

Privacy Notice (Service Users)

Scope

When Olea Care Group processes your personal data, it is required to comply with the Data Protection Act 2018 (“DPA”) and the UK GDPR (the DPA and UK GDPR are together referred to as the “Data Protection Legislation”).

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1. What is personal data?

Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, date of birth, location data and in some cases opinions that we document about you; as well as special categories of data, including but not limited to, medical and health records, Care Plans and information about your religious beliefs, ethnic origin and race, sexual orientation and political views

Everything we do with your personal data counts as processing it - including collecting, storing, amending, transferring and deleting it. We are, therefore, required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This data privacy policy provides information about the personal data we process, why we process it and how we process it.

2. Our responsibilities

Olea Care Group is the data controller of the personal data you provide. We have appointed Nicola Farrell as HR Manager who has day to day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

3. What personal data do we process about you?

We process your personal data in order to provide you with the services you have requested, to fulfil the contract we have entered into with you and/or to receive services or goods from you. We may also process your personal data to respond to any queries or comments you submit to us and to correspond with you on a day-to-day basis.

We may need personal data from you to be able to provide services to you, to meet our legal obligations, to enter into a contract with you and/or to provide you with all the information you need. If we do not receive the personal data from you, we may be unable to fulfil our obligations to you.

Personal data that we may process about you (depending on the extent of the information you have provided to us) includes:

- Basic information, such as name, address, date of birth, phone number and email.
- Financial information, such as how your care is paid for, and any past payments you have made.
- Information about you and your family, such as your next of kin, your partner or spouse, your children and how to get in touch with them.
- Information about your preferences and interests, such as hobbies, likes and dislikes, routines, and habits.
- Visual images, such as copies of identification and photographs of you.
- Details of any services you have received from us in the past.
- Information we receive from other sources, such as government departments and your doctor or other healthcare professionals.
- Dates and times of visits your family have made to you.
- Letters we have sent to you or your family about you.

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

4. Collecting sensitive information about you

Olea Care Group may also need to collect some information about you which is particularly sensitive. This type of information is called special category personal data. The law says we can only collect and use this kind of information for very specific legal reasons, such as providing your care and helping other organisations with their functions, such as safeguarding. Olea Care Group will only collect and use this information where it is essential for our work.

Types of special category personal data that Olea Care Group may collect and use:

- information about your racial or ethnic origin;
- information about your religious beliefs;

- information about your sex life and 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.

5. Collecting information from other people

Sometimes, Olea Care Group may need to collect your data from other people. These will include:

- Government departments.
- National regulators.
- The National Health Service (NHS), your doctor and healthcare providers.
- Organisations responsible for funding and organising care.
- The Emergency services.
- Olea Care Group suppliers and local services.

We process most of your information on the grounds of:

- consent from you,
- legitimate interests such as:
 - Providing and managing your account.
 - Supplying our services to you. Your personal details are needed for us to enter a contract with you.
 - Providing you with kind care that is person-centred and appropriate to your needs.
 - Disclosing information to an appropriate regulator to inform them of certain incidents as required under the law.;
 - Communicating with you. This may include responding to emails or telephone calls from you.
 - Disclosing information to a Coroner, the Police or Safeguarding where they need to conduct a formal investigation
 - Supplying you with information about our services by email AND/OR post,
- performance of a contract we have entered into with you,
- protection of the vital interests of a Data Subject or,
- in the case of special categories of data: processing for the provision of health or social care or treatment or the management of health or social care systems or services.

If we obtain consent from you to the processing of your personal data, you can withdraw your consent at any time. This will not affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

6. Who will receive your personal data?

Please note - although the UK is no longer part of the EU, we still comply with the following:

We only transfer your personal data to the extent we need to. Recipients of your personal data include:

- Government departments;
- National regulators
- The National Health Service (NHS), your doctor and healthcare providers
- Organisations responsible for funding and organising care
- The emergency services
- Olea Care Group suppliers and local services such as funeral directors.

We do not transfer your personal data outside of the EEA.

7. How long will we keep your personal data?

We will retain your personal data only for as long as is needed or is required by law. The duration for which your personal information is kept will depend on our reason for collecting it.

Please see our data retention table for more information.

Your information will be kept securely at all times.

Following the end of the relevant retention period, your files and the personal data covered by the retention period will be permanently deleted or destroyed.

8. What are your rights?

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which we process your data.

More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>).

These rights apply for the period in which we process your data.

Access to your data

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this data privacy policy.

We will provide the information free of charge unless your request is manifestly unfounded, excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.

We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

Rectification of your data

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we do not feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

Right to be forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- Where we no longer need your personal data for the purpose for which we collected it
- Where we have collected your personal data on the grounds of consent and you withdraw that consent
- Where you object to the processing and we do not have any overriding legitimate interests to continue processing the data
- Where we have unlawfully processed your personal data (i.e. we have failed to comply with UK GDPR); and
- Where the personal data has to be deleted to comply with a legal obligation

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

Right to restrict processing

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data but we do not have to delete it. This right is available to you:

- If you believe the personal data we hold is not accurate – we will cease processing it until we can verify its accuracy

- If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- If the processing is unlawful; or
- If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim

Data portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

Right to object

You are entitled to object to us processing your personal data:

- If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- For direct marketing purposes (including profiling); and/or
- For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling, legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

Automated decision making

Automated decision making means making a decision solely by automated means without any human involvement. This would include, for example, an online credit reference check that makes a decision based on information you input without any human involvement. It would also include the use of an automated clocking-in system that automatically issues a warning if a person is late a certain number of times (without any input from HR, for example).

We do not carry out any automated decision making using your personal data.

Your right to complain about our processing

If you think we have processed your personal data unlawfully or that we have not complied with UK GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office ("ICO"). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website: <https://ico.org.uk/concerns/>.

9. Any questions?

If you have any questions or would like more information about the ways in which we process your data, please contact the manager

Document Control

Ownership

<i>Owner:</i>	<i>Signed:</i>		<i>Date:</i>
<i>Reviewed and approved by:</i>	<i>Signed:</i>		<i>Date:</i>
Date of issue:	17/06/2019	Date of next review:	

References

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Regulation xx

(1) Care

Philosophy of care

Our philosophy of care value states “...”

External sources

Refer to external sources that have informed the policy

Supporting Documentation

Ref	Document

Ref	Document