
PRIVACY NOTICE FOR RESIDENTS AND PROSPECTIVE RESIDENTS

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2. INTRODUCTION

This privacy notice is provided to you by us – LifeCare Residences Limited (LCR) and its group companies. Where this notice refers to “LCR”, “we”, “us” or “our”, we are referring to the relevant company in the group responsible for processing your data.

You may contact us using the details below:

- Address: 15 Savile Row, W1S 3PJ
- Phone: 02079 350 075
- Email: info@lifecareresidences.com

3. WHAT IS THE PURPOSE OF THIS DOCUMENT?

LCR is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you, during and after your time with us, in accordance with the General Data Protection Regulation (GDPR).

This note applies to all full-time and temporary residents and for prospective residents who we require additional information from in order to assess suitability.

LCR is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

4. DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up-to-date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

5. THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, address, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status, dependents and resident representatives or close family.
- Next of kin and emergency contact information.
- Financial information (if a financial responsibility form is completed, information is also collected about the resident’s financial representative).
- Information about any executors, legal representatives, advanced decisions or end of life wishes and Power of Attorney.
- Copy of driving licence (if relevant) and details of any driving accidents (if required for the use of any pool car).
- CCTV footage.
- Information about your use of our information and communications systems.
- Photographs.

We may also collect, store and use the following “special category” data of more sensitive personal information.

- Information about your race or ethnicity, religious beliefs, sex and sexual orientation.
- Information about your health, including any medical conditions and health and sickness records.
- Genetic information and biometric data.

5.1. HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We will collect personal information from you directly, from a family member or from someone who arranges a stay with us. We ask you to

complete an initial questionnaire and collect additional personal information in the course of your stay with us.

5.2. HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to comply with a legal or regulatory obligation.
- Where we need to perform the contract we have entered into.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information where we need to protect your interests (or someone else's interests), which is likely to be rare.

5.3. SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION

We need all the categories of information in the list above (see paragraph entitled "the kind of information we hold about you") primarily to enable us to comply with legal and regulatory obligations (in particular, pursuant to regulations issued by the Care Quality Commission and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014). In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- To provide you with the services you require including for making decisions about your healthcare, your care planning process and your stay at our facilities.
- To fulfil your wishes, as far as we are responsible, regarding any advanced end of life decisions that you have made.
- Administering any contract we have entered into with another healthcare provider.
- Complying with Health and Safety Obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies. For clarity, this relates to residents using publicly accessible computers provided by us and resident use of IT systems that relate to or are impacted by resident use e.g. where a resident sends an email to a member of our staff.

- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To obtain your views and comments to review and better understand user experiences and so that we can continually improve our service delivery.
- Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

5.4. CHANGE OF PURPOSE

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law or regulation.

5.5. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required, by law, to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- End of life wishes will be carried out insofar as we are responsible to carry out these wishes.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

5.6. OUR OBLIGATIONS:

We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure your health and safety at our facilities and to manage your care.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation in connection with the care planning process and any end of life arrangements.
- We will use information as required by the Care Quality Commission including data around time spent using our services, age, health issues, how care is funded, gender, ethnicity, religion/belief and sexual identity.
- We will use information as required by the local Safeguarding Board, this may include details about your name, date of birth and any health issues. Information about your next of kin/Power of Attorney may also be shared.
- We will share information about your health with your GP, with the Clinical Commissioning Group, Health England, or the National Health Service. This will cover your name, date of birth and relevant health issues.

5.7. DO WE NEED YOUR CONSENT?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal and regulatory obligations. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

5.8. INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate and where we are legally able to do so.

5.9. AUTOMATED DECISION-MAKING

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

6. DATA SHARING

- We may have to share your data with third parties, including third-party service providers and other entities in our group.
- We require third parties to respect the security of your data and to treat it in accordance with the law.
- We may transfer your personal information outside the EU.
- If we do, you can expect a similar degree of protection in respect of your personal information.

6.1. WHY MIGHT WE SHARE YOUR PERSONAL INFORMATION WITH THIRD PARTIES?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

6.2. WHICH THIRD-PARTY SERVICE PROVIDERS PROCESS MY PERSONAL INFORMATION?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group.

The following third-party service providers process personal information about you for the following purposes:

- Market research agencies - for the purposes of carrying out market research to assist with client satisfaction and service improvement.
- Financial/payroll providers - to deal with billing/payment of invoices etc.

- Providers of data analytics services – to help us with compiling statistical or demographic data.
- IT service providers – for trouble shooting, system maintenance and IT issues.

6.3. HOW SECURE IS YOUR INFORMATION WITH THIRD-PARTY SERVICE PROVIDERS AND OTHER ENTITIES IN OUR GROUP?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

6.4. WHEN MIGHT WE SHARE YOUR PERSONAL INFORMATION WITH OTHER ENTITIES IN THE GROUP?

We will share your personal information with other entities in our group as part of our regular reporting activities on village performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

6.5. WHAT ABOUT OTHER THIRD PARTIES?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law. For example, this will include information we are required to provide by law to agencies such as the Care Quality Commission (CQC) and the Health and Safety Executive.

6.6. TRANSFERRING INFORMATION OUTSIDE THE EU

We may transfer personal information we collect about you to New Zealand as that is where the holding company of LCR is based. There is an adequacy decision by the European Commission in respect of New Zealand. This means that the country to which we may transfer your data is deemed to provide an adequate level of protection for your personal information.

However, to ensure that your personal information does receive an adequate level of protection we have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with, and which respects, the EU and UK laws on data protection.

7. DATA SECURITY

- We have put in place measures to protect the security of your information. Details of these measures are available upon request.
- Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

8. DATA RETENTION

8.1. HOW LONG WILL YOU USE MY INFORMATION FOR?

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. For example, the CQC requires us to retain records for 7 years and we are required to retain any information required to be given to the tax authorities for 7 years.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

9. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

9.1. YOUR DUTY TO INFORM US OF CHANGES

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

9.2. YOUR RIGHTS IN CONNECTION WITH PERSONAL INFORMATION.

You have certain rights regarding our use of your personal data. Some of these rights, e.g. the right to be forgotten or the right to request that we transfer your information to a third party will only apply in certain circumstances.

We have listed below the rights you have over your personal data and how you can use them. Please note that these are subject to restrictions under European data protection law and, subject to the exemptions in that law, may only apply to certain types of information or processing:

- We need your consent for some of the ways we use your personal information. You can remove that consent at any time.
- You can ask us to confirm if we are processing your Personal Information and if we are, you can ask for access to that information and details including why we are using your information, who we have shared it with, any transfers of your information to countries outside the EEA and safeguards in place and your right to a copy of that information.
- You can ask us to correct your information if it's wrong.
- You can ask us to delete some of your information - this enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it.
- You can ask us to restrict how we use your information.
- You can ask us to help you move some of your information to other companies.
- You have a right to ask that we provide your information in an easily readable format to another company.
- You can ask us to stop using your information, but only in certain cases.
- You have the right to complain to the relevant supervisory authority.

You also have a right to object to us processing your information in certain circumstances. You can ask us to stop processing your information at any time. In certain circumstances we may not be able to do this or may not be required to do this. For example, if there are outstanding contracts between us, if we are required by law to keep the information, or if the information is relevant to a legal dispute, then we may not stop processing your information.

9.3. CONTACT AND COMPLAINTS

We have appointed someone to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact us at info@lifecareresidences.com. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

9.4. CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.