



Privacy notice and information for the people we support, their families and representatives

The entity you have engaged as a care service provider (referred to as “we” “us” or “our”) will be a data ‘controller’, which means we are responsible for deciding how we hold and use personal information about you. Our contact details can be found at the bottom of this privacy notice.

We are committed to protecting the privacy and security of your personal information.

What is a privacy notice?

This *privacy notice* tells you what to expect us to do with your personal information when you make contact with us or use one of our services. It describes how we collect, use, retain and disclose the personal information which we hold. This privacy notice is part of our commitment to ensure that we process personal information fairly and lawfully.

Why issue a privacy notice?

As part of the services we offer, we are required to process personal information about our colleagues, the people we support and, in some instances, the families and representative of the people we support. “Processing” can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to being transparent about why we need your personal information, what we do with it, with whom we share it with, for how long we keep it and what legal rights you have. This information is set out in this privacy notice.

The people we support

What data do we have?

In order that we can provide a safe and professional service, we need to keep certain records about you. We may process the following types of data:

- Your basic details and contact information e.g. your name, residential address, email address, telephone number date of birth and next of kin and emergency contact information;



- Your financial details e.g. details of how you pay us for your care or details of your funding arrangements.

We also record the following data which is classified as “special category”:

- Health and social care data about you, which might include both your physical and mental health data, including:
 - information regarding prescriptions and medication;
 - MAR chart results;
 - details of health conditions, care provided and equipment used as part of your care/treatment;
 - care needs assessment records;
 - daily records; and
 - information on social care and GP involvement regarding your mental and/or physical wellbeing.
- We may also record data about your race, ethnic origin, sexual orientation or religion.

The information may be collected from:

1. You or your legal representative(s); or
2. Third parties (for example healthcare providers).

We do this face to face, via phone, via email, via our website, via post, via application forms and via apps

Why do we have this data?

We need this data so that we can provide high-quality care and support.

We process your data (which may include special category data):

- where applicable, to allow us to perform our contract with you;
- because we have a legal obligation to do so – generally under the Health and Social Care Act 2012 or Mental Capacity Act 2005;
- because it is necessary due to social security and social protection law (generally this would be in safeguarding instances);
- because it is necessary for us to provide and manage children care, health and social care services;



- where we are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations; and
- for the establishment, exercise or defence of legal claims.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent at any time. We do not need your consent where the purpose of the processing is to protect you or another person from harm or to protect your well-being and if we reasonably believe that you need care and support, are at risk of harm and are unable to protect yourself. In relation to non-special category personal data, we may process that data where

it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests. This will typically be in relation to our legitimate business interests in providing care and support, including the relevant financial arrangements associated with that care and support. Where we have relied on our legitimate interests to process your personal data, you may contact us to obtain more information, including in relation to our assessment of the impact on you.

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. In some circumstances we may anonymise your personal information so that it can no longer be associated with you. We may do this for research and statistical analysis purposes.

With whom do we share the data?

Third party organisations we might share your data with include:

- other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, clinical commissioning groups, and other health and care professionals;
- the relevant Local Authority;
- health or social care staff under a commissioned arrangement;



- organisations we have a legal obligation to share information with, e.g. for safeguarding, the CQC;
- the police or other law enforcement agencies;
- our professional advisors;
- third party service providers;
- your family or representatives ; and
- third parties in the context of the possible sale or restructuring of our business.

Families/representatives

What data do we have?

As part of our work providing high-quality care and support, it might be necessary that we hold the following information on you:

- Your basic details and contact information e.g. your name and residential address, email address and telephone details.

The information may be collected from:

1. You or your legal representative(s); or
2. Third parties (for example healthcare providers or the person we are supporting).

We do this face to face, via phone, via email, via our website, via post, via application forms and via apps

Why do we have this data?

We process your data because we have a legitimate business interest in holding next of kin and lasting power of attorney information about the people who use our service and keeping emergency contact details should these be required.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you. We may do this for research and statistical analysis purposes.



With whom do we share the data?

Third party organisations we might share your data with include:

- other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, and other health and care professionals;
- the relevant Local Authority;
- health or social care staff under a commissioned arrangement; the police or other law enforcement agencies;
- our professional advisors;
- third party service providers; and
- third parties in the context of the possible sale or restructuring of our business.

At this time, we do not share any data for planning or research purposes for which the national data opt-out would apply. We review all of the confidential patient information we process on an annual basis to see if this is used for research and planning purposes. If it is, then individuals can decide to stop their information being shared for this purpose. You can find out more information at

<https://www.nhs.uk/your-nhs-data-matters/>.

Joint Controllers

*We are part of a group of companies called Innovate Care Group (the "**Group**"). There may be occasions where your data will be controlled by two or more companies within the Group ("**Joint Controllers**").*

The Joint Controllers will determine their respective obligations, the purposes and means of processing your data by an arrangement (which could be contractual).

Where your data is under the control of Joint Controllers, you may exercise your rights (set out below) with each of the controllers.



Details of these arrangements may be obtained from the Data Protection Officer, whose contact details are set out below.

Automated decision making and profiling

- We use various systems to ensure the people we support receive the best care and support possible.
- Some of these systems may have a degree of automation, for example, where data is input into a platform to identify the most appropriate professional to provide care based on your needs
- NO decisions on your care are taken without human intervention.

Transferring information outside the UK

We do not routinely transfer the personal information we collect about you outside of the UK. If in the future, we do need to transfer information outside of the UK, we shall do so to country/countries deemed to provide an adequate level of protection for your personal information or put in place appropriate measures to ensure that your personal information is treated by the third parties in a way that is consistent with and which respects UK law on data protection. Further information can be requested from the Data Protection Officer.

Our website

In order to provide you with the best experience while using our website, we process some data about you.

Further information can be found at <https://Innovatecare.co.uk> and on the individual companies' websites.

Data retention

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 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 doing so we have regard to the relevant provisions of the NHS “Records

Management Code of Practice”, which can be accessed at: <https://transform.england.nhs.uk/information-governance/guidance/records-management-code/>.

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.

Your rights

You have certain rights, in relation to your personal data as summarised here. For more information on your rights, please see the contact details at the bottom of this notice:

- **Right to be informed** – you have the right to be provided with clear, transparent and easily understandable information about how we use your personal data and your rights, which is why we are providing you with this privacy notice.
- **Right of access** – you can request access to your personal data.
- **Correcting or erasing your information** – where we hold information about you that is inaccurate or incomplete, you have the right to ask us to rectify or complete it and in certain circumstances you may ask us to erase it.
- **Right to restrict processing** – you have the right to restrict some processing of your personal information, which means that you can ask us to limit what we do with it.
- **Right to data portability** – you have the right to obtain from us and re-use your personal information for your own purposes. This only applies, however, where the processing is carried out by automated means, to personal



information that you have provided to us yourself (not any other information) and where the processing is based on your consent or for the performance of a contract.

- **Right to object to Processing**– In addition to the above right, you also have the right to object, in certain circumstances: including sometimes where we are using it solely for the purpose of our legitimate business interests
- **Right to withdraw consent** – in the limited circumstances where you may have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

Please note that these rights are not necessarily absolute. There are some exemptions that may apply in certain circumstances.

If you have questions on these rights or to exercise any of these rights you can contact us.

Who are we regulated by?

- Information Commissioner: <https://ico.org.uk/>
- Care Quality Commission: <https://cqc.org.uk>

Data protection officer, questions and complaints

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, you may contact the DPO at gdpr@innovatecare.co.uk.

You have the right to make a complaint at any time to the UK data protection regulator with respect to data protection issues. The regulator's address is:

Information Commissioner's Office
Wycliffe House
Walter Lane
Wilmslow
Cheshire
SK9 5AF



Helpline number: 0303 123 1113

Website: <https://www.ico.org.uk/>

Our contact details

Company	Email address	Contact telephone number
Innovate Complex Care	info@innovatecare.co.uk	0203 8791520

Changes to this privacy notice

We may update this privacy notice from time to time. An up to date copy can be found at www.innovatecare.co.uk or on request from info@innovatecare.co.uk