

POLICY NO:134	Version 2.0	Page 1 of 5	Last Up-dated:11-09-2020
	Authorised: _____	Date: 11-09-2020	© Eclipse HomeCare 2009
PRIVACY NOTICE FOR CLIENTS			

In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, our clients, 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 employees, workers and contractors.

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:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) 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
- g) 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 clients in order to carry out effective and efficient processes. We keep this data in a client file relating to each client and we also hold the data within our computer systems, for example, our rostering system.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers, email address
- b) name and contact details of your next of kin, Doctor, health professionals
- c) your photograph
- d) your gender, marital status, information of any disability you have or other medical information
- e) information on your race and religion for equality monitoring purposes
- f) information gathered via your initial enquiry and the care assessment process
- g) information passed to us by Social Services and/or the NHS concerning your care requirements
- h) details on your history etc
- i) National Health and/or Social Services personal reference numbers
- j) bank account details
- k) criminal convictions
- l) information relating to the care we provide for you, including:
 - i) medicines records
 - ii) initial assessment
 - iii) environmental risk assessments
 - iv) moving and handling risk assessments
 - v) daily logs
 - vi) infection control assessment

C) COLLECTING YOUR DATA

You provide several pieces of data to us directly during the assessment process and subsequently upon the start of care being provided to you.

In some cases, we will collect data about you from third parties, such as Social Services, the NHS, former providers of care.

Personal data is kept in files or within the Company's Care management and IT systems.

D) LAWFUL BASIS FOR PROCESSING

The law on data protection allows us to process your data for certain reasons only. In the main, we process your data in order to comply with a legal requirement or in order to effectively manage the care contract we have either with you or with Social Service or the NHS.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis
Providing domiciliary care/ social care via the contract that we have entered into either with you or Social Services or the NHS e.g. using your name, contact details, care and health history.	Performance of the contract, GDPR Article 6(1)(b)
Processing is necessary for the provision of social care or the management of social care systems and services	Performance of the contract, GDPR article 6(1)(b)
Processing is necessary for us to demonstrate compliance with our regulatory framework and the law	Legal obligation, GDPR Article 6(1)(c)
Ensuring we are paid	Performance of the contract, GDPR Article 6(1)(b)
The effective rostering and allocation of staff to provide you with care	Performance of the contract, GDPR Article 6(1)(b)
Making reasonable adjustments for disabled clients	Legal obligation, GDPR Article 6(1)(c)
Making decisions in relation to both initial and subsequently as to whether we can provide a package of care	Our legitimate interests, GDPR Article 6(1)(f)
Making decisions about how you or the organization paying for your package of care will be charged	Our legitimate interests, GDPR Article 6(1)(f)
Ensuring efficient administration of your package of care	Our legitimate interests, GDPR Article 6(1)(f)
Effectively monitoring both your health and behaviour	Our legitimate interests, GDPR Article 6(1)(f)
Maintaining comprehensive up to date records about you to ensure, amongst other things, the effective and appropriate level of care is provided	Our legitimate interests, GDPR Article 6(1)(f)
Providing information to local authority "Safeguarding" when appropriate	Legal obligation, GDPR Article 6(1)(c)
Implementing our complaints procedures when appropriate	Our legitimate interests, GDPR Article 6(1)(f)
Providing information about your care to Social Services or the NHS where there is a legitimate reason to do so	Our legitimate interests, GDPR Article 6(1)(f)
Business planning and restructuring exercises	Our legitimate interests, GDPR Article 6(1)(f)
Dealing with legal claims made against us	Our legitimate interests, GDPR Article 6(1)(f)
Preventing fraud	Our legitimate interests, GDPR Article 6(1)(f)
Ensuring our administrative and IT systems are secure and robust against unauthorised access	Our legitimate interests, GDPR Article 6(1)(f)

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E) SPECIAL CATEGORIES OF DATA

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

We carry out processing activities using special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments to the care we provide for you
- c) processing is necessary for the provision of social care or the management of social care systems and services

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest
- d) you have already made the data public.

F) FAILURE TO PROVIDE DATA

Your failure to provide us with data may mean that we are unable to provide you with the care you may require or are unable to ensure the care is fully appropriate to your situation.

G) CRIMINAL CONVICTION DATA

We will not collect criminal conviction data about our clients other than where this is shared with us on a need to know basis by Social Services. We only use criminal conviction data to determine or make appropriate arrangements so that we can safely provide care. We rely on the lawful basis of our legitimate interest to process this data.

H) WHO WE SHARE YOUR DATA WITH

Our staff, within our company, who have responsibility for the provision and administration of care, administration of payment and the carrying out performance related procedures will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processing in line with GDPR.

We regularly share your medical information with appropriate external social or health care professionals (including your GP and pharmacist) and any individuals you have nominated as your representative. This data sharing enables us to establish the type of care and support you need. It also allows us to design the right care

package to suit your individual circumstances, including if (in future) you decide to receive care from an alternative provider.

We will share personal information with law enforcement or other authorities if required by law. This includes information required by public bodies to evidence our compliance with the applicable regulatory framework. We are also required to share personal information with external social or health care professionals, including public bodies and local safeguarding groups (in some circumstances) to ensure your safety.

We will not share, sell or trade your personal information with any other third party.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the European Economic Area.

I) PROTECTING YOUR DATA

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

J) RETENTION PERIODS

We only keep your data for as long as we need it for, which will be at least for the duration of our provision of care to you though in some cases we will keep your data for a period after your care has ended. Some data retention periods are set by the law. Retention periods can vary depending on why we need your data, as set out below:

Record	Statutory Retention Period
Children/young adults	Until the child reaches 21
Accounting Records	6 years

Record	Recommended Retention Period
Initial Enquiry forms and notes	6 months to a year
Care Assessments, daily records and Risk Assessments	3 years after the end of service
Rostering Records	4 years

K) 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.

L) CLIENT RIGHTS

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

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. More information on this can be found in the section headed "Access to Data" below and in our separate policy on Subject Access Requests";
- c) 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';

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- d) the right to have data deleted in certain circumstances. This is also known as ‘erasure’;
- e) the right to restrict the processing of the data;
- f) the right to transfer the data we hold on you to another party. This is also known as ‘portability’;
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in our separate policy on your rights in relation to your data.

M) 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 where the legal basis on which we process it is based on consent.

N) 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.

O) DATA PROTECTION COMPLIANCE

Our Data Protection Officer is:

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Normal Office Address