



GDPR update – May 2018

Privacy Notice



PRIVACY NOTICE

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Newcross Healthcare understands that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all of our employees and clients and will only collect and use personal data in ways that are described here, and only in ways that are consistent with our obligations and your rights under the law. Above all, we want you to know that you can trust us to gather and use data with the same high levels of diligence, empathy and expertise as in our provision of healthcare.

1. Information About Us

We're known variously as 'Newcross' and 'Newcross Healthcare' and the full name of our business is 'Newcross Healthcare Solutions Limited'.

We operate from a network of centres across the UK. Our Head Office, registered address and primary contact point for all communications relating to data is: Waterside, Berry Pomeroy, Totnes, Devon, TQ9 6LH

You can contact our current Data Protection Officer via: dataprotection@Newcrosshealthcare.com.

Company Registered in England No. 3184321 VAT Registered No. 974808866

In England and Wales, our regulated services are overseen by the Care Quality Commission. In Scotland, our regulated services are overseen by the Care Inspectorate.

In addition to ensuring our leadership team and managers are fully briefed and trained, we use an external, specialist data protection consultancy to provide independent, impartial oversight of all of our processes and policies relating to data protection and GDPR.

2. What does this notice cover?

This Privacy Information explains how we use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

3. What is personal data?

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679) (the "GDPR") as 'any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier'.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The personal data that we use is set out in Part 5, below.

4. What are my rights?

Under the GDPR, you have the following rights, which we will always work to uphold:

- a) The right to be informed about our collection and use of your personal data. This Privacy Notice should tell you everything you need to know, but you can always contact us to find out more or to ask any questions using the details in Part 11.
- b) The right to access the personal data we hold about you. Part 10 will tell you how to do this.
- c) The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete. Please contact us using the details in Part 11 to find out more.
- d) The right to be forgotten, i.e. the right to ask us to delete or otherwise dispose of any of your personal data that we have. Please contact us using the details in Part 11 to find out more.
- e) The right to restrict (i.e. prevent) the processing of your personal data.
- f) The right to object to us using your personal data for a particular purpose or purposes.
- g) The right to data portability. This means that, if you have provided personal data to us directly, we are using it with your consent or for the performance of a contract, and that data is processed using automated means, you can ask us for a copy of that personal data to re-use with another service or business in many cases.
- h) Rights relating to automated decision-making and profiling. Part 6 explains more about how we use your personal data.

For more information about our use of your personal data or exercising your rights as outlined above, please contact us using the details provided in Part 11.

Further information about your rights can also be obtained from the Information Commissioner's Office or your local Citizens Advice Bureau.

If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

5. What personal data do you collect?

If you apply for a job with us, are employed by us or engage us to provide services, we may collect some or all of the following personal data (this may vary according to your relationship with us):

Name, Date of birth, Gender, Address, Email address or other electronic messaging addresses, Telephone number(s), Business name (for clients, vendors and contractors), Job title, Payment information, Information about your preferences and interests, Details of training courses attended and skills acquired (for employees)

For Service Users for whom we provide Complex Care services, we are required in pursuit of our business, to gather, store, update and audit care records. These care records will be used internally by our nurse-led Clinical Governance team to maintain a safe, reliable and compliant service. Additionally, these records may be shared with official regulatory bodies - such as the Care Quality Commission (CQC) or Care Inspectorate (CI) - or funding bodies, for the purposes of quality control and/or to ensure our services meet the appropriate contractual and clinical standards.

6. How do you use my personal data?

Under the GDPR, we must always have a lawful basis for using personal data. This may be because the data is necessary for ensuring our performance relating to a contract with you, because you have consented to our use of your personal data, or because it is in our legitimate business interests to use it. Your personal data may be used for one of the following purposes:

- Providing and managing your account.
- Supplying our services to you. Your personal details are required in order for us to enter into a contract with you.
- Personalising and tailoring our services for you.
- Communicating with you. This may include responding to emails or calls from you.
- Supplying you with information by email and post that you have opted-in to (you may unsubscribe or opt-out at any time by email or contacting us directly).

With your permission and/or where permitted by law, we may also use your personal data for marketing purposes, which may include contacting you by email, telephone, text message and post with information, news, and offers on our services. These marketing communications will always come from us and be limited to news about Newcross services and job opportunities within Newcross. You will not be sent any unlawful marketing or spam. We will always work to fully protect your rights and comply with our obligations under the GDPR and the Privacy and Electronic Communications (EC Directive) Regulations 2003, and you will always have the opportunity to opt-out.

We use some automated systems for carrying out certain kinds of decision-making, such as matching skills and preferences of individuals to the most appropriate services, training or employment opportunities. If at any point you wish to query any action that we take on the basis of this approach or you wish to request 'human intervention' (i.e. have someone review the action themselves, rather than relying only on the automated method), the GDPR gives you the right to do so. Please contact us to find out more using the details in Part 11.

7. How long will you keep my personal data?

We will not keep your personal data for any longer than is necessary in light of the reason(s) for which it was first collected. Your personal data will therefore be kept for the following periods (or, where there is no fixed period, the following factors will be used to determine how long it is kept):

- Any employee's personal data will be kept for up to 7 years.
- Any client's personal data, dependent on the regulations of the service provider, will be kept for up to 7 years (possibly longer if there is a good reason to do so).
- The personal data of individual job applicants who have not been employed by us subsequent to their application will be kept for up to 36 months.

8. How and where do you store or transfer my personal data?

Newcross may store or transfer your personal data within the European Economic Area (the “EEA”). The EEA consists of all EU member states, plus Norway, Iceland, and Liechtenstein. In these circumstances, this means that your personal data will be fully protected under the GDPR or to equivalent standards by law.]

We may store or transfer some or all of your personal data in countries that are not part of the European Economic Area (the “EEA” consists of all EU member states, plus Norway, Iceland, and Liechtenstein). These are known as “third countries” and may not have data protection laws that are as strong as those in the UK and/or the EEA. This means that we will take additional steps in order to ensure that your personal data is treated just as safely and securely as it would be within the UK and under the GDPR as follows.

Please contact us, using the details below in Part 11, for further information about the particular data protection mechanism used by us when transferring your personal data to a third country.

The security of your personal data is essential to us and to protect your data, we take a number of important measures, including making it a requirement for any third parties with whom we intend to share personal data to provide prior assurance and written evidence of their own safeguards for the use of applicable data.

9. Will you share my personal data?

We will not share any of your personal data with any third parties for any purposes, subject to one important exception, as permissible in law:

In some limited circumstances, we may be legally required to share certain personal data, which might include yours, if we are involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority. Such circumstances might also include the necessary due diligence to ensure that staff are eligible to work in the United Kingdom and employed within the terms of legislative and regulatory requirements.

If any of your personal data is required by a third party, as described above and particularly to ensure our high clinical standards are maintained, we will take steps to ensure that your personal data is handled safely, securely, and in accordance with your rights, our obligations, and the third party’s obligations under the law, as described above in Part 8.

10. How can I access my personal data?

If you want to know what personal data we have about you, you can ask us for details of that personal data and for a copy of it (where any such personal data is held). This is known as a “subject access request”.

All subject access requests should be made in writing and sent to the email or postal addresses shown in Part 11. There is not normally any charge for a subject access request. If your request is ‘manifestly unfounded or excessive’ (for example, if you make repetitive or very complex requests) a fee may be charged to cover our administrative costs in responding. We will respond to your subject access request within one month. Normally, we aim to provide a complete response, including a copy of your personal data within that time. We ask that any such request include as much detail as possible to enable us to respond swiftly. In some cases, additional time may be required of up to a maximum of three months from the date we receive your request, particularly if your request is more complex or collation and/or provision of the requested data might be subject to the rights of another individual. You’ll be kept fully informed of our progress.

11. How do I contact you?

To contact us about anything to do with your personal data and data protection, including to make a subject access request, please use the following details, for the attention of The Data Protection Officer.

Email address: dataprotection@Newcrosshealthcare.com.

Telephone number: 01803 867800

Postal Address: Waterside, Berry Pomeroy, Totnes, Devon, TQ9 6LH

12. Changes to this privacy notice

We may change this privacy notice from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects personal data protection. We'll also make changes to this notice if we can either improve its clarity to make it easier to understand or if we add additional services or safeguards relating to data.

Any changes will be made available on our website – www.newcrosshealthcare.com