

HORTON N

EDUCATION AND CARE

Fair Processing Notice (Privacy Notice) - Residential Home's Workforce and Residents

When Horton Education and Care processes your personal data we are required to comply with the Data Protection Act 2018 (“**DPA**”) and the General Data Protection Regulation 2016 (“**GDPR**”) (the DPA and GDPR are together referred to as the “**Data Protection Legislation**”).

Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, date of birth, location data and in some cases opinions that we document about you, as well as special categories of data including, but not limited to, medical and health records and ethnic origin and race.

Everything we do with your personal data counts as processing it, including collecting, storing, amending, transferring and deleting it. We are therefore required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This fair processing notice provides information about the personal data we process, why we process it and how we process it.

Our responsibilities

Horton Education and Care is the data controller of the personal data you provide. The location managers are the Privacy Officers and they will have day-to-day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

Staff

Why do we process your personal data?

We process your personal data for HR, employment and administrative purposes. We need your personal data to make sure you have all you need to be able to work at Horton Education and Care, to make sure

you are safe and secure at work and to make sure you receive all the benefits and rights to which you are entitled.

The Employment Rights Act 1996 requires us to obtain certain personal data from you, such as your name. Without it, we may be unable to offer you employment. We may need other personal data from you to be able to enter into a contract with you and provide you with all the information you need. Again, if we do not receive that personal data from you, we may be unable to offer you employment or fulfill our obligations to you as your employer.

We process most of your information on the grounds of our **legitimate interests** (i.e. our employment of you and fulfilling our obligations as your employer). We may also rely on the fact that we need to process your personal data to fulfill our contract with you or to comply with a legal obligation. If we process special categories of data about you we will usually do so on the basis that the processing is necessary as part of your employment with us.

If none of the grounds set out above applies, we will obtain separate consent from you to the processing of your personal data. You can withdraw your consent at any time. This won't affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

Who will receive your personal data?

We only transfer your personal data to the extent we need to. Recipients of your personal data include:

- The Local Authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information
- DBS
- Payroll
- Occupational Health advisors (when necessary)
- The organisation's IT provider
- The external HR advisors and ACAS (when necessary)
- Pension Scheme Provider
- Insurance companies

We don't transfer your personal data outside of the EEA.

Covid-19 Mandatory Vaccination Data for Care Home Staff Privacy Notice Addendum

This privacy notice explains how personal information is collected as part of the mandatory COVID-19 vaccinations programme for staff that work or visit a CQC registered care home.

Under the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021](#), employers of all CQC registered care homes must ensure that all staff working within the care home, or professionals, such as healthcare workers, tradespeople, hairdressers, beauticians and CQC inspectors, visiting the care home, have been fully vaccinated against Covid-19.

Staff or professionals that have certain allergies to the vaccine ingredients or conditions which are medically recognised as reasons not to administer the vaccine, will need to follow the process outlined in the UK Government's operational guidance to apply for an exemption certificate.

[Detailed operational guidance](#) has been published by the Department of Health and Social Care (DHSC) on the implementation of the Regulations. Subsequently [Skills for Care](#) have also produced their own guidance, including a [set of frequently asked questions \(FAQs\)](#).

The new rules came into effect on the 22 July 2021. However, there is a 16 week 'grace period' in place to allow unvaccinated staff to get both vaccine doses before the mandatory vaccination requirement actually commences on 11 November 2021. This means that the last date for workers to get their first dose, so they are fully vaccinated by the time the regulations come into force is the 16 September 2021. After that date, any individual who is not fully vaccinated will not be able to enter a CQC registered care home in order to work or to carry out duties within their role.

What personal information we collect:

In order for us to maintain a record of the vaccination status of all staff and professionals that work in, or visit one of our CQC registered care homes, we will collect some personal information:

- name
- employee number
- job title
- vaccination status, this will include the dates of vaccinations, sources of evidence and date of booster when applicable
- reason for not being vaccinated (if applicable) – this will include an option for the individual to state they prefer not to say. Where Clinical Exemption is selected, no detail of the nature of the exemption needs to be recorded, only that the manager has had sight of the evidence of exemption.

In order to prepare for the 11 November 2021 implementation date, managers have been approaching all staff that fall within the scope of the regulation to check their vaccination status. While it remains entirely the choice of individuals as to whether to have the vaccine; if any member of staff in scope of the above regulations, chooses not to do so without a clinical exemption, or chooses not to share that information, this could have consequences for continued employment.

Currently, the following groups of our staff are considered to be in scope:

- all staff working at Victoria Avenue care home
- any member of staff who visits or may be required to visit a care home as part of their duties (currently defined as social workers, social care assessors, occupational therapists including trainees and assistants and relevant managers)

Who we share your information with?

When required by law, we will share minimum amount of personal information with the following partners and agencies:

- health service providers including NHS agencies
- care providers, e.g. day care, domiciliary, residential
- Government agencies (e.g. Department of Health)

The Data Controller

We are the Data Controller for this processing.

The personal information we have collected from you will be shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance, or employment.

The lawful basis for the processing

Most of the personal information we collect is provided to us by you, under Article 6 of the UK GDPR we rely on the following:

- we have a legal obligation (UK GDPR Article 6 (c))

When we collect data that is classed as special category data, under Article 9 of the UK GDPR we rely on the following:

- we need it for employment, or social protection (UK GDPR Article 9 (2) (b))

The basis in law is met by the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021](#).

Protecting your information

Your information will be securely stored on our network.

How long we keep your information for

The personal information will be held in line with our retention schedule for employee data, which is during the life of your employment with Horton Education and Care for up to six years afterwards; unless you change role in the organisation to a role which is not in scope for the above regulations in which case the data will be deleted as no longer required.

If we need to use your information for research or reports, your information will be anonymised and any information taken from notes (hand written or typed) during any consultation sessions will be securely destroyed.

Residents

What information do we collect for those who are receiving care?

We may ask for, or hold, personal confidential information which will be used to support the delivery of safe and effective care and treatment.

The records we hold may include:

- Basic details, such as name, address, date of birth, next of kin.
- Contact we have had, such as referrals and enquiries.
- Details and records of treatment and care, including notes and reports about care, treatment, accidents and general health.
- Results of assessments and investigations.
- Information from people who either provide or support the package of care through their personal bonds, knowledge or expertise such as health professionals, social workers, relatives and significant others.

The care records may also include personally sensitive information such as sexuality, race, religion or beliefs, disabilities, allergies or other health conditions. It is important for us to have a complete picture, as this information assists staff to develop care plans that keep people safe and well, and administer treatments when needed.

Where possible information is collected from the person who has been referred for care or who is receiving care. Additional information will be provided from sources such as relatives or friends, as well as health and social care professionals such as Social Workers, GPs, Nurses, or Consultants. It is expected health and social care professionals will have checked to make sure they have permission, or there is a legal basis to share personal information before they provide personal and confidential details.

There may also be times when we are asked to share basic information those receiving care such as their name and parts of their address, which does not include sensitive information; this may be at times such as during the national census or data collection for the Office of National Statistics.

Why do we process your personal data?

Our legal obligation is to process your personal data under the Health and Social Care Act 2012 or Mental Capacity Act 2005. We are required to do so in our performance of a public task.

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 the care regulator as part of our public interest obligations.

How do we use information about those for whom we provide care and who it will be shared with?

We use information about those who reside in our care services to:

- Help inform decisions we make about their care.
- Ensure their treatment is safe and effective.
- Work effectively with other organisations who may be involved in their care, such as social workers, GPs, nurses or healthcare professionals based in hospital services.
- Ensure services can meet future needs.
- Review care provided to ensure it is of the highest standard possible.
- Train our care teams.
- For research and audit.
- Prepare statistics on our performance for commissioners and inspectors.
- Arrange the collection of payments for care provided.

To provide the best possible care and welfare, we will sometimes need to share information about those receiving care with other organisations such as:

- Other health and social care professionals involved in the delivery of care.
- Funders of care packages – local commissioning teams.
- The local authority safeguarding team.
- Regulators.
- The police or other law enforcement agencies if we have to by law or court order.

How long will we keep your personal data?

Horton Education and Care will create and maintain an electronic employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment. Once your employment has ended, the organisation will retain this file and delete the information in accordance with our data retention policy. Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, it will shred or incinerate paper-based records and override electronic files. Horton Education and Care may also use an outside company to safely dispose of electronic records.

What are your rights?

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which we process your data. More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>). These rights apply for the period in which we process your data.

1. Access to your data

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.

We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

2. Rectification of your data

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we don't feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

3. Right to be forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- Where we no longer need your personal data for the purpose for which we collected it
- Where we have collected your personal data on the grounds of consent and you withdraw that consent
- Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data
- Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and
- Where the personal data has to be deleted to comply with a legal obligation

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

4. Right to restrict processing

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data but we don't have to delete it. This right is available to you:

- If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy
- If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- If the processing is unlawful; or
- If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend legal claim

5. Data portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event

within one month from the date we receive it. If we need more time, we will let you know.

6. Right to object

You are entitled to object to us processing your personal data:

- If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- For direct marketing purposes (including profiling); and/or
- For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defense of legal claims.

Automated decision making

Automated decision-making means making a decision solely by automated means without any human involvement. This would include, for example, an online credit reference check that makes a decision based on information you input without any human involvement. It would also include the use of an automated clocking-in system that automatically issues a warning if a person is late a certain number of times (without any input from HR, for example).

We don't carry out any automated decision-making using your personal data.

Your right to complain about our processing

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office ("ICO"). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website - <https://ico.org.uk/concerns/>.

Any questions?

If you have any questions or would like more information about the ways in which we process your data, please contact the home's manager in the first instance outlining your concerns.

