



## **Orchard Care Homes GDPR Privacy Notice**

### **Protecting And Accessing Personal Information**

As part of the services Orchard Care Homes provides, it is required to process personal data about its staff, its residents and, in some instances, the friends or relatives of its residents and staff. 'Processing' can mean collecting, recording, organising, storing, sharing or destroying data.

Orchard Care Homes is committed to providing transparent information on why the Company needs your personal data and what is done with it. This information is set out in this privacy notice. It will also explain your rights when it comes to your data.

If you have any concerns or questions, please contact Orchard Care Homes' Data Protection Officer by emailing: **dpo@orchardcarehomes.com**

### **RESIDENTS**

#### **What Data Does Orchard Care Homes Collect?**

So that the Company can provide a safe and professional service, Orchard Care Homes needs to keep certain records about you. This may record the following types of data about you:

- 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

Orchard Care Homes also records 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
- This may also record data about your race, ethnic origin, sexual orientation or religion

#### **Why Does Orchard Care Homes Have This Data?**

This data is required so that we can provide high-quality care and support. By law, Orchard Care Homes needs to have a lawful basis for processing your personal data.

Data is processed because:

- The Company is required to do so in order to fulfil a contract that the Company has with you
- The Company has a legal obligation to do so – generally under the Health and Social Care Act 2012 or Mental Capacity Act 2005
- The Company is required to do so in its performance of a public task Orchard Care Homes processes your special category data because:
  - It is necessary for the Company to provide and manage social care services
  - The company is required to provide data to the regulator, the Care Quality Commission (CQC), as part of the Company's public interest obligations
  - It is necessary due to social security and social protection law

Data may also be processed with your consent. Orchard Care Homes will request permission and will offer you a clear choice and ask that you confirm to us that you consent. Orchard Care Homes will also explain clearly to you what we need the data for and how you can withdraw your consent.

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/>.



### Where Do We Process Your Data?

So that the Company can provide you with high quality care and support, specific data must be used.

This is collected from or shared with:

- You or your legal representative(s)
- Third parties

Third parties are organisations that Orchard Care Homes has a legal reason to share your data with. These include:

- Other parts of the health and social 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 the Company has to by law or court order

The information will be kept safe and secure and is generally collected face to face, via telephone and email. It could also be collected from the Orchard Care Homes website, through surveys, in the post and through application forms.

### STAFF AND APPLICANTS

#### What Data Does Orchard Care Homes Retain?

So that the Company can provide a safe and professional service, certain records need to be kept with you.

Orchard Care Homes may record the following types of data about you:

- Basic details and contact information e.g. your name, address, date of birth, email address, telephone number(s), National Insurance number and next of kin
- Financial details e.g. details so that the Company can pay you, insurance, pension and tax information
- Details of your qualifications, skills, experience and employment history
- Information about your current or previous level of remuneration, including benefit entitlements
- Assessment interview records, psychometric tests, technical assessments, references
- Training records

The following data is also recorded, which is classified as 'special category':

- Health and social care data about you, which might include both your physical and mental health data – the Company will only collect this if it is necessary for us to know as an employer, e.g. fit notes or in order to claim statutory maternity pay, disability for which the organisation needs to make reasonable adjustments during the recruitment or employment
- Information about your entitlement to work in the UK
- The Company may also record equal opportunities monitoring information including data about your race and ethnic origin

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). We do not keep this data once we have seen it.

#### Why Does Orchard Care Homes Have This Data?

Orchard Care Homes is required to retain this data so that the Company can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, the Company needs to have a lawful basis for processing your personal data.

The Company processes your data for one or more of the following legal bases:

- The Company has a legal obligation under UK employment laws
- The Company has been required to do so in our performance of a public task
- Where we need to process your personal data to take specific steps at your request before entering into a contract with you or we need to process data to enter into a contract with you. This may include



making reasonable adjustments to the recruitment process to accommodate disabilities as and when requested.

- Where we need to process your personal data to comply with a legal obligation, for example if your application is successful, we will check your right to work in the UK before a job offer is made.
- Our legitimate reason for processing your personal data is to enable us to gather data so that we can assess which candidate's skills and experience is the best match with our job role requirements and therefore suitable for employment. We also need to process job application information in order to respond to and defend against legal complaints. We will process your personal data for these legitimate reasons provided that your interests and fundamental rights do not override those interests.
- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest (or for official purposes).

Orchard Care Homes processes your special category data because:

- It is necessary for the Company to process requests for sick pay or maternity pay
- The Company is required to provide data to the regulator, the Care Quality Commission (CQC), as part of the Company's public interest obligations

If Orchard Care Homes requests your criminal records data, it is because there is 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. The Company does not keep a record of your criminal records information (if any).

Orchard Care Homes may process your data with your consent. If the Company needs to do this, Orchard Care Homes will ask for your permission, and offer you a clear choice and ask that you confirm with the Company that you consent. A clear explanation will be given to you on what the Company will need the data for and how you can withdraw your consent.

### How Does Orchard Care Homes Use This Data?

During the application and recruitment process and during any employment, we will use your personal information for specific purposes outlined below:

- Electronic pay slips
- Exit Questionnaires
- Staff Survey
- Equal Opportunities Monitoring in relation to special categories of data which may relate to ethnic origin, sexual orientation, health or religion or belief.
- Health Questionnaires
- Interviews
- Right to work in the UK
- DBS checks
- Payroll
- To offer you to the opportunity to subscribe to lifestyle and recreational offers from our partners
- Keeping you up to date with company news and any changes that may affect your employment.

Where your application or interview is unsuccessful, we will keep your personal data on file for a period of 6 months in case there are future employment opportunities for which you may be suited. You are free to withdraw your consent at any time if you do not wish Orchard Care Homes to store this information.

### Where Does Orchard Care Homes Process Your Data?

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

- You or your legal representative(s)
- Third parties including, but not limited to, former employers, background check providers, employment agencies and referees

Orchard Care Homes does this face to face and via phone, email, our website, post, application forms, references,



background checks, recruitment agencies and also via interviews and assessments.

Third parties are organisations that the Company has a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC)
- Pension and healthcare schemes
- External payroll provider
- Organisations the Company has a legal obligation to share information with i.e. for safeguarding, the CQC
- The police or other law enforcement agencies if the Company has to by law or court order
- The DBS Service
- Former employers to obtain references for you
- Employment background check providers to obtain necessary background checks
- To external providers in TUPE situations

For Applicants, we will not share your data with third parties, unless your application for employment is successful and you accept our offer of employment or we are required by law to provide the data to a relevant authority.

### Automated Decision Making

During the application and recruitment process we may rely on potential automated decision making which will determine whether you progress within the recruitment process. We will only rely on this information if it is necessary for entering into, or performing of a contract.

### Unsolicited CVs

If we receive an unsolicited CV at a time, the organisation may hold this data on file for future recruitment rounds. Unsolicited CVs will be stored and destroyed in line with our Management of Records and Archiving Policy.

### What Happens If You Do Not Provide Us With Information?

We will only ask you to provide information which we believe is necessary for the application and recruitment process. You are under no statutory or contractual obligation to provide data during the recruitment process. However, if you do not provide sufficient information, we may not be able to process your application properly or at all. Also we may not be able to meet our legal obligations towards you with regard to reasonable adjustments.

### What Happens If We Need To Use Your Personal Data For A New Purpose?

We have indicated above a list of circumstances in which we will use your data. If we consider that it is necessary and reasonable to use your personal data for an unrelated purpose, we will notify you and explain the legal basis which allows us to do so.

### FRIENDS/RELATIVES

#### What Data Does The Company Hold?

As part of Orchard Care Homes' work providing high-quality care and support, it might be necessary that the Company holds the following information on you:

- Your basic details and contact information e.g. your name and address

#### Why Has The Company Got This Data?

By law, Orchard Care Homes needs to have a lawful basis for processing your personal data.

The Company processes 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 the Company's service and keeping emergency contact details for Orchard Care Homes staff.



Orchard Care Homes may also process your data with your consent. If the Company needs to ask for your permission, the Company will offer you a clear choice and ask that you confirm to us that you consent. There will be a clear explanation provided as to what the Company needs your data for and how you can withdraw your consent.

### Where Does Orchard Care Homes Process Your Data?

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

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

This is done face to face, via telephone, via email, via our website, via post, via application forms.

Third parties are organisations that the Company has 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, clinical commissioning groups, and other health and care professionals
- The Local Authority
- The police or other law enforcement agencies if the Company has to by law or court order

### Orchard Care Homes Website

In order to provide you with the best experience while using the Orchard Care Homes website, the Company might process some data about you.

Please refer to the Website Privacy Policy in order to understand further how Orchard Care Homes collect your information on the website and any cookies that are used.

### Your Rights

The data that Orchard Care Homes keeps about you is your data, and the Company ensures 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 that Orchard Care Homes keep about you. Generally, the Company will not charge for this service
2. You have the right to ask to correct any data that the Company has which you believe to be inaccurate or incomplete. You can also request that the Company restricts all processing of your data while Orchard Care Homes considers your rectification request
3. You have the right to request that the Company erase any of your personal data which is no longer necessary for the purpose the Company originally collected it for. Orchard Care Homes retains its data in line with the Information Governance Alliance's guidelines
4. You may also request that Orchard Care Homes restrict processing if the Company no longer requires your personal data for the purpose, it was 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 Orchard Care Homes has asked for your consent to process your data. You can withdraw consent at any time – please contact the Company to do so
6. If the Company is processing your data as part of Orchard Care Homes' 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. The Company will restrict all processing of this data while your objection is investigated

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



How the NHS and care services use your information Orchard Care Homes is one of many organisations working in the health and care system to improve care for patients and the public).

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- Improving the quality and standards of care provided
- Research into the development of new treatments
- Preventing illness and diseases
- Monitoring safety
- Planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is only used like this where allowed by law.

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/>. You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit **[www.nhs.uk/your-nhs-data-matters](https://www.nhs.uk/your-nhs-data-matters)**. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

**<https://www.hra.nhs.uk/information-about-patients/>** (which covers health and care research);  
and **<https://understandingpatientdata.org.uk/what-you-need-know>** (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.



If you would like to complain about how Orchard Care Homes has dealt with your request, please contact:

**Information Commissioner's Office**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

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