



**ACCESS YOUR CARE**

## **Privacy Notice**

We ask that you read this privacy notice carefully as it contains important information on who we are, how and why we collect, store, use and share personal information, your rights in relation to your personal information and on how to contact us and other organisations in the event you have a complaint. Please see the section on **'Your rights'** for more information.

### **Introduction**

We are Access Your Care Limited, trading from the address of Unit 3, 22a Griffin Road, Clevedon, BS21 6HH. In order that we can provide care and support services to the people we support we collect and use certain personal information about you.

Personal information means any information about you from which you can be identified, but it does not include information where your identity has been removed (anonymous data).

As the 'controller' of personal information, we are responsible for how that data is managed.

The General Data Protection Regulation ("GDPR"), which applies in the United Kingdom and across the European Union, sets out our obligations to you and your rights in respect of how we manage your personal information.

As the 'controller' of your personal information, we will ensure that the personal information we hold about you is:

1. used lawfully, fairly and in a transparent way.
2. collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. relevant to the purposes we have told you about and limited only to those purposes.
4. accurate and kept up to date.
5. kept only as long as necessary for the purposes we have told you about.
6. kept securely.

If you have any questions about this privacy notice or would like further explanation as to how your personal information is managed, please send an email to [info@accessyourcare.co.uk](mailto:info@accessyourcare.co.uk), write to Unit 3, 22a Griffin Road, Clevedon, BS21 6HH or call 01275 874861 and ask to speak to Samantha Murray.

Please note when we refer to:

- A “**public body**” we mean any organisation in the United Kingdom which delivers, commissions or reviews a public service and includes (but is not limited to) the Ombudsman, local authorities, councils, unitary authorities, clinical commissioning groups, health and social care trusts, the National Health Service as well as their arm’s length bodies and regulators.
- A “**social or health care professional**” we mean any person who provides direct services, acts as consultant or is involved in the commission of your healthcare or social care services, including (but not limited to) your General Practitioner (GP), dental staff, pharmacists, nurses and health visitors, clinical psychologists, dieticians, physiotherapists, occupational therapists, hospital staff, social workers and other care and support related professionals.

### **The personal information we collect and use in relation to people who enquire about and use our services**

#### **Information collected by us**

When you enquire about our services and during the course of providing care and support services to you we collect the following personal information when you provide it to us:

- your name, home address, date of birth and contact details (including your home telephone number, mobile telephone, email address) and emergency contacts (i.e. name, relationship and home, work and mobile telephone numbers)
- your allergies and any medical, physical or mental conditions and in particular your care needs
- your likes, dislikes and lifestyle preferences including your religious beliefs or other beliefs of a similar nature, racial or ethnic origin, politics, genetics, health, sex life, and sexuality<sup>1</sup> (so far as they relate to providing you with suitable care)
- credit or direct debit details (if you pay for some or all of our services using one of these methods)
- Photographs, video recordings specifically relating to organised company events and for marketing purposes only.

#### **Information collected from other sources**

We also obtain personal information from other sources such as:

- your allergies and any medical, physical or mental conditions and in particular your care and support needs, from any appropriate external contractual partner, as well as social or health care professionals (including your GP) your name, home address, date of birth, contact details, needs assessments and
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financial assessments, access to property including keysafe codes, past and recent events linked to your needs at home from any appropriate external service providers, social or health care professionals (including any relevant public body regardless of whether you are publicly funded)

- your likes, dislikes and lifestyle preferences including your religious beliefs or other beliefs of a similar nature, racial or ethnic origin, politics, genetics, health, sex life, and sexuality (so far as they relate to providing you with suitable care) from your family, friends and any other person you have nominated as your representative
- your Attorney or Deputy (if applicable)

## **How we use your personal information**

We use your personal information to:

- prepare, review and update a suitable care plan, describing the nature and level of care and support services which you have requested we supply to you
- to communicate with you, your representatives and any appropriate external social or health care professionals about your individual needs and personalise the service delivered to you
- make reasonable adjustments, when required, to meet your individual needs and to ensure we have suitable facilities to ensure your safety
- invoice you for the care and support services in accordance with our terms and conditions
- carry out quality assurance procedures, review our service and improve our customer experience (please note that feedback can also be provided anonymously)
- Respond to you at your home during times of emergency and without prior notice or contact with you

## **Who we share your personal information with**

Information collected by Access Your Care is confidential however; there are circumstances when your information may need to be shared. This will only be done with information that is relevant and necessary to your care and support and strictly on a 'need to know' basis with people and organisations involved in your care.

This data sharing enables us to establish the type of care and support you need. It also allows us to design the right care package to suit your individual circumstances, including if (in future) you decide to receive care from an alternative provider.

All information will be transferred securely and will only be done within the remit of care provision. The information transferred will be factual and won't include subjective opinions.

People we share information with include our Community Care Assistants and others working at Access Your Care who are necessary to the running of our services. We

may also share information with legal representatives, family members and significant others in your support network, where permission has been given for this.

We share your medical information with appropriate external social or health care professionals (including your GP and pharmacist) and any individuals you have nominated as your representative as and when required. We will share personal information with law enforcement or other authorities if requested or required. This includes information required by public bodies to evidence our compliance with the applicable regulatory framework. We are also required to share personal information with external social or health care professionals, including public bodies and local safeguarding groups (in some circumstances) to ensure your safety.

We may share information with the following organisations, who may in return share information that they may hold if it is seen as being in the Service User's best interests:

- GP / Surgery Receptionist
- District Nurses / Practice Nurses
- Consultants
- Pharmacist
- Occupational Therapy
- Physiotherapy
- Mental Health Team
- Care Connect / North Somerset Council
- Social Services
- Police
- Rapid Response
- Clinical Commissioning Groups
- Single Point of Access Team
- Brokerage
- Other Care Providers
- Care Quality Commission

All these companies have their own GDPR obligations; they are aware of their responsibilities and have informed us that they are compliant with the regulations.

Please be aware that there are certain circumstances where Access Your Care reserves the right for staff to break their duty of confidentiality and take the information to a senior staff member / social services / police.

Examples of these situations are:

- Where the person's life may be in danger, or where they may not be capable of forming an appropriate decision
- Where there is serious danger to other people
- Where there is a serious threat to staff

- Where there is a serious threat to the community
- In other exceptional circumstances, based on professional consideration and consultation

We would be required to use your data where we reasonably believe disclosure is in accordance with any applicable law, regulation or legal process. This is also true where we may need to enforce our rights or to investigate and prevent fraud.

We will not share, sell or trade your personal information with any other third party without your consent.

In order to deliver our service to you we also rely on third parties to provide specialist support to us. To provide this support they will have access to, or a duty of care over your personal information. These providers are:

- IT and Telecoms Support companies – to ensure the safe, secure and resilient operation of our IT infrastructure including computers, servers, phones and mobile devices
- Software support companies – to provide specialist support and resolve issues with the software that we run, for example the systems we use to store and manage your records
- Marketing systems providers – to organise marketing communications and for the delivery and analysis of email communications

These providers are under a written contract to ensure the same level of privacy and security that we promise to you.

### **Whether information has to be provided by you, and if so why**

The provision of your medical, physical or mental condition is necessary to enable us to create a care plan and to provide you with suitable care and support services. Without this information, we will not be able to assess your care needs or provide any care services to you.

The provision of your name and home address is required so that we can arrange a care worker to attend your home to deliver the services and we can invoice you for the fees.

We will inform you at the point of collecting information from you, whether you are required to provide the information to us.

### **How long your personal information will be kept**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

### **The personal information we hold**

Reasons we can collect and use your personal information

We rely on the following grounds within the GDPR:

- Article 6(1)(a) – processing is conducted with your consent to process personal data for specified purposes

- Article 6(1)(b) – processing is necessary for the performance of our **contracts** to provide individuals with care and support services
- Article 6(1)(c) – processing is necessary for us to demonstrate compliance with our **regulatory framework** and the law
- We also rely on Article 6(1)(f) of GDPR to process your personal information in pursuit of our legitimate interests, this may include marketing purposes, corporate due diligence and financial modelling, service development and innovation. Processing is necessary for the continuous improvement and development of our services to customers, employees and the local community. Should a stakeholder or stakeholders be identifiable from such information during this process, you must always make contact with Samantha Murray.
- Article 9(2)(h) – processing is necessary for the **provision of social care** or the management of social care systems and services as the lawful basis on which we collect and use your personal data and special category data (such as your health).

There are other rare occasions where we may need to process the data subjects personal information, these include:

- a) Where we need to protect the data subject's interests (or someone else's interests).
- b) Where it is needed in the public interest [or for official purposes].
- c) Where we need to support that or those individual's/s during an emergency having had no previous contact or history with that or those individual's/s.

We will always ensure that we keep a documentary inventory of the legal basis (or bases) which is being relied on in respect of each processing activity which we perform.

### **International transfers**

All your personal data is stored and processed on systems that are within the European Economic Area (EEA) and offer the same level of legal protection and rights over your data.

Access Your Care does not currently operate outside of the European Economic Area (EEA) therefore, no data relating to service users will be shared outside of this area.

### **Your rights**

Under the GDPR you have a number of important rights these include the right to:

- fair processing of information and transparency over how we use your use personal information;
- access to your personal information and to certain other supplementary information that this Privacy Notice is already designed to address;
- require us to correct any mistakes in your information which we hold;

- require the erasure (i.e. deletion) of personal information concerning you, in certain situations. **Please note that if you ask us to delete any of your personal information which we believe is necessary for us to comply with our contractual or legal obligations, we may no longer be able to provide care and support services to you;**
- receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to a third party in certain situations;
- object at any time to processing of personal information concerning you for direct marketing;
- object to decisions being taken by automated means which produce legal effects concerning you or that similarly significantly affect you;
- object in certain other situations to our continued processing of your personal information;
- otherwise restrict our processing of your personal information in certain circumstances;
- claim compensation for damages caused by our breach of any data protection laws;

For further information on each of those rights, including the circumstances in which they apply, see the **[Guidance from the UK Information Commissioner's Office \(ICO\) on individuals' rights under the General Data Protection Regulation.](#)**

### **How to contact us**

If you would like to exercise any of those rights, please:

- Please contact Samantha Murray.
- email, call or write to us at: info@accessyourcare.co.uk OR 01275 874861 OR Unit 3, 22a Griffin Road, Clevedon, BS21 6HH
- let us have enough information to identify you (*eg your name and address*),
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill), and
- let us know the information to which your request relates, including any account or reference numbers, if you have them

### **Keeping your personal information secure**

We take your privacy and protection of data very seriously. Consequently, we have put in place appropriate security measures to prevent unauthorised use of your personal data. Details of the measures which are in place can be obtained from Sam Murray. We will notify you and any applicable regulator of any suspected unauthorised use of your personal data.

We have appropriate organisational and technical security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

If you want detailed information on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit [www.getsafeonline.org](http://www.getsafeonline.org). Get Safe Online is supported by HM Government and leading businesses.

## **How to complain**

We hope that we can resolve any query or concern you raise about our use of your information.

The GDPR also gives you right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred.

To exercise all relevant rights, queries or complaints please in the first instance contact our Data Representatives Sam Murray on 01275 874861. If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](https://ico.org.uk/global/contact-us/email/) on 03031231113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.

## **Changes to this privacy notice**

This privacy notice was published on 25.05.2018 and last updated on 09.05.2019.

We may change this privacy notice from time to time, when we do we will inform you via a letter or email.

## **Do you need extra help?**

If you would like this notice in another format (for example: audio, large print, braille) please email, call or write to us at: email, call or write to us at:

Email: [info@accessyourcare.co.uk](mailto:info@accessyourcare.co.uk)

Post: Access Your Care, Unit 3, 22a Griffin Road, Clevedon, BS21 6HH

Telephone: 01275 874861