

Our privacy promise to you

We ask that you read this privacy promise 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

Kay Healthcare is committed to protecting the privacy and security of your personal information. 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:

- 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

If you have any questions about this privacy promise or would like further explanation as to how your personal information is managed, then please contact us on info@kayhealthcare.co.uk

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 care and support services through our website, phone, email, post, face to face or social media, 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 telephone number, email address) and emergency contacts (i.e. name, relationship and home and 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, marital status and sexuality trade union membership or biometrics (so far as they relate to providing you with suitable care)
- Credit, direct debit details or other payment information (if you pay for some or all of our services using one of these methods)
- Your feedback and contributions to questionnaires and surveys about the service we offer
- Your complaints, compliments or concerns about the service we provide
- Any accidents and incidents or near misses you may have been involved in whilst on our premises or whilst our employees are delivering a regulated service to you – this may include details of injuries and treatment you may have received.

When using our website, we collect standard internet log information including:

- IP address
- Details of the pages you visit
- General details about the type of computer or device that you are using

This is statistical information only which we collect in order to find out the numbers of visitors to our site and the pages they have visited. This information collected in such a way that it is not used to identify individuals. Where we do collect personal information on the website, this will be made obvious to you through the relevant pages.

Please be aware that our website may provide you with links to other websites. If you follow a link to any other website, please note they have their own privacy promises. We do not accept any responsibility or liability for the privacy and security practices of such third-party websites and your use as such is at your own risk.

Information collected from other sources

We work closely with third parties such as social and healthcare professionals and public bodies. We therefore also obtain personal information about you from other sources such as:

- Your allergies and any medical, physical or mental conditions, test results and in particular your care and support needs, from any appropriate external social or health care professionals (including your GP)
- Your name, home address, date of birth, contact details, needs assessments and financial assessments from any appropriate external 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, marital status and sexuality trade union membership or biometrics (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 legal representative (for example Lasting Power of Attorney), 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)
- Send information about our services which we believe you may be interested in. You may unsubscribe from this at any time
- Notify you about changes to our services which are relevant to you

- Monitor how effective our services are and to make sure that the services we provide meet your needs
- Improve your experience of our website and to ensure that the content is presented in the most effective way.

Who we share your personal information with

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. 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.

We will share personal information with law enforcement or other authorities if legally required to do so. 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 will share minimal and relevant information within Kay Healthcare in order to provide safe and effective services to you.

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 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 customer records
- Marketing systems providers – to organise marketing communications and for the delivery and analysis of email communications
- Data archiving companies – responsible for the secure storage and destruction of records.

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

How long your personal information will be kept

We will hold the personal information kept within your electronic customer file for the length of your contract plus 3 years

We will hold the personal information kept within your hard copy customer files for 3 years from the date of the last entry

We will hold the personal information kept within our feedback procedure for 1 year so that we can identify trends and patterns in our service

We will hold financial records and transactions for 7 years in line with our legal requirements.

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
- Article 6(1)(f) – to process your personal data in pursuit of legitimate interests, which include;
 - Marketing purposes – the privacy impact on you is expected to be minimal. Marketing will be specific to services we believe are of interest to you using information from enquiries we receive from you, you can unsubscribe at any time.
 - Corporate due diligence and financial modelling, service development and innovation – the privacy impact on you is expected to be minimal. We will process your data internally to ensure our business is stable, trusted and innovating to provide the best possible service to you.

GDPR recognises that additional care is required when processing special category (sensitive) data such as your health. We process this under the following grounds within GDPR;

- Article 9(2)(h) – processing is necessary for the provision of social care or the management of social care systems and services

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.

In certain situations, we transfer your personal information to countries which are located outside the European Economic Area (EEA).

This is done in order to provide our employee with your name, address, contact details and care needs information which they require to deliver a safe service. This information is only shared once you have accepted the employee as part of the service we provide.

This international transfer is under Article 49(1)(b) – the transfer is necessary for the performance of a contract between the data subject and the controller.

Such countries do not have the same data protection laws as the United Kingdom and EEA. Any transfer of your personal information will be subject to appropriate or suitable relevant safeguards that are designed to help safeguard your privacy rights and give you remedies in the unlikely event of a misuse of your personal information.

Your rights

Under the GDPR you have important rights free of charge. In summary, those include rights to:

- Fair processing of information and transparency over how we use your personal information
- Access to your personal information and to certain other supplementary information that this Privacy Promise 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 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

You can contact us by:

Email – info@kayhealthcare.co.uk

Post – Quality Assurance, Centurion House, London Road,
Staines Upon Thames, TW18 4AX

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

- Contact us using the details above – making clear that you wish to exercise one of your privacy rights
- Let us have enough information to identify you (e.g. 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
- If you would like to unsubscribe from any marketing emails you can also click on the 'unsubscribe' button at the bottom of the marketing emails. It may take up to 14 days for this to take place

Keeping your personal information secure

The confidentiality and security of your information is of paramount importance to us. We have appropriate organisational and technical security measures in place to prevent personal information from being accidentally lost or 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.

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. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns/> or telephone: 0303 123 1113.

Changes to this privacy promise

We may change this privacy promise from time to time, when changes are significant we will draw your attention to this via email and on our website.