

# TUDOR COTTAGE

## PRIVACY NOTICE FOR RESIDENTS

In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, our residents, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This notice applies to current and former residents

### **A) DATA PROTECTION PRINCIPLES**

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- processing is fair, lawful and transparent
- data is collected for specific, explicit, and legitimate purposes
- data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- data is not kept for longer than is necessary for its given purpose
- data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- we comply with the relevant GDPR procedures for international transferring of personal data

### **B) TYPES OF DATA HELD**

We keep several categories of personal data on our residents in order to carry out effective and efficient processes. We keep this data on paper documents eg. Medication sheets relating to each resident and we also hold the data within our computer systems, for example, our care management system.

Specifically, we hold the following types of data, as appropriate to your status:

- personal details such as name, address, phone numbers
- name and contact details of your next of kin
- your photograph
- your gender & marital status
- Information on your race, religion, ethnicity & language
- Information gathered via the admission process
- Information gathered during the time you live at Tudor Cottage
- Information on activities of daily living ie. Physical and mental abilities, social and culture
- National insurance number
- NHS number
- Information about finding source risk
- Risk assessments including mental capacity, falls, pressure area, nutrition status
- Consent forms for daily care
- MCA, DOLS and best interest assessments
- Advanced decisions and end of life care
- Information about your food and activity preferences
- Information about allergies
- Information about your interests, past and present
- Information about your life to date eg. Career, travel etc.

## **C) WHY WE COLLECT AND USE RESIDENT INFORMATION**

We collect and use resident information under the following basis:

- Where we have the consent of the data subject
- Where it is necessary for compliance with a legal obligation
- Where processing is necessary to protect the vital interests of the data subject or another person
- Where it is necessary to carry out the task in the best interest of the individual and is balanced against their interests, rights and freedoms

Where the personal data we collect about residents is sensitive personal data, we will only process it where:

- We have explicit consent
- Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State Law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

We use the resident data to support our statutory functions of delivery of care, in particular:

- To maintain a waiting list or enquiry file
- To decide who we admit to the homes according to our admissions criteria
- To access levels of care required
- To monitor care delivery and report on it
- To monitor health and wellbeing
- To evaluate and review plans of care
- To communicate health and well-being to staff and other members of the multi-disciplinary team and relatives/next of kin
- To comply with the law on data held and shared
- For the welfare and protection of the residents and others in the home
- To assess the quality of our service
- To promote the home

From time to time and in certain circumstances, we might also process personal data about residents, some of which might be sensitive personal data, including information about safeguarding. This information is not routinely collected and is only likely to be processed by the company in specific circumstances relating to particular residents, for example, if a safeguarding issue arises. Where appropriate, such information may be shared with external agencies such as the safeguarding team at the Local Authority or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

## **D) WHO WE SHARE RESIDENT INFORMATION WITH**

We routinely share resident information with:

- Other members of staff to ensure continuity of care
- Our local authority and the Clinical Commissioning Group (if applicable)
- Care Quality Commission (CQC)

From time to time, we may also share resident information with other third parties including the following:

- The Police and law enforcement agencies
- NHS health professionals including chiropodist, dentist, GPs, District Nurses and hospital staff (where applicable)
- Social Workers (where applicable)
- Courts, if ordered to do so
- Other homes, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances
- Church clergy
- Our legal advisors
- Our insurance providers

Some of the above organisations may also be data controllers in their own right. In this case we will be joint controllers of your personal data and may be jointly liable in the event of any data breaches

In the event that we share personal data about residents with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data. We do not share your data with bodies outside the EEA

## **E) WHY WE SHARE RESIDENT INFORMATION**

We do not share information about our residents with anyone without consent unless the law allows us to do so.

We share information:

- In the interests of the residents to provide a holistic approach to health and the care package
- In the event of a safeguarding issue
- For financial information to be set up
- To keep relevant others informed

## **F) PROTECTING YOUR DATA**

We are aware of the requirements to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such

## **G) RETENTION PERIODS**

We only keep your data for as long as we need it, which will be at least for the duration of your stay with us though in some cases we will keep your data for a period after your stay has ended. Some data retention periods are set by the law. Our retention periods are usually 6 years dating from our last contact ie the date you leave, but may extend to 7 years if certain financial / tax data is involved.

## **H) AUTOMATED DECISION MAKING**

Automated decision making means making decision about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

## **I) RESIDENTS' RIGHTS**

You have the following rights in relation to the personal data we hold on you:

- the right to be informed about the data we hold on you and what we do with it;
- the right of access to the data we hold on you. More information on this can be found in our separate policy on Subject Access Requests;

- the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as ‘rectification’;
- the right to have data deleted in certain circumstances. This is also known as ‘erasure’;
- the right to restrict the processing of the data;
- the right to transfer the data we hold on you to another party. This is also known as ‘portability’;
- the right to object to the inclusion of any information;
- the right to regulate any automated decision-making and profiling of personal data.

## **J) REQUESTING ACCESS TO YOUR PERSONAL DATE**

Under Data Protection legislation, you have the right to request access to information about you that we hold (“Subject Access Request”). To make a request contact the Data Protection Officer, although any written request for personal data will be treated as a Subject Access Request.

The legal timescales for the company to respond to a Subject Access Request is one calendar month. For further information about how we handle Subject Data Access Requests, please see our Right to Access Personal Data policy.

## **K) NO FEE USUALLY REQUIRED**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **L) CONSENT**

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data.

## **M) MAKING A COMPLAINT**

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745 or visit <https://www.ico.org.uk/concerns>

## **N) DATA PROTECTION COMPLIANCE**

Although we are not obliged to appoint a Data Protection Officer, the person responsible for data protection compliance is:

**S Mathew**

075844 94432

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