct our business more effectively and efficiently – for example, for general IT security management, accounting purposes or financial planning. We may also process your personal information to investigate violations of law or breaches of our own internal policies.

The IT Department will record and monitor usage of all our IT equipment, user activity, voice traffic, email and Internet usage as deemed necessary. The IT Department will observe the strictest confidentiality when undertaking these activities. They will make their report directly to Jamie Braganza who will determine the actions that may need to be taken in any particular case.

Legal purposes

We may also use your personal data where we consider it necessary for complying with laws and regulations, including collecting and disclosing employee personal information as required by law (e.g. for tax, health and safety, anti-discrimination laws), under judicial authorisation, or to exercise or defend our legal rights.

Legal basis for processing personal data

Our legal basis for collecting and using the personal data described above will depend on the personal data concerned and the way we collect it. We will normally collect personal data from you only where we need it to perform a contract with you (i.e. to provide appropriate care), where we have your freely given consent to do so, or where the processing is in our legitimate interests and only where this interest is not overridden by your own interests or fundamental rights and freedoms. In some cases, we may also have a legal obligation to collect personal information from you or may otherwise need the personal information to protect your vital interests or those of another person.

Any processing based on consent will be made clear to you at the time of collection or use – consent can be withdrawn at any time by contacting Jamie Braganza.

Who we share your personal data with

We take care to allow access to personal data only to those who require such access to perform their tasks and duties, and to third parties who have a legitimate purpose for accessing it. Whenever we permit a third party to access personal information, we will implement appropriate measures to ensure

the data is used in a manner consistent with this notice and that the security and confidentiality of the data is maintained.

Transfers to third-party service providers

In addition, we make certain personal data available to third parties who provide services to us. We do so on a "need to know basis" and in accordance with applicable data protection and data privacy laws.

Transfers to other third parties

We may also disclose personal data to third parties on other lawful grounds, including:

- To comply with our legal obligations, including where necessary to abide by law, regulation or contract, or to respond to a court order, administrative or judicial process
- In response to lawful requests by public authorities (including for national security or law enforcement purposes)
- As necessary to establish, exercise or defend against potential, threatened or actual litigation
- Where necessary to protect the vital interests of our employees or another person
- In connection with the sale, assignment or other transfer of all or part of our business; or
- With your freely given and explicit consent

We will not disclose any health information to third parties without your explicit consent, unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires the disclosure of information.

Data retention

Information is retained in secure electronic and paper records and access is restricted to only those who need to know. Personal data will be stored in accordance with applicable laws and kept for as long as needed to carry out the purposes described in this notice or as otherwise required by law. Generally, this means your personal information will be retained until the end of your stay or potential stay with us plus a reasonable period of time thereafter to respond to inquiries, deal with any legal matters or document the proper termination of your relationship (e.g. to regulators) with us.

For more information, please see our Data Retention Policy, which outlines our current document retention schedule.

Your rights

You may exercise the rights available to you under data protection law as follows:

- The right to be informed.
- The right of access.
- The right to rectification.
- The right to erasure.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision making and profiling.

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. You can read more about these rights at:

<https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

You have the right to refuse/withdraw consent to information sharing at any time. We will fully explain the possible consequences to you, which could include delays in you receiving care.

To exercise any of these rights, please contact Jamie Braganza

Issues and complaints

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

This notice was drafted with clarity in mind. It does not provide exhaustive detail of all aspects of our collection and use of personal information. However, we are happy to provide any additional information or explanation needed.

If you want to make a complaint about the way we have processed your personal information, you can contact the Information Commissioner's Office in their capacity as the statutory body which oversees data protection law – www.ico.org.uk/concerns.

Updates to this notice

This notice may be updated periodically to reflect any necessary changes in our privacy practices. In such cases, we will inform you by email. We encourage you to check this notice periodically to be aware of the most recent version.

Contact details

Please address any questions or requests relating to this notice to Jamie Braganza. His contact details are available from the Home Manager.

Annex A – Third-party processors

Key third-party processors

The following are our key third-party processors who will, during your employment, process your personal data. Further details are available in the Data Protection folder or by contact Jamie Braganza.

<u>Supplier Name</u>	<u>Why We Work With Them</u>	<u>Legal Basis Of Processing</u>
Person Centred Software	Care Planning & Care Recording Software	Compliance - to provide a safe and secure method for storing and updating care records.
Fusion Care Solutions	Resident Management Software	Legitimate interest - to manage resident administration for each Home
Citation	HR System & Health & Safety Management	Hold records for HR purposes and for incidents that affect Health & Safety
Quinyx	Workforce Management Software	Legitimate interest - ensure staff have access to their rota and timesheets are processed.
Chalkline Solutions	IT Support	Legitimate interest - ensure the IT systems operate effectively
Microsoft	IT Package	Legitimate interest - to provide staff with the IT infrastructure to complete their jobs
Sage	Accounts & Payroll Software	Legitimate interest - to process accounting and payroll information to ensure continued operation of service
Oomph Wellness	Activity Support	Performance of contract
Incare Training	Training Provider	Performance of contract
Atlantic Data	DBS Check Service	Legitimate interest - to ensure staff are suitable to work in a care home environment
Perkbox	Employee Benefit Platform	Legitimate interest - to provide staff with other benefits
Care Quality Commission	Care Home Regulator	Compliance - to ensure we act in line with the applicable regulations
Local Authority	Provider of support services to the local community	Legitimate interest - to ensure the placement and safeguarding of residents from the locality.

