

## HS122 Privacy Notice

### Introduction

This is **Flexecare** Privacy Notice.

As part of the services we offer, we are required to process personal data about our staff, our service users and, in some instances, the friends or relatives of our service users and staff. “Processing” can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to providing transparent information on why we need your personal data and what we do with it. This information is set out in this privacy notice. It will also explain your rights when it comes to your data.

### Service Users

What data do we have?

So that we can provide a safe and professional service, we need to keep certain records about you. We 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.

We also record 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.
- We may also record data about your race, ethnic origin, sexual orientation or religion.

### Why do we have this data?

We require this data so that we can provide high-quality care and support. By law, we need to have a lawful basis for processing your personal data.

We process your data because

We are required to do so in our performance of a public task;

- We are required to do so in order to fulfil a contract that we have with you;
- We have a legal obligation to do so – generally under the Health and Social Care Act 2012 or Mental Capacity Act 2005.

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 our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

## **Where do we process your data?**

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

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

We do this face to face, via phone, via email, via our website, via post, via application forms. Third parties are organisations we have a legal reason to share your data with. These 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;
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC;
- The police or other law enforcement agencies if we have to by law or court order.

## **Staff**

### **What data do we have?**

So that we can provide a safe and professional service, we need to keep certain records about you. We may record the following types of data about you:

- Your basic details and contact information e.g. your name, address, date of birth, National Insurance number and next of kin;
- Your financial details e.g. details so that we can pay you, insurance, pension and tax details;
- Your training records.

We also record 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 – we will only collect this if it is necessary for us to know as your employer, e.g. fit notes or in order to claim statutory maternity pay;
- We may also record data about your race, ethnic origin, sexual orientation or religion;
- Criminal Record Data.

### **Why do we have this data?**

We require this data so that we can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, we need to have a lawful basis for processing your personal data.

We process your data because we have a legal obligation under UK employment laws;

- We are required to do so in our performance of a public task;
- We have a legitimate interest in processing your data – for example, we provide data about your training to Skills for Care’s National Minimum Data Set, this allows Skills for Care to produce reports about workforce planning.

We process your special category data because

- It is necessary due to social security and social protection law - we are required to perform Disclosure and Barring Service (DBS) checks on our staff;
- It is necessary for us to process requests for sick pay or maternity pay;
- We are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

## **Where do we process your data?**

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

3. You or your legal representative(s);
4. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms. Third parties are organisations we have a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC);
- Our pension and healthcare schemes Our external payroll provider;
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC;
- The police or other law enforcement agencies if we have to by law or court order.

## **Friends/Relatives**

### **What data do we have?**

As part of our work providing high-quality care and support, it might be necessary that we hold the following information on you:

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

Why do we have this data?

By law, we need to have a lawful basis for processing your personal data.

We process 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 our service and keeping emergency contact details for our staff.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

Where do we process your data?

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

1. You or your legal representative(s);
2. Third parties.
3. We do this face to face, via phone, via email, via our website, via post, via application forms.
4. Third parties are organisations we have 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 we have to by law or court order.

## **Our Website**

In order to provide you with the best experience while using our website, we process some data about you.

## Your rights

The data that we keep about you is your data and we ensure 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 we keep about you. A charge may apply for this service;
2. You have the right to ask us to correct any data we have which you believe to be inaccurate. You can also request that we restrict all processing of your data while we consider your rectification request;
3. You have the right to request that we erase any of your personal data which is no longer necessary for the purpose we originally collected it for. We retain our data in line with the Information Governance Alliance's guidelines (<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>) ***If you do not follow these guidelines please tell people where they can find your own retention schedule.***
4. You may also request that we restrict processing if we no longer require your personal data for the purpose we 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 we have asked for your consent to process your data. You can withdraw consent at any time – please contact us to do so.
6. If we are processing your data as part of our 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. We will restrict all processing of this data while we look into your objection.

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

If you would like to complain about how we have 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/>

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