

PRIVACY NOTICE FOR RESIDENTS AND PROSPECTIVE RESIDENTS

1. 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: LifeCare Residences, 73 Albert Bridge Road, London, SW11 4DS
- Phone: 020 7935 0075
- Email: info@lcr.uk.com

2. 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 UK General Data Protection Regulation (UK GDPR) and other applicable data protection law.

This Privacy Notice applies to all full-time and temporary residents and any 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.

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.

This Privacy Notice is reviewed regularly to ensure that it accurately reflects the ways we may process data about residents and/or prospective residents and may be updated at any time. Please ensure that you are accessing the up-to-date Privacy Notice to understand how we may process your data.

3. 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

4. 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
- Information about any executors, legal representatives, advanced decisions or end of life wishes and powers 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 types of “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sex life and sexual orientation.
- Information about your health, including any medical conditions and health and sickness records. This may also include:
 - Your NHS number;
 - Details and evidence of your COVID-19 vaccination status or confirmation that you are exempt, as the case may be (however, we will not require details of the circumstances relating to your exemption); and
 - COVID-19 test results (including, but not limited to, the results of any rapid lateral flow tests and/or Polymerase Chain Reaction (PCR) tests).
 - Genetic information and biometric data.

4.1. How is your Personal Data collected?

We will collect personal information about you in the following ways:

- From you directly and we may ask you to complete an initial questionnaire and collect additional personal information.
- From a family member or from someone who arranges a stay with us.

- CCTV around the villages.
- Communications systems including (but not limited to):
 - Telephone, voicemail and messaging services
 - Social media
 - Emails and instant messaging services
- Through third parties and healthcare professionals that you engage with throughout your stay with us.

4.2. How will we 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 with you.
- 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.
- Where you have provided your express consent.
- 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.

4.3. What situations will we use your Personal Information?

We need all the categories of information in the list above (see paragraph titled "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.
- To ensure that the policies and procedures in place at our Villages and Nursing Homes are appropriate in order to protect our staff and residents and to ensure necessary action is taken to limit the spread of COVID-19 amongst our residents.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

4.4. 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.

4.5. 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.
- We may process your vaccination status on the legal basis of legitimate interest, as it is necessary for us to safeguard our residents and staff from the transmission of viruses such as COVID-19. We will process vaccination status for Nursing Home residents in order to carry out our obligations under the contract we have entered in with you.

4.6. Our Obligations

We will use sensitive personal information in the following ways:

- We will use information about your physical or mental health, disability status and/or COVID-19 vaccination status or test results 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, which 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 may share information about your health with your GP, the Clinical Commissioning Group, UK Health Security Agency, the Department of Health and Social Care, Local Authority, Health Protection Team and/or the National Health Service. In order to fulfil our legal obligations and for us to fulfil our contractual obligations with you. This will cover your name, date of birth and relevant health issues.

4.7. Do we need your consent?

We do not need your consent if we use special categories of your personal information where it is needed to carry out your end of life wishes, in the public interest, in relation to legal claims or to protect your interests. 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.

4.8. Information about criminal convictions

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.

4.9. 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.

5. Data Sharing

We may have to share your data with third parties, including third-party service and healthcare providers and other entities in our group.

We require all third parties with whom we share your data to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK for this purpose (as further detailed below).

Where we share your data, you can expect a similar degree of protection in respect of your personal information.

5.1. 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.

5.2. Do third-party service providers process my personal information?

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

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

- Market research agencies/ consultants – for the purposes of marketing reporting, carrying out market research to assist with resident 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.

We may also share your data with your GP, the Clinical Commissioning Group, UK Health Security Agency, the Department of Health and Social Care, the Local Authority and/or the National Health Service as legally required.

5.3. How secure is your information with third-party service providers and other entities in our group?

All our third-party service and healthcare 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 or healthcare 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.

5.4. 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.

5.5. 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.

5.6. NHS National Data opt-out

The NHS National Data Opt-Out does not apply to our processing activities as we do not share any resident personal data for planning or research purposes. We review the confidential resident information we process on an annual basis. In the event we are required to share personal data for

planning or research purposes, we will notify individuals affected and they can opt-out to stop their information from being shared for this purpose.

You can find out more information at <https://www.nhs.uk/your-nhs-data-matters/>

6. Transferring Information Outside the UK

We may from time to time transfer your personal information outside the UK to countries in the European Economic Area (EEA), New Zealand or countries outside the EEA in order to perform our contract with you.

There are adequacy regulations in respect of the countries in the EEA and New Zealand. This means that the countries to which we transfer your data are deemed to provide an adequate level of protection for your personal information. If we transfer your personal information outside of the EEA, we will ensure that we have effective safeguards in place, as required by data protection legislation. We will take all reasonable steps to ensure that your data is kept secure and processed in accordance with this Privacy Notice.

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, we are required to retain any information required to be given to the tax authorities for 7 years and we are required by our insurers to retain information for 10 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 UK 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 withdraw 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 of our processing including why we are using your information, who we have shared it with, any transfers of your information to countries outside the UK and any safeguards in place. You are also entitled to receive 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 or third parties.
- You have a right to ask that we provide your information in an easily readable format to another company or third party.
- You have the right to complain to the Information Commissioner's Office (ICO) at any time with respect to data protection issues.
- You also have a right to object to us processing your information in certain circumstances.

10. Contact and Complaints

Our Head Office team oversees 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@lcr.uk.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.

11. 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.