

CUSTOMER PRIVACY NOTICE

We are writing to you to make you aware of your rights and our responsibilities under Data Protection Regulations.

The Company is aware of its obligations under Data Protection Regulations and is committed to processing your data securely and transparently. This privacy notice sets out, in line with regulations, the types of data that we hold on you as a customer of the Company. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

This notice applies to current and former customers.

GP Connect

We use a facility called GP Connect to support your direct care. GP Connect makes patient information available to all appropriate clinicians when and where they need it, to support direct patients care, leading to improvements in both care and outcomes.

GP Connect is not used for any purpose other than direct care.

Authorised Clinicians such as GPs, NHS 111 Clinicians, Care Home Nurses (if you are in a Care Home), Secondary Care Trusts, Social Care Clinicians are able to access the GP records of the patients they are treating via a secure NHS Digital service called GP connect.

The NHS 111 service (and other services determined locally e.g. Other GP practices in a Primary Care Network) will be able to book appointments for patients at GP practices and other local services.

Legal basis for sharing this data

In order for your Personal Data to be shared or processed, an appropriate “legal basis” needs to be in place and recorded. The legal bases for direct care via GP Connect is the same as the legal bases for the care you would receive from your own GP, or another healthcare provider:

- for the processing of personal data: Article 6.1 (e) of the UK GDPR: “processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”.
- for the processing of “Special Category Data” (which includes your medical information): Article 9.2 (h) of the UK GDPR: “processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”.

Your rights

Because the legal bases used for your care using GP Connect are the same as used in other direct care situations, the legal rights you have over this data under UK GDPR will also be the same- these are listed elsewhere in our privacy notice.

Data controller details

The Company is a data controller, meaning that it determines the processes to be used when using your personal data. Our contact details are as follows: Bluebird Care Tonbridge & Tunbridge Wells– 01732 386505

Data protection principles

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your service contract in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- process it in a way that ensures it will not be used for anything that you are not aware of or have consented to (as appropriate), lost or destroyed

Types of data we process

We hold many types of data about you, including

- your personal details including your name, address, date of birth, email address, phone numbers
- your photograph
- gender

- marital status
- dependants, next of kin and their contact numbers
- medical or health information including any mental or physical health conditions
- medication you are taking and any help you need to take it
- dietary requirements
- assistance you require with personal care and daily activities
- your hobbies and social activities
- details of accidents and incidents and actions the Company has taken to help you manage any significant risks you face
- issues relating to your general welfare
- how you prefer to communicate
- any safeguarding concerns we have about you and any action we have taken as a result
- reviews and plans relating to your care needs and the services we provide as a result of these

How we collect your data

We collect data about you in a variety of ways and this will usually start when we receive an enquiry from you or your representative(s). This includes information you and/or your representative(s) have provided to us in order to secure care services.

In some cases, we will collect data about you from third parties, such as Care Managers, GPs, Physio Therapists or District Nurses for example.

Personal data is kept in your personal care files and IT systems.

Why we process your data

The law on data protection allows us to process your data for certain reasons only:

- in order to perform the service contract that we are party to
- in order to carry out legally required duties
- in order for us to carry out our legitimate interests
- to protect your interests and
- where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data. For example, we need to collect your personal data in order to:

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- carry out the service contract that we have entered into with you and
- ensure you are safe and well supported

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

- making decisions about who we can safely provide care services to
- making decisions about when services might need to change due to a changes in your condition or forces outside of our control
- to invoice you for services provided to you
- maintaining comprehensive up to date care records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
- effectively monitoring both your health and wellbeing
- offering a method of recourse for you regarding any complaints you or your representative makes on your behalf
- gaining professional opinion when making decisions about your health and wellbeing
- dealing with legal claims made against us
- preventing fraud
- ensuring our administrative and IT systems are secure and robust against unauthorised access

Special categories of data

Special categories of data are data relating to your:

- health
- sex life
- sexual orientation
- race
- ethnic origin
- political opinion
- religion
- trade union membership
- genetic and biometric data.

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

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- you have given explicit consent to the processing
- we must process the data in order to carry out our legal obligations
- we must process data for reasons of substantial public interest
- you have already made the data public.

We will use your special category data:

- to ensure the services we provide to you are adequate to meet your needs
- to ensure we have the relevant information to adapt/change the services we provide to you to meet any changes in your needs
- to protect you against abuse or harm
- to protect our staff against abuse or harm

If you do not provide your data to us

One of the reasons for processing your data is to allow us to carry out our duties in line with your service contract. If you do not provide us with the data needed to do this, we will be unable to perform those duties e.g. meeting your care needs. We may also be prevented from confirming, or continuing with, your service in relation to our legal obligations if you do not provide us with this information e.g. any medical, mental or physical health issues

Sharing your data

Your data will be shared with colleagues within the Company where it is necessary for them to undertake their duties. This includes, for example, Carers assisting you, their line managers to ensure we are providing you with appropriate services and finance to process invoices relating to the services provided.

We share your data with third parties in order to ensure we are meeting our legal and contractual obligations and in the course of internal quality audits and external inspections with the regulator.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your data with bodies outside of the European Economic Area.

Protecting your data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such occurrences.

Where we share your data with third parties, we provide written instructions to them to ensure that your data are held securely and in line with data protection regulation requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

How long we keep your data for

In line with data protection principles, we only keep your data for as long as we need it for, which will be at least for the duration of service contract though in some cases we will keep your data for a period after your service contract has ended. Retention periods can vary depending on why we need your data for further information on retention periods, please contact the business' GDPR Lead Mel on 07826848746.

Automated decision making

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

Your rights in relation to your data

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request. You can read more about this in our Subject Access Request policy which is available from Kent@bluebirdcare.co.uk
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it

- the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to portability. You may transfer the data that we hold on you for your own purposes
- the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact 07826848746.

Making a complaint

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

National Data Opt-Out

The national data opt-out gives everyone the choice to stop health and social care organisations sharing their “confidential patient information” with other organisations where it is used for reasons beyond individual treatment and care, such as research and planning purposes.

The term “confidential patient information” is used as the NHS do and where the opt-out is in force. In this context “confidential patient information” relates to information about service users’ health or social care that may identify them. Adult Social Care providers, in line with your wishes and the national data opt-out, are required to apply national data opt-outs to use or disclose confidential customer information for purposes other than your direct care.

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At Bluebird Care we have an obligation to inform you about your right to choose regarding opting out of data sharing and are clear about how and when such a preference has been applied and a record of any decision regarding data opt-out will be recorded in your Care Plan.

We do not use or share customers information beyond direct care including information with any pharmaceutical, medical or other researchers and do not use sensitive information for purposes beyond your care. We only share personal information on a “need to know” basis, observing strict protocols when doing so. Most of the data sharing is with other professionals and agencies involved with your care and treatment.

The only exceptions to this general rule would be where we are required by law to provide information, e.g. to help with a criminal investigation

If you are happy with this use of personal information, you do not need to do anything but can change this decision at any time. If you choose to opt out, your confidential information will still be used internally as necessary to support your individual care delivery.

As national data opt-outs are set or changed by individuals themselves, this must be done by you, the customer or someone legally able to act on your behalf. More details about the wider use of confidential personal information and to register your choice to opt out can be found at: <https://digital.nhs.uk/services/national-data-opt-out> or by phone: 0300 303 5678.

To opt out by post on behalf of a customer who lacks capacity, fill out and print off [Manage Another Person's Choice on Their Behalf](#), NHS Data Opt-Out by Post. It can only be done by an individual who holds an LPA.

Information is available on request from the manager for service users, next of kin or appointed Lasting Power of Attorney (LPA).

Responsible Person

The Company's Data Protection Officer/Privacy Officer/Information Governance Lead is *Mel*. She can be contacted on 07826848746

Please ensure you or your representative have fully read and understood the above, then return the acknowledgment and acceptance of this privacy notice form attached.

Customer Privacy Notice Acknowledgement and Acceptance

I/ my representative have fully read and understood SD27(8) GP Connect Customer Privacy Notice and agree to the company processing and storing information about me in line with SD27(4).

If the document is being completed by the customer themselves:

Customer Name:

Date:

Signature of customer:

If this document is being completed by the customer's representative only:

Customer name:

Name of representative:

Date:

Signature of representative: