

Privacy notice for clients and their representatives/next of kin

PENDINE IS COMMITTED TO PROTECTING THE PRIVACY AND SECURITY OF YOUR PERSONAL INFORMATION. THIS PRIVACY NOTICE DESCRIBES HOW WE COLLECT AND USE PERSONAL INFORMATION, IN ACCORDANCE WITH THE GENERAL DATA PROTECTION REGULATION (GDPR), SO YOU CAN BE CONFIDENT IN GIVING US YOUR INFORMATION.

In this notice, whenever you see the words 'we', 'us', 'our' and 'Pendine', it refers to Pendine Park Care Organisation Ltd (our ICO registration number is Z2840886). Whenever you see the words 'you' and 'your', it refers to current and former clients of Pendine.

This notice also refers to how we use information on a client's representative and/or next of kin. Please refer to point 12 of this notice.

This notice does not form part of any contract with you. We may update this notice at any time, and if we do, we will notify all current clients. All current Pendine Privacy Notices will also be available on our website, at www.pendinepark.com/privacy.html

1. Our Responsibilities and Data Protection Principles

Pendine is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you.

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

2. The kind of information we hold on you...

Personal data, or personal information, means any information about an individual that can identify that individual. It does not include data where the identity has been removed (anonymous data). There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

CATEGORY	DATA TYPES
Personal Details	Name, title, preferred name, date of birth, gender, weight, and height
Previous Contact Details	Previous address/location
Representative / Next of Kin Details	Name of any representative and/or next of kin, their relationship to you and contact details
Power of Attorney Details	Power of Attorney names and contact details
Related Professionals Details	Name and contact details of GP, CPN, Social Worker/Case Manager, Medical Consultants and other related health and social care professionals
Funding Details	National Insurance number, bank account details, funded status, name and contact details of funding authorities, bank details of funding authorities
Personal Preference Details (‘Enrichment’ Details)	Your life history, your hobbies and interests, your likes and dislikes and any other information you wish to tell us about yourself
Possessions	Your possessions held at Pendine including clothes, money, and valuables
Photographs	For identification purposes
Electronic Information	CCTV footage

We also collect, store, and use the following “special categories” of more sensitive personal information:

CATEGORY	DATA TYPES
Ethnicity	Ethnicity and preferred language
Health	Information about your health including medical, physical and mental health conditions (previous and current), medication, treatments, mental capacity, NHS and Hospital identifying numbers, photographs of physical injuries/wounds etc and your preferred methods of being supported and cared for
Sensitive Information (you choose to provide)	Your religious and spiritual beliefs and preferred/followed rituals

	Preferences and your wishes and preferences for your last days of life
	If you choose to give us details about your political and sexual preferences

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3. How we collect your data

We collect your personal information initially through our enquiry, pre-admission, and admission process. This includes information gained by:

- Directly from you
- Directly from those supporting you (relatives or representatives)
- Other health and social care professionals currently or previously involved in any health or social care treatments or services you are/were in receipt of
- Our staff on assessing your health and social care requirements and determining your contract.

We collect and record your data either on your care and support plan, your personal accounting file or on our client database. Some information (such as name and contact details) is recorded on more than one of these records.

We then continue to collect personal information throughout the time we provide health and social care services to you. This includes:

- Asking you directly (for your daily choices, for information or during reviews of the services we are providing)
- Our staff making observations and measurements regarding your health and wellbeing (such as taking a blood pressure reading or calculating a pressure risk score from a standard assessment tool)
- Information provided by other related professionals (such as your GP or Consultant, or funding authorities)
- CCTV footage from CCTV cameras within communal areas that are clearly marked. We do this for the purposes of crime prevention and prosecution, for identifying accidents, incidents and disputes and to safeguard residents, staff and visitors. The footage has strict protocols for retention, viewing purposes and usage with strict access rights allowing only designated people to view and access. Footage may be shared with the Police.

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4. How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information, as listed above in point 2, in the following circumstances:

1. To carry out the contract we have with you and provide the agreed services.
2. Where we need to comply with a legal and regulatory obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
4. Less commonly, where it is in your vital interests (or the interests of another person) and you are not capable of giving your consent i.e., emergency medical care.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

The situations in which we will process your personal information are listed below:

- Making a decision about whether we are able to provide services to you
- Enabling you to settle after admission to Pendine and to fully experience and feel that Pendine is your home
- To carry out your care planning - assessing, monitoring, observing and evaluating your health and wellbeing in order to determine the support and interventions you require
- Providing appropriate and tailored health and social care and support
- Providing appropriate enrichment activities suited to your needs and preferences
- Providing you with appropriate services that are suited to your needs and preferences (i.e. food and drink, housekeeping services, laundry services etc)
- Enabling our staff to support your welfare and wellbeing by understanding your needs, wishes, preferences and preferred routines
- Liaising with other health and social care professionals and organisations involved in your care and support
- Liaising with other related professionals and organisations involved in your care and support
- Determining the terms on which we provide these services
- Handling any compliments, suggestions, and complaints about our services
- Viewing CCTV footage from identified communal areas for crime prevention and prosecution, identifying accidents and incidents and safeguarding purposes.
- Complying with health and safety obligations
- Complying with our legal and regulatory obligations as a health and social care provider
- Administering the contract we have entered into with you
- To conduct data analytics studies to review and better understand how we provide our services
- Marketing and advertising our business through use of videos, photographs and testimonials
- Business management and planning, including accounting and auditing

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

Videos, Photographs and Testimonials

We use videos and photographs from events and written testimonials about our services on our website and within our marketing materials. If you are part of a crowd or group of people in a photograph or video that we publish, and cannot be identified easily, we do not require your consent. However, if you or your visitors, are present when such photographs or video footage are being taken, and you or your visitors do not wish to be part of the footage, please tell the photographer or the staff member organising the footage, so they can act accordingly.

If we wish to identify you (such as use a caption with the photograph or video), or the photograph or video just contains you or is of a small group of people including you, we will explain why we are using your image, what it is being used for and who might look at the image and ask for your consent beforehand (if you do not wish to consent then we will not include you in the photograph/video). (This also applies to your visitors that may be in the image). If we use an agency to take the photographs or video footage, we will ensure the agency obtains the correct permission.

If you provide us with a written testimonial about our services that we wish to publish publicly and include your name with the testimonial, we will inform you of why we are using it, what it is being used for and who might look at it and we will ask for your consent to use the testimonial.

If you don't provide personal information

If you don't provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as providing tailored services), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our clients, visitors and workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. How we will use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing, and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. To provide you with health and social care treatment and services in line with our Data Protection Policies
2. Where we need to carry out our legal obligations or exercise rights in relation to providing services to you and in line with our data protection policy.
3. For the management of health and social care systems and services in line with our Data Protection Policies
4. Less commonly, where it is in your vital interests (or the interests of another person) and you are not capable of giving your consent i.e. emergency medical care.

In limited circumstances, we may approach you for your written consent to allow us to process other sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

We will use your particularly sensitive personal information in the following ways:

SENSITIVE INFORMATION REQUESTED	HOW WE USE IT
Physical and mental health conditions and needs, medication, and treatments (past and current), mental capacity status and your preferred methods of being supported and cared for	To provide appropriate health and social care services and treatments and to adhere to legislation and regulations
NHS and Hospital identifying numbers and photographs of physical injuries/ wounds etc	To adhere to local policies and to liaise and work with other health and social care professionals
Your ethnicity and preferred language, religious and spiritual beliefs and preferred/followed rituals	To provide tailored social care services, including enrichment activities to support your welfare and wellbeing.
Your wishes and preferences for your last days of life	To provide tailored health and social care services within the last days of life, if required.
Your political and sexual preferences	We do not ask for this information directly. However, if you may choose to provide this information when asked about your life history and background, and this would be used to provide tailored social care services to you.

6. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

7. Sharing your data with others

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside the EU (although we do not envisage we will do so). If we do, you can expect a similar degree of protection in respect of your personal information.

We will share your personal information with third parties where required by law and where it is necessary to provide you with the necessary health and social care services you require. For example, we may share your personal information with GPs, pharmacists, the NHS, other health and social care providers, and local health board.

We may need to share your personal information with a regulator or to otherwise comply with law, such as with the Care Inspectorate Wales, local health board and local authorities.

We may also share your personal information with other third parties, for example in the context of the possible restructuring of the business.

We will only share your information with any other individuals with your consent. If you do not have the capacity to consent, we will assess your needs, through a multidisciplinary approach, if necessary, to determine whether disclosing your information is in your best interests. Any individual requesting such information must have the authority to do so (such as Power of Attorney, Court Appointed Deputy, or next of kin/close family member) and the request must be proportionate and relevant to a decision the person requesting is wanting to make in your best interests.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

8. Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

For example, your health information is only held on your care and support plan and can only be accessed by those staff involved in providing you with health and social care. Your accounts information is only accessed by our accounts team.

We will not share your information with your friends and family, including next of kin, unless you give direct consent to do so. We will only share your information with a representative if you have been deemed as not having capacity and your representative has been identified as the person to act for you.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator (i.e., the ICO) of a suspected breach where we are legally required to do so.

9. Data retention – how long will we use your information for

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, or reporting requirements. 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 client of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

If you are a respite client, and therefore do not undertake permanent services with us, we will retain your information as a “current client” until you are deemed as to no longer requiring any further services with us.

10. Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. We hold regular reviews with you and will ask you if any of your details have changed to ensure the information we hold is accurate.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct, or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Registered Manager in writing.

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 clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

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.

11. Your 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. 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.

12. Your representative and next of kin data

As stated previously, we will collect the name and contact details of any representative (if you have been deemed to not have capacity) and your next of kin.

If you do not have the capacity to consent or provide your personal information, your chosen representative will act on your behalf. They will then help to provide your personal information and will sign on your behalf accordingly. We may also need to contact them in relation to:

- Administering your contract (such as providing information on any changes to the contract, payments etc)
- Informing them of changes to your services or your health and wellbeing
- Informing them of any reviews or meetings in relation to your services
- Informing them of any accidents or emergency situations
- To provide them with details of forthcoming events that will involve you (such as social events)
- To provide them with vital information about any changes to our provision (such as changes to how they contact Pendine or changes in offices)

We process your next of kin data to enable us to contact them in relation to the services we provide for you. This includes contacting them in the case of any emergency (such as an accident or your sudden ill-health) and to provide them with vital information about any changes to our provision (such as changes to how they contact Pendine or changes in offices).

We may also contact them regarding the following, but *only if you and they permit it*:

- Informing them of forthcoming events that will involve you (such as social events)
- Informing them of any reviews or meetings in relation to your services
- Informing them of changes to your services or your health and wellbeing
- Generally keeping in touch about your wellbeing (for example, if they live far away).

Changes to this Privacy Notice

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

If you have any questions about this Privacy Notice, please ask to speak with your Registered Manager or contact the Administration Department at

Bromfield House, Ellice Way, Wrexham LL13 7YW

or telephone: 01978 720242

or email: clients@pendinepark.com