

PRIVACY NOTICE FOR RELATIVES/NEXT OF KIN OF SERVICE USERS AT HEATHFIELD HOUSE NURSING HOME

Heathfield House collects data and information about Relatives or Next of Kin of our residents so that we can operate effectively as a care provider. This privacy notice explains how and why we collect relative/N of K data, what we do with it and what rights they have.

We collect and relatives/N of K information under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));*
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));**
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));***
- d. Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6 (e)).****

Where the personal data we collect about relatives/N of K is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. 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
- c. 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, where we 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.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use Relative/N of K data to support our functions of running a care home, in particular:

- to maintain a waiting list or enquiry file ****
- To report on residents care progress and any health issues***
- For inclusion in care planning***
- To assess the quality of our service****
- For the protection and welfare of the residents including safeguarding**
- To request advocacy support***
- To promote the home****
- To send you communications that may be of interest to you which may include information about events, activities, news, meetings etc.**
- in order to respond to investigations from our regulators or to respond to complaints**

- in connection with any legal proceedings threatened or commenced against the company***

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The categories of Relative/N Of K information that we collect, hold and share include:

- a. Personal information (such as name, address, telephone number and email address);
- b. Information relating to your identity, marital status, employment status, religion, ethnicity, language, medical conditions, nationality, Financial details, information about court orders in place affecting care and financial arrangements for residents

From time to time and in certain circumstances, we might also process personal data about relatives/N of K, some of which might be sensitive personal data, information about criminal proceedings / convictions or 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 or if a relative or N of K is involved in a criminal matter. 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.

We collect information about relatives/ N of K before residents are admitted to our homes and update it as and when new information is acquired.

Collecting relative/resident information

Whilst the majority of information about relatives/N of K provided to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this. Where appropriate, we will ask for consent to process personal data where there is no other lawful basis for processing it. Consent can be withdrawn at any time

Storing Relative/N Of K data

A significant amount of personal data is stored electronically, for example, on our database, and on our electronic care plans. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a cloud based system which may be hosted in a different country.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Retention Policy which is available from the Home Manager. 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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a relative or N of K we will retain and securely destroy your personal information in accordance with our data retention policy

Who do we share your information with?

Your information is usually only used by the company for the reasons listed above but from time to time, we may also share your information other third parties including the following:

- our local authority
- Care Quality Commission (CQC)
- the Police and law enforcement agencies;
- NHS health professionals
- Social Workers
- Courts, if ordered to do so;
- Pension Services
- Safeguarding Team
- our legal advisors;
- our insurance providers

Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

In the event that we share personal data about you 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.

Requesting access to your personal data

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 for your relative's personal data, contact The home manager or 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 Access Requests, please see our Right to Access Personal Data Policy.

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.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the our data protection responsibilities.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Home Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA PROTECTION OFFICER

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.