

## Privacy Notice – Residents & Customers

This document sets out what information Birch Green Care Centre Limited t/a Birch Green Care Home collects from clients, their families or those with power of attorney, how it uses the information, how it protects the information and your rights.

Birch Green Care Centre Limited t/a Birch Green Care Home is committed to ensuring your privacy is protected in accordance with Data Protection Standards.

Birch Green Care Centre Limited t/a Birch Green Care Home is using the following definition for personal data:

|                         |   |
|-------------------------|---|
| Personal data           | <p><i>Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts.</i></p> <p><i>Personal data we gather may include: individual's contact details, educational background, financial/credit worthiness and pay details, details of certificates and diplomas, education and skills, job title, and CV.</i></p> |
| Sensitive personal data | <p><i>Personal data about an individual's racial or ethnic origin, marital status, nationality, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings. Any use of sensitive personal data will only ever be carried out with the express permission of the individual.</i></p>                                |

Birch Green Care Centre Limited t/a Birch Green Care Home may change this policy from time to time by updating this page. This policy is effective from 1<sup>st</sup> May 2018. Any updates or changes to the use of your personal data will be advised to you, prior to that change of use.

### What this Privacy Notices relates to

This privacy notice relates to our client assessment, engagement and ongoing care and support services.

### Who We Are?

Birch Green Care Centre Limited, 11 Cannon Street, Accrington, Lancashire, BB5 1NJ, United Kingdom

### Contact Us.

Web Address: <https://www.springhillcare.com>

Email : info@springhillcare.com

Phone : 01254 304500

Post: Birch Green Care Centre Limited, 11 Cannon Street, Accrington, Lancashire, BB5 1NJ, United Kingdom

### **Our General Privacy Policy**

This privacy policy relates to the specific activity identified above, however there is a general privacy policy that can be found on the privacy policies page of our website.

### **Your Rights**

A copy of 'your rights' is available on the privacy policies page of our website.

### **What Personal Data are we collecting?**

To ensure that we can process your application for care and support services with us, we will be processing the following information:

- Your full name, address and contact details and next of kin information.
- Your capacity to make decisions and/or whether we need to liaise with the person(s) you have entrusted with power of attorney.
- Any specific medical conditions that may affect our staff, other residents and our ability to look after you.
- Any specific health issues that you may be required to disclose, depending on the nature of the care we will be providing you.
- Details relating to the methods through which your care is being funded. If you are funding your care, then we will take payment through standing order or direct debit. If your care is being funded, then we will deal with the organisation funding this, or any other party that you have nominated or has agreed to pay for your care.
- We will record details of any medication you require in order that we can ensure we administer this and we will also record any specific medical care wishes you have.
- If you wish us to, we will record other information such as your religion to allow us, at your request, to contact the appropriate religious representative.

### **Are we likely to need any Sensitive Personal Data?**

Yes. In order to ensure that we can provide the necessary care to you as an individual, to ensure that we can protect our staff and other residents and potentially to make an assessment of whether we are able, at all to provide the care you need, we need to understand aspects of your care needs such as medical, physical, psychological and mental wellbeing.

In some cases, we will also ask about communicable diseases or other conditions that may put you, other members of staff or our clients at any risk. We will only ask for this information if it is necessary and you will be made aware of this in the assessment process.

In the event you are unwell this information will be passed onto medical professionals e.g. ambulance, GP, hospital services.

**Why we need this information?**

We need this information to:

1. Fulfil our contract with you. Providing your care services at the start of your time with us as well as adapting those services as your needs change.
2. In medical situations. To ensure that we have the necessary medical information about you to be able to pass onto medical professionals in the event you are incapacitated.
3. To comply with the law and government defined care service regulations and/or standards such as those regulated and inspected by the Care Quality Commission.
4. If you are the next of kin or person with power of attorney, then your details are required to ensure that we can get the necessary authority in respect of the care services we are providing to the person under your authority.

**What is the legal basis of processing?**

We will only ask for information relevant to the service(s) we are providing you in order to: deliver those services to you; to comply with your wishes; or to 'protect life'. Subsequent processing will only be carried out where it is appropriate or where we are legally obliged to as part of our industry compliance requirements, where we are providing you a benefit by way of your contract or where we need to protect the interests of the company. You will be informed of any processing or sharing of data before it is shared.

The legal basis of processing your personal information is explained below:

| Legal Basis            | Explanation   | Examples  |
|------------------------|---|---|
| Contractual Obligation | When we have a contract with you to provide care and/or support services. | Providing residential care and/or nursing care. |
|                        |   | Administering your medication                   |

| Legal Basis             | Explanation   | Examples  |
|-------------------------|---|---|
| <p>Legal Obligation</p> | <p>This is where the organisation has a legal obligation to comply with current law, industry compliance requirements, court order etc.</p>       | <p>Providing funding agencies with information about the services we are providing you, in the event that they are paying for those services.</p>   |
|                         |   | <p>To comply with the Health &amp; Social Care Act and the Care Quality Commission Standards.</p>   |
|                         |   | <p>Where we are required to be able to demonstrate skills and competences of our staff to comply with industry or legal requirements.</p>   |
| <p>Vital Interest</p>   | <p>Where the collection or sharing of information is in the vital interest to you or other members of the public, including staff or clients.</p> | <p>Obtaining your next of kin details.</p>  |
|                         |   | <p>Sharing appropriate identity/ information with a medical provider (ambulance, doctor, hospital etc.) in the event you are taken ill.</p>   |
|                         |   | <p>Where your condition may represent a threat to the interests, rights and freedoms of other people e.g. if you have a communicable disease and we believe your condition may represent a risk to other residents.</p> |

| Legal Basis | Explanation  | Examples   |
|-------------|--|--|
| Consent     | Where the processing or sharing of your information is based on you explicitly consenting to such sharing or processing. | Sharing your information with a religious representative.                          |
|             |  | Sharing your information with a third-party service e.g. chiropodist, hairdresser. |
|             |  | Using your imagery for social media, website or other marketing material.          |

**How do I withdraw consent or change my preferences?**

You can object to us processing your data at any time by:

1. Informing the care team
2. By contacting us and letting us know what you would like to change

Be aware that in some cases, objecting to the processing or sharing of your information may result in a service being withdrawn or us being unable to comply with the law or our contract with you. You will be informed of how we can or cannot comply with your request, when/if you were to make such a request.

**What decisions are going to be made using my personal data?**

The primary decision made relating to your personal data is whether we can initially or during your stay with us, continue to provide the necessary care services you require. Whether your stay with us is short-term or long-term.

These decisions will be based on your medical, physical and psychological needs, both initially and during your stay with us.

It may be necessary for us to obtain alternative authority, such as from a member of your family with power of attorney, if you become unable to make certain decisions yourself. In this event, we will continue these assessments involving those individuals and yourself.

**Is there any Automated Decision-making being applied to my Personal Data?**

There is no automated decision-making being made using your personal data.

**Will my information be shared with any third-parties?**

We may share your data with the following third-parties:

1. Medical professionals e.g. ambulance service, general practitioner, locum, hospital, mental health team.
2. Care services e.g. social services, mental health services.
3. Funding services e.g. organisations that are paying or contributing to your care funding, individuals (such as relatives) who may be funding or contributing to your care funding.
4. Police – in the event of any matters involving the law.
5. Industry compliance / audit – where we are required to comply with industry requirements e.g. accreditations, auditors etc. we may need to share only data that is limited to fulfilling that purpose necessary to demonstrate compliance. This may therefore fall under the category of legitimate interest or legal obligation, depending on the nature of the audit/compliance requirement.
6. Government services – HMRC, pensions & national insurance, Care Quality Commission etc. – as required by law or order.
7. Payment processors – to enable us to process your care payments.

We use consistent third-parties who act as data processors on our behalf to provide specific services. We may share your data with them to enable us to undertake the activities as set out above. They themselves may then become data controllers once your data is shared with them. They may also introduce you to us or us to you e.g. social services, patient care teams within hospitals etc.

These providers are set out below:

| <b>Company Name / Organisation</b>                       | <b>Activity Undertaken</b>                          | <b>Personal Data Shared</b>                         |
|--|---|---|
| Springboard Business Support Limited                     | Payment services e.g. processing your care payments | Your banks details and identify information         |
| Funding Assessors such as the local authority or the CCG | Processing your funded/part funded payments         | Your *details, details of your care requirements    |
| Pharmacy Services  | Obtaining your medication                           | Your *details, health and prescription requirements |
| GP, Locum, Health Care Professional, Dentist             | Ad-hoc medical requirements                         | Your *details and details of your condition         |

| <b>Company Name / Organisation</b>                                      | <b>Activity Undertaken</b>   | <b>Personal Data Shared</b>  |
|---|--|--|
| Social Services / Mental / Community Health Team / Other NHS Employee's | Health (Before, during or after your care)   | Your *details, details of your care requirements or changing needs, concerns or issues with regards to your safety i.e. safeguarding.  |
| NHS Trust   | Referral to us   | Your *details, details of your care requirements, travel requirements e.g. to meet needs of hospital visits  |
| Your family or someone with Power of Attorney                           | Introduction and on-going care needs   | They may provide your *details or details of your care requirements. We will only share your details or requirements with those you have authorised or requested us to OR those with the relevant power of attorney i.e. finance and/or health and welfare   |
| Emergency Services  | Protection of life or the wellbeing of others e.g. fire, medical emergency         | Limited information relative to the situation. In the event of a fire we will share with the fire brigade the names, ages and conditions of those requiring evacuation. In the event of a medical emergency we will share relevant information relating to your care needs e.g. medications, conditions etc. |
| Accident Reporting System   | We are required to record any accidents or incidents relating to those in our care | Your *details and the details of the accident or incident that occurred as well as location, date and time. This will be recorded using our unique identify system.  |

| Company Name / Organisation | Activity Undertaken                                  | Personal Data Shared   |
|-----------------------------|--|--|
| Misc. Providers             | Religious, personal grooming, third-party activities | With your consent or at your request we will share relevant information to other parties |

*\*'details' relates to name, address, DOB and contact information*

All the companies above either comply with our privacy policy or have appropriate security measures in place in order that they comply with the requirements under data protection and GDPR legislation.

From time to time, we may seek your consent to share information with other third-parties not included in the list above. In this instance, we will seek your explicit consent and detail what information will be shared.

### **What safeguards are in place to protect my personal data?**

Birch Green Care Centre Limited t/a Birch Green Care Home operates a Security By Design and By Default methodology that means we are continually checking the security, both new and current. This enables us to adhere to the Privacy by Default and By Design principles.

We will not change the use of your personal data in respect of this policy or share your data with a third party (other than those outlined above), without informing you or obtaining your consent where possible unless it is for our legitimate interest and your interests, rights and freedoms are not affected.

### **Retention Period**

Please see our retention policy for details of our retention periods, due to the nature of the services we provide and our requirements to adhere to government retention guidelines these may change from time to time.

If you do not wish us to retain your data, then you have the right to be forgotten, for your rights refer to appendix 1, and we will at your request, destroy your data where we can legally do so and/or where we do not have a legitimate interest to retain such information e.g. any accidents that you may have had during your time with us.

If your data is required for statistical analysis, then your personal data will be anonymised to ensure that it is no longer personally identifiable.

## **Security**

Birch Green Care Centre Limited t/a Birch Green Care Home operates a Privacy By Design and By Default policy. This means that before we use your data we have already considered the potential impact on you were your data to be lost, stolen, shared or compromised.

We undertake routine reviews of our processes and security policies to ensure that we can take all reasonable precautions in protecting your data.

Where at all possible we encrypt all information that is either stored or transmitted to third-parties. Where data is stored or transmitted to a Third Country (any country outside of the European Economic Area (EEA)) we will ensure appropriate adequacy protection is in place in accordance with Data Protection Legislation.

Consequently, we may also need to sometimes undertake further security and screening questions when undertaking our routine dealings with you these are there to protect your personal data and security.

Whilst we undertake all reasonable precautions, encryption, software updates and patches, we cannot guarantee the safety of data transmitted over the internet.