

Appendix C

Eastway Care Ltd

CLIENT PRIVACY NOTICE

What is a Privacy Notice?

A Privacy Notice is a statement explaining how we collect, use, retain and disclose personal information which we hold about you. It explains what rights you have to control how we use your information.

We are required by the Data Protection Act, 2018 (which incorporates the requirements of the General Data Protection Regulations (GDPR), 2016 to provide this information to you.

We consider the processing of your personal data to be necessary as without it we would be unable to provide you with the right care and support at the right time or be able to meet your wishes and needs. What information do we process about you?

We may ask for or hold personal confidential information about you which will be used to support delivery of appropriate care and treatment. This is to support the provision of high quality care. These records may include:

- Basic details, such as name, address, date of birth, next of kin.
- Contact we have had with social care and/or health professionals on your behalf, such as appointments and home visits.
- Details of your likes and dislikes, preferences, wishes and feelings.
- Details and records of your support and care, including notes and reports about your health and general progress towards your goals so that you are able to achieve your identified outcomes.
- Information from people who care for you and know you well, such as relatives or advocates.

Your personal data is held both electronically and in paper format and is stored in a range of different places, including in your personnel file, in our IT system, spreadsheets, health and safety record systems, local service filing systems and in other IT systems e.g. our email system.

How your information will be used

- To help inform decisions that we make about your care.
- To ensure that your care and support is effective.
- To work effectively with other organisations who may be involved in your care.
- To ensure our services can meet your future needs.
- To review care provided to ensure it is of the highest standard possible.
- To inform social and healthcare professionals.
- To ensure that we work with you in a safe way and help you to keep yourself safe too.
- To keep your family/next of kin informed (where appropriate)

We may share relevant information about you with the following external agencies:

Our insurers where claims that involve you may be made.

The Care Quality Commission who may audit files to ensure that we are complying with best practice. Local Authorities, who for contract purposes may require evidence that we are complying with best practice or where safeguarding concerns arise.

The relevant executive agencies or non-departmental public bodies, for example, the Health and Safety Executive or Environmental Health.

Transport and group activity providers such as drama and music therapists.

We do not share your data with external organisations for marketing their products or services. We do not sell your personal data to third parties under any circumstances, or permit third parties to sell on the data we have shared with them.

Internally:

Your data is shared with only those Eastway staff who need access to deliver care and support to you or to ensure it is delivered in accordance with good practice guidelines. This may include Agency Workers who we use to cover any shortfalls in our staffing numbers and Community Nurses who may be assigned to you on a daily basis as part of your service package in order to meet your daily health requirements. We ensure that external agencies have appropriate data management systems in place before sharing your personal data with any other data controllers.

Your Rights:

You have the right to refuse/withdraw consent to information sharing at any time. We will fully explain the possible consequences to you, which could include delays in you receiving care.

Information sharing is governed by specific rules and law. We will not disclose any health information to third parties without your explicit consent, unless there are exceptional circumstances, such as when the health or safety of others is at risk, where you are in immediate danger or where the law requires the disclosure of information.

Under the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) you have a number of rights with regard to your personal data:

1) To access the personal information we hold about you. This is known as a Subject Access Request.

To do so you must make a request in writing to your Service Manager who will supply you with this information within 30 days. For more information please refer to our Data Management Policy.

2) To correct inaccuracies in the data we hold about you.

3) To have your personal data erased. This is a limited right which applies, among other circumstances, when the data is no longer required or the processing has no legal justification. There are also exceptions to this right, such as when the processing is required by law or in the legitimate interest of Eastway's business.

4) To object to the processing of your personal data for marketing purposes. As stated above we will not use your data for marketing purposes unless we have obtained your specific consent to so.

5) To object to the processing of your personal data when that processing is based on specific criteria such as the public interest or other legitimate interests, unless we have compelling lawful grounds to continue.

6) To restrict the processing of your personal data. This is a limited right which will apply in specific circumstances and for a limited period.

7) To ask for the transfer of your data electronically to a third party.

8) Where the legal basis for us processing your personal data is your consent, to withdraw that consent at any time.

We store your details for the following periods of time after which it will be securely destroyed:

Client personal data retained by Eastway for 7 years after the last entry:

Family details.

Other service details e.g. respite provider details.

GP name, address and Tel number.

Social Worker name, Tel no and Email address.

Broker name, Tel no and Email address.

Other professional details e.g. Occupational Therapist, Physiotherapist, SALT, Advocate, Community Nurses.

Records of previous placements e.g. jobs, further education, voluntary placements, day services, respite provision, residential provision.

Choices and preferences.

Dreams and wishes.

Practice Guidelines which may include details of a clients mobility, communication, behavioural, transport and access needs both out in the community and in the base.

Photographic records.

Weekly service structure records.

Client personal data retained by Eastway for 15 years after the last entry:

Title, full name, home address, telephone numbers and DOB. Personal care records

Dietary records.

Communication records of calls and/or emails regarding the client. Client capacity, consent and best interest details.

Complaints and compliments records.

Client personal data retained by Eastway indefinitely:

Assessments under Health and Safety Regulations

Medical records.

Risk Assessments, Incident, Accident Records and Near Misses. Safeguarding Records.

Health records and plans including therapeutic provision.

We store your details for the following periods of time after which it will be securely destroyed:

Special Category (Sensitive) Data

Some information we hold about you is described as special category, this is because it is more sensitive, and so needs more protection. For example, information about:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sex life
- sexual orientation
- criminal convictions

Special categories of sensitive personal information require higher levels of protection. We may process such data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out any legal obligations.
3. Where it is needed in the public interest, such as for equality monitoring.

Less commonly, we may process this special category data where it is needed in relation to legal claims, or where it is needed to protect your interests (and you are not capable of giving your consent) or where you have already made the information public.

We would use of this data in the following ways:

1. Using information about your physical or mental health or disability status to ensure that we can meet your care and support needs. All health related information is stored securely and is only accessible to those with a legitimate interest in your personal data.
2. Using information about your health, race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure that we can meet your health and care needs and to ensure that your needs and your rights under the Equality Act, 2010 are upheld. We will use this information also for Equality Monitoring purposes.

Contact and Queries:

If you would like more information or you have any queries relating to this notice please contact your service manager.

If you wish to complain:

If you wish to make a complaint about how your data is being or has been processed, please contact the Managing Director.

You also have a right to complain to the **Information Commissioner's Office (ICO)** about the way in which we process your personal data. You can make a complaint using the ICO's website.

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