

# Applegarth Care Home Limited

## GDPR PRIVACY NOTICE

The GDPR, which will replace the Data Protection Directive (95/46/EC), it aims to strengthen the security and protection of personal data in all Member States. This is not a legal document but an indication of how Applegarth intends to meet its responsibilities under the GDPR.

### Commitment

#### DATA PROTECTION NOTICE

Applegarth Care Home Limited has certain obligations under privacy laws, including the Data Protection Act (the "Act") to notify individuals how it will process any personal information it collects about them. This Notice will inform you of what personal information we collect, how that information is used, where it is transferred, and how you may view and amend such information. You may be assured that we will treat all personal information as confidential and will not process it other than for a legitimate purpose. Steps will be taken to ensure that the information is accurate, kept up to date and not kept for longer than is necessary. Measures will also be taken to safeguard against unauthorised or unlawful processing and accidental loss or destruction or damage to the information.

Applegarth Care Home Ltd is committed to the principles inherent in the GDPR and particularly to the concepts of privacy by design, the right to be forgotten, consent and a risk-based approach. In addition, we aim to ensure:

- transparency with regard to the use of data
- that any processing is lawful, fair, transparent and necessary for a specific purpose
- that data is accurate, kept up to date and removed when no longer necessary
- that data is kept safely and securely.

#### What type of personal information will be processed

We collect and process various personal data for the purposes of employing staff, providing care and administration and management of agreed needs.

Our services which are explained in more detail below. "Processing" is defined in the Act but could include obtaining, recording or holding information or data. "Personal data" is information which can identify you as a living individual, including where used in conjunction with other information.

Common examples of personal data which may be collected and used by us in our day to day business activities include:

- Name
- Date of birth
- Gender
- Ethnicity
- Marital status
- Address
- Telephone number and other contact details (including email addresses)
- Bank account and other financial details

The information collected and processed may also contain "sensitive personal data" for the purposes of the Act, which includes information held by us as to:

- Your physical or mental health or condition;
- The commission or alleged commission of any offence by you;
- Any proceedings for an offence committed or alleged to have been committed by you, including the outcome or sentence in such proceedings;
- Religious or similar beliefs

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Two aspects of information which we receive fairly and lawfully relating to one of the above categories constitutes sensitive personal data although this list is not exhaustive) please note that as with personal data, you have freedom of choice when it comes to your decision as to whether you provide us sensitive personal data. You have the right to request that we stop processing your personal data and sensitive personal data at any time. You should however note that if you exercise this right or subsequently request that we stop processing all or part of your personal data and/or sensitive personal data, this could impact upon our ability to effectively provide you with the appropriate levels of care (for residents only) and if the appropriate levels of information that is shared with other professional services external from Applegarth Care Home are effected this could further impact on support in meeting all your needs.

### How will my personal data be collected and used

We collect personal data to the extent necessary to recruit and employ staff, provide the levels of care proportionate to each resident, administrative and management requirements (i.e. employed staff), For employees and volunteers the service operates a safe recruitment policy to comply with the regulations in which all personal information obtained, including CVs and references, is, like service users' information, securely kept, retained and disposed of in line with data protection requirements. All employees are aware of their right to access any information about them.

We may process your personal data and sensitive personal data for the following reasons:

The administration, management and provision of advice in relation to residents care; Our legitimate business processes and activities also include internal audit, accounting, regulatory and other good governance obligations; This list is not exhaustive and may be updated from time to time as business needs and legal requirements dictate. Some of the personal data that we maintain will be kept in paper files, while other personal data will be included in computerized files and electronic databases.

### We will collect and process personal data about you at the following stages:

Stage	Description
Community Enquiry	When you enquire about our wide range of services by visiting our websites, completing an enquiry form, speaking to us over the telephone or visiting our residential homes
Community Visit	When you or a responsible party comes to visit us for a residential tour and to discuss our services in more detail
Care Assessment	When we undertake a more detailed assessment of your medical and care home needs
Care Agreement	When contract negotiations commence and / or agreement to proceed is obtained
Resident	During your stay with us a resident

### What personal data may we collect from you and why?

#### Community Enquiry

During this stage we rely on our 'legitimate interests' to process your personal data.

Data Category	Reason for Processing
Personal Identifiers Contact Details	To provide you or a responsible party with information about services that you request or that we feel may be of benefit to you
Personal Identifiers Contact Details	To maintain contact with you and to provide you with ongoing information about related services that we feel may be of benefit to you
Personal Identifiers Contact Details	Internal record keeping and administration
Online Identifiers	For system administration and internal tracking

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### Community Visit

During this stage we rely on our 'legitimate interests' to process your personal data.

Data Category	Reason for Processing
Personal Identifiers Contact Details	To provide you or a responsible party with information about products and services that you request from us
Personal Identifiers Contact Details	To provide you or a responsible party with information about products and services that we feel may be of benefit to you
Personal Identifiers Contact Details	To maintain contact with you and to provide you with ongoing information about related services that we feel may be of benefit to you
Personal Information Special Category Data Third Party Information Other Information	To understand the level of care required (including any medical treatment(s) and specialist care)
Personal Identifiers Contact Details Personal Information Special Category Data Third Party Information Other Information	Internal record keeping and administration

### Care Assessment

During this stage we will rely on our 'legitimate interests' to process your personal data.

Data Category	Reason for Processing
Personal Identifiers Contact Details	To provide you or a responsible party with information about products and services that you request from us
Personal Identifiers Contact Details	To maintain contact with you and to provide you with ongoing information about related services that we feel may be of benefit to you
Personal Information Special Category Data Third Party Information Other Information	To understand the level of care required (including any medical treatment(s) and specialist care)
Personal Information Special Category Data Third Party Information Other Information	Internal record keeping and administration

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### Care Agreement

During this stage we will rely on 'contractual necessity' to process your personal data.

Data Category	Reason for Processing
Personal Information Special Category Data Third Party Information Other Information	To determine the required pricing structure and prepare the contracts
Personal Information Special Category Data Third Party Information Other Information	Internal record keeping and administration

### Resident Stage

During this stage we will rely on 'contractual necessity' to process your personal data where we will rely on 'legal obligation'.

Data Category	Reason for Processing
Personal Identifiers Contact Details Personal Information Third Party Information Other Information	To carry out our obligations to you arising from any contract  Responding to your queries and every day residential needs
Personal Identifiers Contact Details Personal Information Third Party Information Other Information	To carry out our obligations to you arising from any contract supporting your medical treatment or care and other benefits
Personal Identifiers Contact Details Personal Information Financial Information Third Party Information Other Information	To carry out your obligations to us arising from any contract billing, accounting and payment services
Personal Identifiers Contact Details Personal Information Special Category Data Third Party Information Other Information	Responding to requests where we have a legal or regulatory obligation to do so
Personal Identifiers Contact Details Personal Information Financial Information Special Category Data Third Party Information Other Information	Assessing the quality and type of care you have received and any concerns or complaints you may raise
Personal Identifiers Contact Details Personal Information Financial Information Special Category Data Third Party Information Other Information	Internal record keeping and administration
Personal Identifiers Contact Details Personal Information Financial Information	For internal audit and accounting purposes together with the preparation and review of management information

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Special Category Data Third Party Information Other Information	
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For further details of the data types contained within each category please refer to Personal Data Types

Your decision to provide any personal data described above to us is voluntary. If you chose not to provide any of the personal data requested, our ability to enter into a contract and or fulfil obligations to you arising from any contract may be limited.

### Who might my personal data be shared with

Your personal data will be made available for the purposes mentioned above and only to:

- Responsible Management
- Human Resources
- Accounting
- Audit Compliance
- Social Services
- Hospital  
If you are required to attend hospital, we may share the details of your treatment with part of the NHS, as necessary to perform further treatment and care.
- GPs  
If the practitioners treating you believe it to be clinically advisable, we may also share information about your treatment with your GP.
- CQC  
We may be requested, and in some cases required, to share certain information (including personal data and sensitive personal data) about you and your care with regulators such as the CQC.
- District Nursing
- Other specialist's services
- Staff within Applegarth Care Home
- (List not exhaustive)

From time to time we may also make information available on the basis of necessity for treatment, the provision of healthcare and payment.

In an emergency and if you are incapacitated, we may share your personal data (including sensitive personal data) to third parties on the basis of protecting your 'vital interest' (i.e. your life or your health).

We will use your personal data in order to monitor the outcome of any treatment associated with your care.

Where a third-party data processor is used, we ensure that they operate under contractual restrictions with regard to confidentiality and security, in addition to their obligations under Data Protection Laws.

Applegarth Care Home may also disclose your personal data (ii) if it is required to do so by law or legal process, or (iii) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements. Applegarth also reserves the right to transfer Personal Data in the event of an audit or if the company sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation).

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### Staffing

Our Data Protection Officer appointed data protection person is the Registered Manager Pravin Bhanudoasrao at Applegarth. He works to promote awareness of the GDPR throughout Applegarth Care Home and to oversee its commitment to best practice and will monitor its compliance.

### Policy

Our data protection policy is available at Applegarth Care Home and a copy has been made available to all employees and to contractors and suppliers associated with this organisation. It forms part of the induction training of all new staff and follow-up sessions will be put in place if the legislation changes or further guidance is available. Applegarth has a range of policies to enable us to comply with the Data Protection Requirements. Foremost are:

- Access to Employee Data
- Complaints
- Computer Security
- Confidentiality of Service Users' Information
- Consent to Care and Treatment
- Data Protection
- Record Keeping
- Information Governance under the General Data Protection Regulation
- Protecting Personal Data under the General Data Protection Regulation
- Safe Staff Recruitment and Selection
- Service Users' Access to Records
- Sharing Information with Other Providers.

### Right to be forgotten

Applegarth Care Home recognises the right to erasure, also known as the right to be forgotten, laid down in the GDPR. Individuals should contact the home manager with requests for the deletion or removal of personal data. These will be acted on provided there is no compelling reason for continued processing and that the exemptions set out in the GDPR do not apply. These exemptions include where the personal data is processed for the exercise or defence of legal claims and to comply with a legal obligation for the performance of a public interest task or exercise of official authority.

### Retention period

We retain personal information for as long as we reasonably require it for legal and business purposes (see matrix below). In determining data retention periods, Applegarth also takes into consideration local laws, relevant regulations and contractual obligations.

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### Required Minimum Periods for Retention of Records

Type of record	Timescale for retention of records
Risk assessments	Keep the latest risk assessment until a new one replaces it
Purchasing records (excluding medical devices and medical equipment)	Keep for 18 months
Records on the purchasing of medical devices and medical equipment	Keep for 11 years
General operating policies and procedures	Keep the current version and the previous version for three years
Records of incidents, events or occurrences that require notification to the Care Quality Commission	Three years
Records concerning the use of restraint, the deprivation of liberty or detention under the Mental Health Act	Three years
Records concerning maintenance of the premises	Three years
Records concerning maintenance of equipment	Three years
Records concerning electrical testing	Three years
Records concerning fire safety	Three years
Records concerning water safety	Three years
Records concerning medical gas safety, storage and transport	Three years
Records of money or valuables deposited for safe keeping	Three years
Staff employment service records	Three years following date of last entry
Duty rosters	Four years after the year to which they relate
Final annual accounts	30 years
Social care records for adults	Three years from date of last entry

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### Consent

In certain circumstances, we are required to obtain your consent to the processing of your personal data in relation to certain activities.

Article 4 of the GDPR states that (opt-in) consent is "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her." In plain language, this means that:

- you have to give us your consent freely;
- you have to know what you are consenting to;
- you should have choice over which processing activities you consent to and which you don't; and
- you need to take positive and affirmative action in giving us your consent

We will keep records of the consents that we have received from you.

You have the right to withdraw your consent to these activities. You can do so at any time, and details of how to do so can be found above.

### Contractual necessity

Article 6 of the GDPR states that we can process your data on the basis that such processing is necessary in order to enter into or perform a contract with you.

The "contractual performance" lawful basis permits the processing of personal data in two different scenarios:

- Situations in which processing is necessary for the performance of a contract to which you, the data subject, is a party. This may include, for example, processing your health details for the provision of residential care.
- Situations that take place prior to entering into a contract such as pre-contractual relations. For example, a formal review of the health confirmation collected during the care package assessment to determine the level of care required and the associated residential costs.
- From the point at which contract negotiations commence and throughout your stay with us we will rely on contractual necessity as the lawful basis for the majority of personal data processing activities.

### Subject access requests

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you. Applegarth care Home reserves the right to charge a reasonable fee based on our administration costs where further copies are requested.
- Right of rectification – you have the right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply you have the right to request that we restrict the processing.



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- Right of portability – in certain circumstances you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing and profiling

All of the above requests will be forwarded on should there be a third party involved in the processing of your personal data.

If you would like to exercise any of your data subject rights, please contact us using one of the methods highlighted below.

Applegarth Care Home recognises that individuals have the right to access their personal data and supplementary information and will comply with the one month timeframe for responses set down in the GDPR. As a general rule, a copy of the requested information will be provided free of charge although Applegarth Care Home reserves the right to charge a "reasonable fee" when a request is manifestly unfounded or excessive, particularly if it is repetitive. If this proves necessary, the person concerned will be informed of their right to contest our decision with the supervisory authority (the Information Commissioner's Office (ICO)).

As set out in the GDPR, any fee will be notified in advance and will be based on the administrative cost of providing the information.

### Your right to review and amend personal data

You have the right to review your personal data and sensitive personal data held by us and if any information is inaccurate about you we will amend where necessary. If you wish to notify a change in your details, please contact The Data Protection Officer:

**Pravin Bhanudoasrao** at [applegarth.care@btconnect.com](mailto:applegarth.care@btconnect.com) or in writing at **24 Huntercombe Lane, Taplow, Maidenhead. SL6 0LG**

### Complaints

In the event that you wish to make a complaint about how your personal data is being processed by us or by third parties as described above please contact the data protection officer at the address detailed above.

If you are not satisfied with how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority at the Information Commissioner's Office (ICO) **Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel 0303 123 1113 or 01625 5457**

### Privacy

Applegarth Care Home will implement data protection "by design and by default", as required by the GDPR. Safeguards will be built into products and services from the earliest stage of development and privacy-friendly default settings will be the norm. This privacy notice, which is on our website and which is provided to anyone from whom we collect data, explains our lawful basis for processing the data and gives the data retention periods. It makes clear that individuals have a right to complain to the ICO. Applegarth Care Home has conducted a privacy impact assessment (PIA) to ensure that privacy risks have been properly considered and being addressed where necessary.

### Personal data types & items

Data Type	Data Items
Personal Identifiers	Residential Account Number Client ID Number National Insurance Number NHS Number

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	Online Identifiers (IP Address)
Contact Information	Name Address Email Telephone Room Number Community Name
Personal Information	Date of Birth Dietary Information Gender Marital Status Photograph Residential Status
Financial Information	Bank Details Personal Assets Personal Liabilities Residence Account Balance
Special Category Information	Ethnic Origin Health Information Religion
Third Party Information	Enquirer Details GP Details Guarantor Details NOK Details POA Details Responsible Party Details Spouse Details
Other Information	Date of Admission Details of Incident

### Data transfers outside the EU

Applegarth Care Home has put recognised procedures and safeguarding measures in place to secure and maintain the integrity of any personal data that is transferred to countries outside the EU. Diligence checks are carried out to ensure that such countries have the necessary safeguards in place, provide enforceable data subject rights and offer effective legal remedies for data subjects where applicable.

### Data loss

If a data breach occurs that is likely to result in a risk to the rights and freedoms of individuals, the people affected will be informed as soon as possible and the ICO will be notified within 72 hours.

### GDPR contact

Any questions related to GDPR or to issues concerning data protection should initially be addressed to **Pravin Bhanudoasrao, Registered Manager**. [applegarth.care@btconnect.com](mailto:applegarth.care@btconnect.com) or in writing at **24 Huntercombe Lane, Taplow, Maidenhead. SL6 0LG**