

GDPR: DATA PRIVACY NOTICE FOR PERSONS IN OUR CARE, FAMILIES & EXTERNAL CONTACTS

1. Why have you been given this privacy notice?

Active Care Group is a “data controller”. This means that we are required under data protection legislation to notify you of how we will process your personal data during the course of our relationship with you. This notice will explain how we collect your personal data, its use, storage, transfer and security. We will also explain what rights you have in relation to how we process your personal data. It is important that you read this notice, together with any other privacy notice we may provide you, so that you are aware of how and why we are processing your personal data. This notice does not form part of any contract to provide services. We may update this notice at any time.

2. What are our obligations to you in relation to how we process your personal data?

We are required by law to ensure that when processing any of your personal data that it is:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you, and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept in a form which permits you to be identified for only as long as necessary for the purposes we have told you about.
- Kept securely.

3. What personal data will we collect, use and store about you?

Persons in our Care

- Your name, salutation, addresses and contact numbers.
- Gender.
- Date of birth.
- Assessment of your daily care and support needs.
- Care plan, risk assessments and daily/monthly task lists.
- Supporting documentation to provide your care needs.
- Financial support needs.
- Nutritional support records.
- Social history.
- Medical history.
- Medical protocols/signs.
- Medical records.
- Current medication.
- GP/Treating specialist contacts details.

- Family contact details.
- Deputyships or Lasting power of attorneys.
- Incidents/Accidents.
- Mental Capacity and Deprivation of Liberty Safeguards assessments.

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Ethnic origin, political opinions, religious and philosophical beliefs, genetic, sex life and sexual orientations.
- Information about criminal convictions and offences.

Family Members

- Your name, salutation, addresses and contact numbers.
- Gender.
- Date of birth.
- Deputyships or Lasting Power of Attorneys.
- Any other details deemed relevant where the person in our care is living at home with family members.

Local / Funding Authority

- Your name, salutation, addresses and contact numbers.

4. How do we collect your personal data?

Persons in our Care

We collect your personal data by a variety of means. At assessment stage we have already collected data through the referrals process directly from you, your funding authority, your current care provider, or your family. We may sometimes collect additional information from third parties including your GP or other treating specialist.

Whilst you are being supported by us, we may need to collect additional personal information from you not identified on the above list but before doing so we will provide you with a written notice setting out details of the purpose and the lawful basis of why we are collecting that data, its use, storage and your rights.

Family Members

We collect your personal data through the process of assessing your family member. This may be given to us by yourself, the funding authority or your family member themselves.

Local / Funding Authority

We collect your personal data directly from you when you refer a person to us for a potential placement.

5. How will we use your personal data?

For the most part we will use your personal data for one of the following lawful bases:

- a) Where we need to perform the contract, we have entered into for the provision of care.
- b) Where we need to comply with a legal, or regulatory, obligations.
- c) Where it is necessary for our legitimate interests (or those of a third party), and your interests and fundamental rights do not override those interests.
- d) Emailing updates as part of our service to you. This includes details on your progress, company news, benefits, events and opportunities.

There are other rare occasions where we may use your personal data, which are:

- e) Where we need to protect your interests (or someone else's interests).
- f) Where it is needed in the public interest or for official purposes.

6. When will we use your personal data?

During your assessment and placement within Independence Homes and for a period after the relationship has ended, we will use your personal information for specific purposes. The list below describes the purpose of our processing, the personal data involved (from clause 3 above) and the lawful basis for our processing (from clause 5 above):

- Meeting your care and support needs.
- Liaising with medical professionals to meet your medical needs.
- Fulfilling our legal and regulatory obligations.
- To communicate with your next of kin/family.
- To fulfil our contractual obligations with the funding authority.
- Complying with health and safety obligations, completion of notifications and RIDDOR reporting.

It's possible that some of the grounds for processing will overlap and some will differ depending on the nature of our relationship with you.

7. Your failure to provide information

We will only ask you to provide information which we believe is necessary to meet your needs, for the performance of the contract with you, or our associated legal obligations (for example complying with CQC regulations) or to enhance the service we provide to you. If you fail to provide certain information when requested we may not be able to meet our contractual obligations to you or we may not be able to fulfil our legal obligations.

8. What happens if we need to use your personal data for a new purpose?

We will only use your personal data for the stated purposes, unless we consider that there is a need to use it for another reason and that reason is compatible with the original purpose. However, if we consider that it is

necessary and reasonable to use your personal data for an unrelated purpose, we will notify you and explain the legal basis which allows us to do so.

There may be circumstances where we have to process your personal data without your knowledge or consent, where this is required by law and in compliance with the above rules.

9. How do we use your sensitive personal information data?

Any personal data which reveals your, ethnic origin, political opinions, religious and philosophical beliefs, genetic, biometric or health data, sex life and sexual orientations will be regarded as special categories of personal data. We will only use this data in the following ways:

- In order to comply with regulatory and legal requirements whilst delivering care.
- To ensure we meet our legal and regulatory obligations towards you. For example, we may use information about a person in our care's physical or mental health or disability status to assess the level of need and required support, to monitor and manage these needs and provide appropriate support adjustments and administer health related benefits.

There may be circumstances where we need to process this type of information for legal claims or to protect your interests (or someone else's) and you are not able or capable of giving your consent or where the relevant information has already been made public.

10. Do we need your consent to use sensitive personal data?

If we are using your personal sensitive data in accordance with our written policy to perform our legal obligations or exercise specific rights connected to your placement, in these circumstances we do not need your written consent to use sensitive personal data.

However, in limited circumstances, we may request your written consent to allow us to process your sensitive personal data. If it becomes necessary to request your consent to process your sensitive personal data, we will provide you with details of the information that we require and why we need it, so that you can decide whether you wish to provide your consent.

11. Automated decision making

It is our intention that you will not be subject to automated decision making which will have a significant impact on you, unless we have a lawful reason for doing so and we have notified you.

12. Will we share your personal data with third parties?

Persons in Our Care Data

In order to meet our legal obligations, it is necessary to share your personal information with certain third

parties (see below). We also need to share your data when we have legitimate business reasons for doing so and also where it is necessary in order to perform our contract.

Family and Local Authorities and External companies and charities data

We would not normally share your data with anyone external to the business, but we may need to share your personal information with a regulator or to otherwise comply with the law.

13. Which third party service providers will we share your personal data with?

The following third-party service providers process personal information about you for the following purposes:

Persons in Our Care Data

- Care Quality Commission (CQC) - Regulatory body - to fulfil their legal requirement and ensure correct care is being provided.
- Safeguarding - Local Authority safeguarding teams to fulfil their legal requirement and ensure correct care is being provided.
- Funding Authority - The authority responsible for commissioning care.
- Next of Kin/Family - Updates on your care and wellbeing.
- GP/District Nurses/Treating Specialists - To meet your medical needs.

We may share your personal information with other third parties. We may also need to share your personal information with a regulator or to otherwise comply with the law.

14. Third party service providers and data security

Third party service providers are only permitted to process your personal data in accordance with our specified instructions. They are also required to take appropriate measures to protect your privacy and personal information. We do not allow your information to be used by the third parties for its own purposes and business activities.

15. Will we transfer your personal data outside of the European Economic Area (EEA)?

We do not transfer personal data outside the EEA.

16. How do we ensure your personal data is secure?

We take your privacy and protection of data very seriously. Consequently, we have put in place appropriate security measures to prevent unauthorised use of your personal data. Details of the measures which are in place can be obtained from our IT Team or our Information governance team by emailing dpo@activecaregroup.co.uk. We will notify you and any applicable regulator of any suspected unauthorised use of your personal data.

17. How long will we keep your personal data?

We will retain your personal data for as long as is necessary to fulfil the purposes for which it was collected for.

When your relationship comes to an end with our business, we will either retain or securely destroy your personal data in accordance with our data retention policy or other applicable laws and regulations.

18. Your duty to inform us of any changes

In order that we can ensure that the personal data we hold in relation to you is accurate, it is important that you keep us informed of any changes to that data.

19. What rights do you have in respect of how we use your personal data?

Subject to legal limitations you have the right to:

- **Request access to your data:** You can ask us to provide a copy of the personal data we hold about you.
- **Request corrections to be made to your data:** If you think that your personal data is incomplete, inaccurate you can ask us to correct it.
- **Request erasure of your data:** If you consider there is no lawful basis for us to continue processing your data you can ask for that data to be deleted or removed.
- **Object to the processing of your data:** If our lawful basis for processing your data relates to a legitimate business interest (or third-party interest) you can raise an objection to that interest. You can also object to us using your information for direct marketing purposes.
- **Request that processing restrictions be put in place:** If you believe that your information is being processed without a lawful reason or that the information is incorrect you can request that a freeze/restricting is placed on the processing of the information until your concerns are addressed.
- **Request a transfer of your personal data:** You can ask us to transfer your personal data to a third party.

If you wish to exercise any of the above rights, please contact our Information Governance Team by emailing dpo@activecaregroup.co.uk. You can make a subject access request by contacting us via the email above and/or completing the [Subject Access Request Form](#) (ACG/Group/IG/F-01).

20. Will I have to pay a fee?

You will not be expected to pay a fee to obtain your personal data unless we consider that your request for access to data is unfounded or excessive. In these circumstances we may charge you a reasonable fee or refuse to comply with your request.

21. Confirmation of identity

Whenever you make a request for access to personal data, we may request specific information to confirm

your identity. This is usually done to ensure that we are releasing personal data to the correct person.

22. Right to withdraw your consent

If we have asked for your written consent to obtain information, you have the right to withdraw your consent at any time. To withdraw your consent please contact our Information Governance Team by emailing dpo@activecaregroup.co.uk. Once we receive your notice of withdrawal, we will cease processing your data unless we have any other lawful basis on which to continue processing that data.

23. Important information about this privacy notice

We reserve the right to amend or update this privacy notice at any time. We will provide you with a new notice when we make any updates or make this available on-line.

24. How to make a complaint

To exercise all relevant rights, queries or complaints please in the first instance contact our Information Governance Team by emailing dpo@activecaregroup.co.uk.

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](#) on 0303 1231113 or via email [Make a complaint | ICO](#) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.