

GDPR PRIVACY POLICY

At The Coach House we are committed to protecting your personal data and handling it responsibly. As such, we have updated our Privacy Policy to explain how we manage your data. The changes we have made are in line with new data protection laws, known as the General Data Protection Regulation, which is effective from 25th May 2018. This is part of our ongoing commitment to be transparent about how we use your personal data and keep it safe. Under the General Data Protection Regulation and Data Protection Act 2018, we are required to explain to our residents why we collect information about you, how we intend to use that information, and whether we will share this information with anyone else. It is important that you read this statement so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information during your stay with us so that the information which we hold about you is accurate and up to date.

Key points for residents

- **Why we use your data:** We use information about you for the purpose of your residency at The Coach House.
- **We use your sensitive data:** As a resident, we will hold and use information about you concerning your health, racial and ethnic origin, sexual orientation and religion.
- **Sharing data:** There are occasions where resident's data will be shared with third parties, including other healthcare agencies who contribute to your personal care. These include your GP, anyone with power of attorney, statutory bodies concerned with the regulation of your care, and other agencies who may continue your care.
- **Security:** Data will be respected and secured at The Coach House in accordance with the law.
- **International transfer:** Data will not be transferred outside of the EU.
- **How we store your information, and when we delete it.**

We are obliged by care regulators to maintain accurate records of care delivery and other data about those for whom we care. When a resident leaves our service, we will archive that personal data in a secure storage facility (for paper records) and in a secure server (for electronic records). We will maintain it securely for no more than 8 years, unless a complaint or claim has been notified in which case we shall retain relevant data for the purpose of addressing that matter. From time to time, our insurers may request that data be held longer than 8 years for the purpose of an individual claim which concerns the data subject.

We collect information about you which is relevant to your stay with us and the care which we provide for you. This includes:

- **personal details** (such as name, date of birth, gender, marital status, national insurance number);
- **contact details** (such as your previous address, personal telephone number and personal email address);
- **financial information** (such as your bank account details and information about your financial circumstances);
- **your likes and dislikes** (relating to hobbies, food, routines and other categories of likes and dislikes which help us improve your care);
- **information about your care preferences** (to ensure that we are providing you with the care that you want);
- **details of your life history** (to ensure that we help you feel at home with us, it is important for us to get to know you as best we can);
- **information about your family and friends** (for the purpose of visiting, next of kin and emergency contact details);
- **information about external healthcare providers** (such as your GP and practice details);
- **videos and photographs of you** (such as photographs for files and the Home's website, etc);
- **information about your long term wishes** (such your desired arrangements in the event that you pass away while staying with us);

- **information about your racial or ethnic origin;**
- **information about your religious beliefs;**
- **information about your sexual orientation;**
- **healthcare information**, including: any disabilities or special requirements which you may have, medical records applying to the time you have spent with us, your medical history, records required by care home regulations, like risk assessments, care plans and records of the care we provide to you and details of your support and care needs.

Because circumstances are variable and change with time, there may some instances where information is required outside the list above.

We will only share your personal information with the relevant third parties that contribute to your care where we have a lawful basis for doing so. The types of organisations with whom we share your personal data are as follows:

- **Healthcare providers and multi-disciplinary teams:** Where it is lawful and necessary to do so, we will share information about you with other healthcare providers such as your GP, hospital staff, etc.
- **Regulators / Safeguarding authorities / Commissioners:** We also share your personal data with these public bodies where we are required to do so by law.
- **The Police and other law enforcement agencies:** In limited circumstances we may be required to share your personal data with the police if required for the purposes of criminal investigations and law enforcement.
- **IT service providers:** We may use external IT providers who may have access to your personal data from time to time as is necessary to perform their services.
- **Attorneys:** Where it is lawful to do so, we may share your personal information with any individual who has authority to act on your behalf such as those granted power of attorney.

In accordance with the data protection laws, we need a “lawful basis” for collecting and using information about you for any particular purpose. We have set out below the different purposes for which we can collect and use your personal data, along with the lawful bases on which we rely.

<u>Why we use your information</u>	<u>Our lawful basis for using your information</u>
<p>Admission assessments: To consider your admission to one of our homes and how we can help your care needs.</p>	<p>It is necessary in order to enter into a contract with you. It is necessary to meet legal / regulatory obligations. It is necessary to consider your healthcare requirements as a potential resident.</p>
<p>Provision of care and accommodation and related services: To provide you with safe, appropriate and personalised care and accommodation as one of our residents and ensure that we meet your individual requirements. This will include us using your personal information for the following reasons:</p> <ul style="list-style-type: none"> • meeting your dietary requirements • making necessary adaptations to your accommodation • delivering the healthcare and personal care you require; and • Determining your capacity for decision making. 	<p>It is necessary to perform our contract with you. It is necessary to meet legal / regulatory obligations. It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary for the protection of your vital interests. It is necessary for us to provide you with healthcare as a resident.</p>
<p>Finance: Administering payments for your stay with us and making necessary checks to ensure that the care and accommodation is affordable.</p>	<p>It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary to perform our contract with you.</p>

<p>Admin: Administrative matters which are necessary for the day to day functioning of our organisation. This may occasionally include the prevention, detection and investigation of fraud and corruption.</p>	<p>It is necessary to perform our contract with you. It is necessary to meet legal / regulatory obligations. It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary for us to provide you with healthcare as a resident.</p>
<p>Analysis and monitoring: Analysing the well-being of our residents and monitoring diversity within our home.</p>	<p>It is necessary to perform our contract with you. It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary to meet legal / regulatory obligations. It is necessary for us to provide you with healthcare as a resident.</p>
<p>Complaints: Handling any complaints made or concerns raised.</p>	<p>It is necessary to perform our contract with you. It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary to meet legal / regulatory obligations. It is necessary for us to provide you with healthcare as a resident.</p>
<p>Safeguarding and regulation: We use your personal data for the purpose of safeguarding and regulation of care.</p>	<p>It is necessary to perform our contract with you. It is necessary to meet legal / regulatory obligations. It is necessary for our legitimate interests (where they are not overridden by your rights). It is necessary for us to provide you with healthcare as a resident.</p>
<p>Communication: We will need to use your personal information to communicate with you before, during and after your stay with us.</p>	<p>It is necessary to perform our contract with you. It is necessary for our legitimate interests (where they are not overridden by your rights).</p>
<p>Improving our services: We may ask you to voluntarily complete resident surveys to help us improve the services which we provide to you.</p>	<p>We rely on your explicit consent for us to use your personal data.</p>

We typically will only use your personal information for the purposes for which we collect it. It is possible that we will use your information for other purposes as long as those other purposes are compatible with those set out in this policy. If we intend to do so, we will provide you with information relating to that other purpose before using it for the new purpose. We may also use your personal information for other purposes where such use is required or permitted by law.

We will only retain your personal information for as long as necessary to fulfil the purposes for which we have collected it or to fulfil another lawful purpose (as described above). When we no longer have a lawful purpose for holding your data, we will securely destroy your personal information in accordance with our data retention policy, the relevant extract of which is:

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information in certain circumstances. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it.

You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) or public interest as our lawful basis for processing and there is something about your particular situation which leads you to object to processing on this ground. You also have the right to object if we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This also permits you to request the suspension of processing personal information about you if you wanted us to establish its accuracy or the reason for processing it (for example).
- **Request the transfer** of your personal information to another party in certain circumstances.

Key points for friends & relatives

What data do we hold?

As part of the homes work in providing high-quality care and support, it might be necessary that the home holds the following information on you:

- Your basic details and contact information e.g. your name and address

Why has the Company got this data?

To process your data as we have a legitimate business interest in holding the next of kin, lasting power of attorney and emergency contact information in relation to the residents who use our services.

We may process this data with your consent. If we need to ask for your permission, the home will offer you a clear choice and ask that you confirm to us that you consent. There will be a clear explanation provided as to what the home needs your data for and how you can withdraw your consent.

Where does the home process your data?

So that we can provide high quality care and support the home needs specific data. This is collected from or shared with:

- You or your legal representative(s)
- Third parties

This is done face to face, via telephone, via email, via post or via application forms.

Third parties are organisations that the home has a legal reason to share your data with. These may include:

- Other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, clinical commissioning groups, and other health and care professionals
- The Local Authority
- The police or other law enforcement agencies if the home has to by law or court order

Your rights

The data that the home keeps about you is your data and the home ensures that we keep it confidential and that it is used appropriately. You have the following rights when it comes to your data:

- You have the right to request a copy of all of the data that the home keeps about you. Generally, the home will not charge for this service
- You have the right to ask to correct any data that the home has which you believe to be inaccurate or incomplete. You can also request that the home restricts all processing of your data while we consider your rectification request
- You have the right to request that the home erases any of your personal data which is no longer necessary for the purpose the home originally collected it for. We will retain this data in line with the Information Governance Alliance's guidelines
- You may also request that the home restricts processing if the home no longer requires your personal data for the purpose it was originally collected it for, but you do not wish for it to be erased

- You can ask for your data to be erased if the home has asked for your consent to process your data. You can withdraw consent at any time – please contact the home to do so
- If the home is processing your data as part of our legitimate interests as an organisation or in order to complete a task in the public interest, you have the right to object to that processing. The home will restrict all processing of this data while your objection is investigated

You may need to provide adequate information for our staff to be able to identify you, for example, a passport or driver's licence. This is to make sure that data is not shared with the wrong person inappropriately. The home will always respond to your request as soon as possible and at the latest within one month.

Key points for staff & applicants

What data do we retain:

So that we can provide a safe and professional service, certain records need to be kept about you. We may record the following types of data about you:

- Basic details and contact information e.g. your name, address, date of birth, email address, telephone number(s), National Insurance number and next of kin
- Financial details e.g. details so that the home can pay you, insurance, pension and tax information
- Details of your qualifications, skills, experience and employment history
- Information about your current or previous level of remuneration, including benefit entitlements
- Assessment interview records, psychometric tests, technical assessments, references
- Training records

The following data is also recorded, which is classified as “special category”:

- Health and social care data about you, which might include both your physical and mental health data – the home will only collect this if it is necessary for us to know as an employer, e.g. fit notes or in order to claim statutory maternity pay, disability for which the organisation needs to make reasonable adjustments during the recruitment or employment
- Information about your entitlement to work in the UK
- The Company may also record equal opportunities monitoring information including data about your race and ethnic origin

As part of your application you will be required to undergo a Disclosure and Barring Service (DBS) check (Criminal Record Check).

Why do we have this data?

We are required to retain this data so that the home can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, the home needs to have a lawful basis for processing your personal data.

The home processes your data for one or more of the following legal bases:

- The home has a legal obligation under UK employment laws
- The home has been required to do so in our performance of a public task
- Where we need to process your personal data to take specific steps at your request before entering into a contract with you or we need to process data to enter into a contract with you. This may include making reasonable adjustments to the recruitment process to accommodate disabilities as and when requested.
- Where we need to process your personal data to comply with a legal obligation, for example if your application is successful we will check your right to work in the UK before a job offer is made.

- Our legitimate reason for processing your personal data is to enable us to gather data so that we can assess which candidate's skills and experience is the best match with our job role requirements and therefore suitable for employment. We also need to process job application information in order to respond to and defend against legal complaints. We will process your personal data for these legitimate reasons provided that your interests and fundamental rights do not override those interests.
- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest (or for official purposes).

We also process your special category data because:

- It is necessary for the home to process requests for sick pay or maternity pay
- The home is required to provide data to the regulator, the Care Quality Commission (CQC), as part of the homes public interest obligations

If the home requests your criminal records data, it is because there is a legal obligation to do this due to the type of work you do. This is set out in the Data Protection Act 2018 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

The home may process your data with your consent. If the home needs to do this, we will ask for your permission, and offer you a clear choice and ask that you confirm with the home that you consent. A clear explanation will be given to you on what the home will need the data for and how you can withdraw your consent.

How do we use this data?

During the application and recruitment process and during any employment, we will use your personal information for specific purposes outlined below:

- Staff Survey
- Equal Opportunities - Monitoring in relation to special categories of data which may relate to ethnic origin, sexual orientation, health or religion or belief.
- Health Questionnaires
- Interviews
- Right to work in the UK
- DBS checks
- Payroll
- Exit Questionnaires

Where your application or interview is unsuccessful, we will keep your personal data on file for a period of 6 months in case there are future employment opportunities for which you may be suited. You are free to withdraw your consent at any time if you do not wish us to store this information.

Where do we process your data?

As your employer or potential employer we need specific data. This is collected from or shared with:

- You or your legal representative(s)
- Third parties including, but not limited to, former employers, background check providers, employment agencies and referees

The home does this face to face and via phone, email, post, application forms, references, background checks, recruitment agencies and also via interviews and assessments.

Third parties are organisations that the Company has a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC)
- Pension and healthcare schemes

- External payroll provider
- Organisations the home has a legal obligation to share information with i.e. for safeguarding, the CQC
- The police or other law enforcement agencies if the home has to by law or court order
- The DBS Service
- Former employers to obtain references for you
- Employment background check providers to obtain necessary background checks
- To external providers in TUPE situations

For Applicants, we will not share your data with third parties, unless your application for employment is successful and you accept our offer of employment or we are required by law to provide the data to a relevant authority.

Automated decision making

During the application and recruitment process we may rely on potential automated decision making which will determine whether you progress within the recruitment process. We will only rely on this information if it is necessary for entering into, or performing of a contract.

Unsolicited CV's

If we receive an unsolicited CV at a time, the organisation may hold this data on file for future recruitment rounds. Unsolicited CVs will be stored and destroyed in line with our Management of Records and Archiving Policy.

What happens if you do not provide us with information?

We will only ask you to provide information which we believe is necessary for the application and recruitment process. You are under no statutory or contractual obligation to provide data during the recruitment process. However, if you do not provide sufficient information, we may not be able to process your application properly or at all. Also we may not be able to meet our legal obligations towards you with regard to reasonable adjustments.

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

We have indicated above a list of circumstances in which we will use your data. 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.

We are committed to providing transparent information on why the home needs your personal data and what is done with it. This information is set out in this privacy policy. It will also explain your rights when it comes to your data. If you have any concerns or questions, please contact the homes management by emailing admin@coachhouse-nh.co.uk

If you would like to complain about we have dealt with your request, please contact:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

<https://ico.org.uk/global/contact-us/>