

Privacy Statement

(for people who use services)

Introduction

Agincare complies with its obligations under the General Data Protection Regulations (GDPR) and Data Protection Act 2018 by keeping personal data up to date and only that which is necessary to provide a service, ensuring there is no unauthorised access or disclosure of information to people who do not need to know and by storing and disposing of personal information securely.

Agincare Group & Agincare Homes Holdings is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. All companies with Agincare Group Ltd and Agincare Homes Holdings Ltd with registered offices at Agincare House, Admiralty Buildings, Portland, DT5 1BB are registered with the Information Commissioners office as required under the Data Protection Act 2018.

Agincare Group “The Company” collects stores and processes personal data relating to people who use services in order to manage their care and support needs. We are obliged to hold certain information by the Care Quality Commission (CQC) who register and inspect care services; without such information the CQC would not allow us to operate. We use information to provide care and support and to enable us to make and receive payments. The Company is committed to being clear and transparent about how it collects and uses that data and to meeting its data protection obligations.

You will be provided with an information leaflet called ‘How we use your information’ which will have the specific contact details for the Agincare service you are using

This privacy notice sets down how the Company collects and uses personal information about you during and after your relationship with us, how we keep it safe and your rights in relation to this.

Information we collect about you:

- We collect certain information or data about you to enable us to provide you with the best service; information may include: Details about you such as you name, address, date of birth, next of kin
- Details about any third party representatives you have such as power of attorney, legal guardian, appointee, your GP and other health and social care professionals
- Records and reports about your health and welfare including but not limited to our own care records, copies of assessments carried out by other professionals such as an occupational therapist, physiotherapists, district nursing services or mental health teams
- Your banks details as appropriate if required to arrange you care payments

Keeping your data safe:

The Company takes the security of your data seriously. The Company has internal policies and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Details of these measures are available on request.

When the Company engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

How we use your information:

Agincare is required under the Health and Social Care Act 2015, to process your information where it is necessary for compliance with a legal obligation or to provide you with a requested service, support or information.

Agincare services operate within a legal framework supplemented by statutory guidance. The primary legislation and guidance include:

- Data Protection Act 2018
- General Data Protection Regulations (GDPR) (EU) 2016/679
- Human Rights Act 1998
- Equalities Act 2010
- Health and Social Care Act 2012
- Care Act 2014

The basis for processing your information:

Service delivery and Information

We need to process your personal data when we provide you with information and services that you have requested from us. We do so because it is necessary for our legitimate interests and/or because it is necessary for the performance of a contract to which you are a party or in order to take steps at your request before entering into a contract.

If you request information via our website at www.agincare.com you can see the website also has a Privacy Statement detailing how information is obtained, used, stored, secured and destroyed; you can see this information here: <https://www.agincare.com/privacy-policy-agincare.com>

Marketing

When we send marketing communications to you, we do so because it is necessary for our legitimate interests. Our legitimate interests include highlighting relevant services in order to fulfil our vision to improve and deliver health and social care. You can request that we stop sending you marketing communications at any time (see 'your rights' below).

In respect of personal email addresses, we will only send you marketing with your explicit consent and you can opt out at any time.

Partnership

We may need to process your personal data when we partner with an organisation to deliver services (such as within extra care schemes). This is necessary for the performance of a contract to which you are a party or in order to take steps to deliver a new contract, provide information or following a request before entering into a contract. We also work in partnership with other health and social care providers. (See also Sharing Information section below)

Survey's, Compliments and Complaints

If you participate in our satisfaction surveys, make a complaint or offer a written compliment, we will only collect and process your personal information if it is provided, many of our surveys give the opportunity for anonymity. We do so because it is necessary for our legitimate interests in pursuing feedback into the health and care sector. However, we follow ethical guidelines when conducting surveys and will always keep you informed of your rights. Should you feel the need to make a complaint you may do so anonymously although without your personal details we will be unable to directly address any concerns you have raised with you.

Filming and photography at events

We (or a third party) sometimes carry out filming (including audio recordings) or photography at events (often within our care home sites) as part of our publicity/marketing output or to show activities and engagement of best practices. We do so because it is necessary for our legitimate interests in promoting our work and making others aware of the services and standards we work to. We make Customers, Visitors and Service Users aware of this in advance and always ask their signed consent before they participate.

Other bases for processing

We may need to process your personal data for compliance with our legal obligations where it is necessary for the prevention and detection or reporting of crime, or for the establishment, exercise or defence of legal claims (for example, to protect and defend our rights or property).

Sharing Information with Others:

For the purposes referred to in this privacy notice and relying on the bases for processing as set out above, we may share your personal data with certain third parties. We may disclose limited personal data to a variety of recipients including:

- Other health and social care professionals where you require attention of those other professionals. In all cases, your information is only accessed and used by authorised staff who are involved in providing or supporting your direct care. Your permission will be asked before the information is accessed, other than in exceptional circumstances (e.g. emergencies) if the

healthcare professional is unable to ask you and this is deemed to be in your best interests (which will then be logged).

- Our employees, agents and contractors where there is a legitimate reason for their receiving the information
- Internal and external auditors and our legal advisers
- When Agincare is legally required to do so (e.g., by a court, government body, law enforcement agency or other authority of competent jurisdiction), for example, by HM Revenue and Customs.

We often work with third parties to help us provide our services and products to you. For example, if you wanted to attend one of our events, we may use a third party to manage the booking on our behalf.

We have contracts in place with all our third parties to make sure they protect and respect your information with the same commitment as we do. For further information please contact us at dataprotection@agincare.com

How long will we keep your personal data?

We will retain your personal data no longer than is necessary for the purposes for which it is processed. This purpose is set out in the 'How do we use your personal information?' section above. For example, it may be kept for the duration of a service or product you receive from us or as part of our legal obligations. A full list of Data retention timeframes is included within our Confidentiality, Data Protection and Disclosure Policy which can be requested at dataprotection@agincare.com

Your Rights:

Under data protection legislation you have several rights concerning your personal data.

You can:

- access and obtain a copy of your data on request (known as a "data subject access request");
- require the Company to change incorrect or incomplete data;
- request erasure of your personal information. This enables you to ask the Company to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the Company is relying on its legitimate interests as the legal ground for processing; and
- ask the Company to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

If you would like to exercise any of these rights, or you have any questions about the privacy notice, please contact the Data Protection Officer at dataprotection@agincare.com

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office. The above rights are not absolute, and we may be entitled to refuse requests where exceptions apply: for example, if we have reason to believe the personal data we hold is accurate or we can show our processing is necessary for a lawful purpose set out in this notice.

Where our processing of your personal data relies on your consent, and where you then withdraw that consent, we may not be able to provide all or some aspects of our services to you and/or it may affect the provision of those services. If you have given your consent and you wish to withdraw it, please contact us at dataprotection@agincare.com

You can find out more about your rights under data protection legislation at www.ico.org.uk. If you are not satisfied with how we are processing your personal data, you can make a complaint to the Information Commissioner.

National Data Opt-Out

At this time, we do not share any data for planning or research purposes for which the national data opt-out would apply. If we were to consider using data for research purposes all data will be anonymised but you will be consulted; then you can decide to stop your information being shared for this purpose. You can find out more information at <https://www.nhs.uk/your-nhs-data-matters/>

Changes to this privacy notice

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

REVIEW OF THIS STATEMENT

Review of this document is recorded on the controlled index and reviewed annually as part of the management review process.

Policy Review Group

Date: March 2023