

WoodleighCare	WCCH	Baily House	Ref No:102	Version 6
Document Title	Privacy Policy		Effective from	26/04/2018
			Expires	26/04/2019
Please refer to the electronic control copy on CMS for the latest version. Printed copies are for reference only.			Document Type	Policy - Staff

Policy:

We will only share information about residents and staff with others if the resident has given their permission, or where the law requires us to.

We will ensure that confidential information is held securely.

That residents, staff and others (e.g. families, friends and applicants) can access the data we hold about them at any reasonable time.

All data will be processed in line with the General Data Protection Regulation (GDPR).

Personnel affected:

	Fully Trained	To be aware	To be informed
Internal	All staff		
External		Residents	Relatives

Background and Outline:

Woodleigh Christian Care Home Ltd treats the privacy of its residents, customers, and website users very seriously and we take appropriate security measures to safeguard your privacy. This policy explains how we protect and manage any personal data* you share with us and that we hold about you, including how we collect, process, protect and share that data.

**Personal data means any information that may be used to identify an individual, including, but not limited to, a first and last name, a home or other physical address and an email address or other contact information, whether at work or at home.*

1 Data Controller

- 1.1 The Data Controller for Woodleigh Christian Care Home Ltd is:
John Walton
Woodleigh Christian Care Home, Norfolk Drive, Mansfield, Nottingham, NG19 7AG.
Tel: 01623 420459, Email: john@woodleighcare.co.uk
- 1.2 The Data Protection Officer for Woodleigh Christian Care Home Ltd is:
Chris Foreman
Woodleigh Christian Care Home, Norfolk Drive, Mansfield, Nottingham, NG19 7AG.
Tel: 01623 420459, Email: training@woodleighcare.co.uk

2 Purpose of Processing Data

- 2.1 Woodleigh Christian Care Home Ltd collects and processes data to ensure that we have the information available to keep the residents safe, and to ensure that Woodleigh maintains its position as part of the Mansfield community.
- 2.2 Woodleigh Christian Care Home Ltd will not process any data without the legal basis to do so. This will be either through the freely given consent of the individual that the data relates to, or through the legal need to store and retain information about an individual to prove actions taken.
- 2.3 Woodleigh Christian Care Home Ltd may need to share the data that it processes with third parties to ensure the safety of the individual. These third parties include, as examples; The Care Quality Commission (CQC), Clinical Commissioning Groups (CCGs), Nottinghamshire County Council, Local GP Surgeries, The Coroner, and Solicitors dealing with a case relating to the care of the individuals.

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Review:	Policy updated in line with GDPR - Name changed to Privacy Policy 28/06/2016 - No changes needed to policy 16/6/14 CMS inserted, minor amendments		

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3 Data Collection

- 3.1 Woodleigh Christian Care Home Ltd does not purchase any of the data that we collect, nor does it sell any data.
- 3.2 Most data is collected from the individual themselves, or through a representative of the individual (e.g. relatives, friends, representatives etc.) via telephone calls, online form completion, face to face enquiries, records of care given and through written correspondence.
- 3.3 We will only obtain data from third parties if this is permitted by law. You will have already submitted your personal data to these companies and have specifically given permission to allow them to pass this information to us. We may also use legal public sources to obtain information about you (i.e. to verify your identity). This information (including; Name, Address, Date of Birth, Contact Details) as relevant to us, will only be obtained from reputable third party companies that operate in accordance with the General Data protection Regulation (GDPR).
- 3.4 The data that is collected includes 'Personal Data' and 'Sensitive Personal Data' as categorised by the GDPR. Personal Data include; Name, Address/Previous Address, Contact Details, Date of Birth, Gender, Funding status (Self-funding/local authority funded etc.). Sensitive Personal Data includes: Religion, Ethnic Origin, Health Needs/Conditions and Sexual preferences.
- 3.5 **Residents / Power of Attorney**
The collection of this personal data and sensitive personal data is essential for us to be able to issue contracts, to confirm identity, to plan and deliver safe care to the individual and for payments. This means that the legal basis for us holding this personal data and sensitive personal data is for the performance of a contract.
- 3.6 **Staff**
The collection of this personal data and sensitive personal data is essential for us to be able to issue contracts of employment, to confirm identity, and for payments. This means that the legal basis for us holding this personal data and sensitive personal data is for the performance of a contract.
- 3.7 **Relatives/Associates**
The collection of this personal data and sensitive personal data is very useful for us at WoodleighCare to be able to keep you informed of changes at our homes, to invite you to our numerous events, and to contact you on behalf of our residents. We will ask for your consent before storing/processing any personal data about yourself for these purposes. This means that the legal basis for us holding this personal data and sensitive personal data is through consent given by yourself.

4 Sharing

- 4.1 We will keep your information confidential and from time to time we may need to share your personal data with other members of the WoodleighCare Group, for example for the purpose of audit or compliance monitoring.
- 4.2 We will only share your personal data with other third parties with your express consent, with the exception of the following categories of third parties:
- Insurance companies , loss assessors, regulatory authorities & commissioning bodies and other fraud prevention agencies for the purposes of fraud prevention and to comply with any legal and regulatory issues and disclosures;
 - Any mailing or printing agents, contractors, the Friends of Woodleigh Charity and advisors that provide a service to us or act as our agents on the understanding that they keep the information confidential;

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- Anyone to whom we may transfer our rights and duties under any agreement we have with you;
- Any legal or crime prevention agencies and/or to satisfy any regulatory request (including recognised practitioner bodies) if we have a duty to do so or if the law allows us to do so.

5 Data Subject Rights

5.1 Right to access

The General Data Protection Regulation (GDPR) grants you (hereinafter referred to as the "data subject") the right to access particular personal data that we hold about you. This is referred to as a subject access request. We shall respond promptly, and certainly within one month from the point of receiving the request and all necessary information from you. Our formal response shall include details of the personal data we hold about you, including the following:

- Sources from which we acquired the information,
- The purpose for processing the information; and
- Persons or entities with whom we are sharing the information.

5.2 Right to Rectification

You, the data subject, shall have the right to obtain from us, without undue delay, the rectification of inaccurate personal data we hold concerning you. Taking into account the purposes of the processing, you, the data subject, shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

5.3 Right to erasure

You, the data subject, shall have the right to obtain from us the erasure of personal data concerning you without delay, except where we are required by law to keep that data.

5.4 Right to restriction of processing

Subject to exemptions, you, the data subject, shall have the right to obtain from us restriction of processing where one of the following applies:

- a) the accuracy of the personal data is contested by you, the data subject, and is restricted until the accuracy of the data has been verified;
- b) the processing is unlawful and you, the data subject, oppose the erasure of the personal data and instead request the restriction in its use;
- c) we no longer need the personal data for the purposes of processing, but its required by you, the data subject, for the establishment, exercise or defence of legal claims;
- d) you, the data subject, have objected to processing of your personal data pending the verification of whether there are legitimate grounds for us to override these objections.

5.5 Right to data portability

You, the data subject, shall have the right to receive your personal data, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit this data to another controller, without hindrance from us.

5.6 The right to object

You, the data subject, have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you, including any personal profiling; unless this relates to processing that is necessary for the performance of a task carried out in the public interest or an exercise of official authority vested in us. We shall no longer process the personal data unless we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of you, the data subject, or for the establishment, exercise or defence of legal claims.

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- 5.7 **The right to not be subject to decisions based solely on automated processing**
We do not carry out any automated processing, which may lead to an automated decision based on your personal information.
- 5.8 **Notification obligation regarding rectification or erasure of personal data or restriction of processing**
We shall communicate any rectification or erasure of personal data or restriction of processing as described above to each recipient to whom the personal data has been disclosed, unless this proves impossible or involves disproportionate effort. We shall provide you, the data subject, with information about those recipients if you request it.
- 5.9 **Invoking your rights**
If you would like to invoke any of the above data subject access rights with us, please write to the Data Protection Officer at Woodleigh Christian Care Home, Norfolk Drive, Mansfield, Nottinghamshire, NG 19 7AG, or email training@woodleighcare.co.uk.
- 5.10 Relatives may only access information if the resident agrees or where permission has been given by a person with the relevant Power of Attorney. They do not have an automatic right to access information. This includes the process of collaborative care planning.
- 5.11 In cases where the person who pays the residents weekly or monthly charge is not the resident, this does not give the purchaser an automatic right to access any information relating to the resident. Permission of the resident/power of attorney must be given before any information can be passed to a purchaser or other funding body. A best interests decision may be considered appropriate in some circumstances.
- 5.12 ****It should be noted that ****
Many relatives are upset by the written content of a record in relation to the behaviour or activity of their loved one. Under no circumstances should the home alter or change the records at the request of a relative unless the record is factually incorrect. Whilst staff may be sympathetic to the sensitivities of relatives, they should not "under report" or dilute important information regarding a resident which may be important in their plan of care.

6 Retention period

- 6.1 We keep information in line with the length of time we need to keep your personal data in order to manage and provide the care and service and handle any insurance claims. This takes into account our need to meet any legal, statutory and regulatory obligations. These reasons can vary from one piece of information to the next. In all cases our need to use your personal information will be reassessed on a regular basis and information which is no longer required will be disposed of securely e.g. shred/destroy.

7 Security

- 7.1 The staff at Woodleigh Christian Care Home Ltd should ensure that information, which is classed as confidential, is placed in a secure location where access can be restricted to those people who have the right to view the information.
- 7.2 The manager is responsible for ensuring that, apart from staff and the resident, access to confidential information is restricted to allow only those people for whom each resident has given permission.
- 7.3 All records should normally remain within the home, group or on secure servers.

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- 7.4 E-Mail and Fax are not considered to be secure for confidential items unless the recipient is able to ensure security of receipt at their end.
- 7.5 All computers are user protected with a password as a means of preventing unauthorised access to information. Computer screens should never be left unattended with resident or other sensitive information on the screen.
- 7.6 **Residents**
All paper records are stored securely in a locked cupboard or cabinet to ensure that they are only accessed by the staff and professionals that need to access them to provide the care and service to the residents.
- 7.7 **Staff**
All paper records relating to staff are stored in a locked cabinet in an office that is restricted by a red key. This key is held by the management team to ensure that the staff records are only accessed by the members of the management team that need to access them to process the data in line with the contract.
- 7.8 **Archive**
Once paper records are no longer required to be accessed by the relevant staff for either a resident or a staff member, the records are archived. The archive room is controlled by a red key which is held by the management team, and all files contained personal/sensitive data are stored in lockable cabinets.

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