



THE HAWTHORNS
RESIDENTIAL CARE

PRIVACY NOTICE

For Residents, Employees, Visitors

Introduction

The Hawthorns is the trading name of Hawthorns Care Home Limited (Registered number 13058901) of 29 Rotton Park Road, Birmingham, B16 9JH.

We recognise the privacy and security of personal information is of great importance to our residents, their families and friends, our workers and others such as GPs and all those involved in looking after the welfare of our residents.

We have provided this Privacy Notice to set out why we need to collect personal information relating to our residents, families, friends and representatives, how we use it and how we protect it.

We have appointed a Data Protection Officer who is responsible for overseeing questions relating to this Privacy Notice.

Mr Imran Mian – Data Protection Officer
The Hawthorns, 29 Rotton Park Road, Birmingham, B16 9JH
Info@hawthornscarehome.com
0121 455 9024

Our privacy policy is governed by the overarching principles of collecting and using personal details when they help us provide a better service to our residents and to meet legitimate interests including to protect our residents and workers, lawfully, fairly and transparently.

Since 31 January 2021 your and our data protection rights and obligations are set out in what is known as the United Kingdom General Data Protection Regulation (UK GDPR), which in all material respects replicates EU data protection laws.

Set out below is the personal information we collect and the reasons why we need it.

As part of the services we offer, we are required to process personal data about our staff, our service users and, in some instances, the friends or relatives of our service users and staff. “Processing” can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to being transparent about why we need your personal data and what we do with it. This information is set out in this privacy notice. It also explains your rights when it comes to your data.

If you have any concerns or questions please contact us on 0121 455 9024

RESIDENTS

What data do we have?

So 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, address, date of birth and next of kin;
- Your financial details e.g. details of how you pay us for your care or your funding arrangements.
- Information relating to the prevention and detection of crime and the safety of residents and workers including CCTV recording in common areas and externally.

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.
- We may also record data about your race, ethnic origin, sexual orientation or religion.

Why do we have this data?

We need this data so that we can provide high-quality care and support. By law, we need to have a lawful basis for processing your personal data.

We process your data because:

- We have a legal obligation to do so – generally under the Health and Social Care Act 2012

We process your special category data because

- It is necessary due to social security and social protection law (generally this would be in safeguarding instances);
- It is necessary for us to provide and manage social care services;
- We are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

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.

Where do we process your data?

So that we can provide you with high quality care and support we need specific data. This is collected from or shared with:

1. You or your legal representative(s);

2. Third parties.

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

Third parties are organisations we might lawfully share your data with. These 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 Local Authority;
- Your family or friends – with your permission;
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC;
- The police or other law enforcement agencies if we have to by law or court order.

EMPLOYEES

What data do we have?

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

- Your basic details and contact information e.g. your name, address, date of birth, National Insurance number and next of kin;
- Your financial details e.g. details so that we can pay you, insurance, pension and tax details;
- Your training records.
- Information relating to the prevention and detection of crime and the safety of residents and workers including CCTV recording in common areas and externally.

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 – we will only collect this if it is necessary for us to know as your employer, e.g. fit notes or in order for you to claim statutory maternity/paternity pay;
- We may also, with your permission, record data about your race, ethnic origin, sexual orientation or religion.

As part of your application you may – depending on your job role – be required to undergo a Disclosure and Barring Service (DBS) check (Criminal Record Check).

Why do we have this data?

We require this data so that we can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, we need to have a lawful basis for processing your personal data.

We process your data because:

- We have a legal obligation under UK employment law;
- We are required to do so in our performance of a public task;
- We have a legitimate interest in processing your data – for example, we provide data about your training to Skills for Care’s Adult Workforce Data Set, this allows Skills for Care to produce reports about workforce planning.
- We are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

We process your special category data because

- It is necessary for us to process requests for sick pay or maternity pay.

if we request your criminal record data it is because we have a legal obligation to do this due to the type of work you do. This is set out in the Data Protection Act 2018 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. We do not keep a record of your criminal records information (if any). We do record that we have checked this.

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.

Where do we process your data?

As your employer we need specific data. This is collected from or shared with:

1. You or your legal representative(s);
2. Third parties.

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

Third parties are organisations we have a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC);
- Our pension schemes (**NEST**)
- Our external payroll provider;
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC;
- The police or other law enforcement agencies if we have to by law or court order.
- The DBS Service / **UCHECK**

RELATIVES/FRIENDS/VISITORS

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 address, contact details
- Personal details including title, full name, relationship to the resident, contact details including address, telephone numbers, email addresses.
- Name of the visitor, purpose of their visit and car registration details if car parking was used.
- Information relating to the prevention and detection of crime and the safety of residents and workers including CCTV recording in common areas and externally.

Why do we have this data?

By law, we need to have a lawful basis for processing your personal 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 individuals who use our service and keeping emergency contact details for our staff.

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.

Where do we process your data?

So that we can provide high quality care and support we need specific data. This is collected from or shared with:

- You or your legal representative(s) – We may do this face to face, via phone, via email, via our website, via post, via application forms

Third parties are organisations we have a legal reason to share your data with. These may 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 Local Authority; CQC
- The police or other law enforcement agencies if we have to by law or court order.

Our Website

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

YOUR RIGHTS

The data that we keep about you is your data and we ensure that we keep it confidential and that it is used appropriately. You have the following rights when it comes to your data:

1. You have the right to request a copy of all of the data we keep about you – a “Subject Access Request”. Generally, we will not charge for this service;
2. You have the right to ask us to correct any data we have which you believe to be inaccurate or incomplete. You can also request that we restrict all processing of your data while we consider your rectification request;
3. You have the right to ask that we erase any of your personal data which is no longer necessary for the purpose we originally collected it for. We retain our data in line with the Information Governance Alliance’s guidelines (<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>)
4. You may also request that we restrict processing if we no longer require your personal data for the purpose we originally collected it for, but you do not wish for it to be erased.
5. You can ask for your data to be erased if we have asked for your consent to process your data. You can withdraw consent at any time – please contact us to do so.
6. If we are processing your data as part of our legitimate interests as an organisation or in order to complete a task in the public interest, you have the right to object to that processing. We will restrict all processing of this data while we look into your objection.

You may need to provide adequate information for our staff to be able to identify you, for example, a passport or driver’s licence. This is to make sure that data is not shared with the wrong person inappropriately. We will always respond to your request as soon as possible and at the latest within one month.

If you would like to complain about how we have dealt with your request, please speak to us first if you can. Alternatively, you can contact:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

<https://ico.org.uk/global/contact-us/>