

## Privacy Notice for Residents

### How we use resident information



#### Our personal information promise

We want Four Seasons Health Care (“FSHC”) to be trusted, which is why it is one of our core values. We recognise that one of the ways we maintain that trust is by using personal information responsibly. We, therefore, make the following promises to everyone who entrusts us with their personal information:

- We will be open with people about how we use their information and who we give it to;
- We will use personal information to provide high standards of care for people in our care and a supportive working environment for our colleagues;
- We will make it easy for people to access their information and to correct any errors;
- We will do our best to keep information safe;
- We will provide our colleagues with training and support to make sure that they understand their responsibilities in relation to personal information; and
- We will regularly check that we are living up to our promises.

#### The information we collect about you

When you come to live in one of our care homes, we need to use information about you in order to make sure that we provide you with care that meets your needs. This will include:

- general information about you, such as your name and date of birth;
- information about your family and others involved with you;
- your health and care needs;
- your likes, dislikes and preferences;
- things that happen in the home;
- complaints, comments and compliments; and
- relevant financial information.

Some of this information, for example, your health and care needs, is ‘special category’ information. This is information that data protection legislation recognises as being particularly sensitive and in need of more careful handling.

#### How we use information

We use your information to provide you with care, to keep you safe and to receive and make payments. We may also use it to make sure that we are providing high standards of care more generally. To do all of this, we may receive information from, or share information with, the following people:

- colleagues from FSHC and external organisations, such as the NHS, who responsible for providing direct care;
- colleagues from FSHC support services, such as those who process payments, undertake audits or provide specialist advice;
- external regulators and professional bodies, such as the Care Quality Commission;
- commissioners, such as local councils or NHS bodies;
- service providers, such as pharmacists, opticians and chiropractors; and
- data processors, such as the companies that supply our IT systems.

If there are serious concerns about your safety, or the safety of another person, we may be legally required to share information with the police and other government agencies.

### **Research and planning**

In some circumstances, we may wish to share your information with other organisations to help with planning and improving health and care services or researching and developing cures for medical conditions. Most of the time, we will only use anonymised data that does not identify you, however, there are some cases where identifiable data needs to be shared.

You can choose whether to allow your information to be used for these purposes. If you have no objections, you do not need to do anything. If, however, you would rather we did not use your information, you can opt out under the National Data Opt Out. For more information about this, please visit [www.nhs.uk/your-nhs-data-matters](http://www.nhs.uk/your-nhs-data-matters). Whatever your choice, you can change your mind at any time.

Please note that FSHC will not use your information for marketing purposes unless you have given us your consent and we will never sell your information to third parties.

### **Lawful basis for processing**

Under data protection legislation, we must make sure that we have an appropriate lawful basis each time we use your information. We use information for a number of different purposes, but they can generally be summarised as:

- Consent – if use of your information is optional, we will explain what we want to do and ask for your permission;
- Contract - when you come to live in one of our homes, you will enter into a contract with us and we will have to process your personal data in order to be able to fulfil that contract;
- Legal obligation - we have a legal obligation to provide information to certain government bodies, such as the police and our regulators; and
- Vital interests - if there is an immediate concern for your safety, we may need to provide information to the Ambulance Service or the NHS Trust that treats you without your consent, for example, if you are incapacitated.

The processing of 'special category' data also has to meet specific criteria. This can be summarised as follows:

- Explicit consent - if use of your information is optional, we will explain what we want to do and ask for your explicit permission;
- Vital interests - if there is an immediate concern for your safety, we may need to provide information to the Ambulance Service or the NHS Trust that treats you without your consent, for example, if you are incapacitated;
- Legal claims - from time-to-time, we may need to share 'special category' information with our lawyers and insurers to seek legal advice or defend legal claims;
- Health and care – we need to use your health and care information to provide you with services as part our contract with you; and
- Research and statistics – this will apply if you choose to allow your information to be used for research purposes, or we anonymise it to use for statistical purposes.

### **Sharing information with family and friends**

We do not automatically share information about you with your loved ones. Instead, when you move in, we will ask you whether you want us to share information about your care with anyone else and add your preferences to your records.

If you do not have the capacity to make decisions about who we share information with, we will share information with people who are legally authorised to act on your behalf or where a best interests decision supports the sharing.

### **International transfers**

We may transfer your data overseas if, for example, we use a software provider with servers in another country. Where possible, we will select suppliers in the European Union or in areas that have been assessed by the European Commission as providing adequate protection for personal data. If this is not possible, we will undertake a risk assessment and make sure that there are contractual arrangements and other measures in place to ensure that your data is protected.

### **Automated decision-making**

We do not undertake any automated decision-making. We often use computers to help us manage parts of our business, but a human will always make any decisions that have an impact on individuals.

### **How long we keep information**

After you leave our care, your records will either be stored in the care home or transferred to our central archives. We will usually keep these records for six years unless there is a reason, such as an investigation or legal proceedings that requires us to keep them for longer.

## **Your rights**

You have certain rights over your information. These are:

1. the right to be informed;
2. the right of access;
3. the right to rectification;
4. the right to erasure;
5. the right to restrict processing;
6. the right to data portability;
7. the right to object; and
8. rights in relation to automated decision making and profiling.

If you would like to know more about your rights, please speak to the Home Manager.

## **Queries or concerns**

FSHC is the data controller for personal information processed by FSHC or processed on our behalf by other organisations. If you have a query or concern about how we use your information, you can speak to the Home Manager or FSHC's Data Protection Officer ([dpo@fshc.co.uk](mailto:dpo@fshc.co.uk)). You also have the right to refer the matter to the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)) or to seek a judicial remedy through the courts.