

Orchard Care South West

Privacy Notice

Who we are

We are a private organisation and provide a wide range of care services including:

- 2 residential care home services
- 2 home care services
- Specialist dementia services
- Respite, day care and enablement services

What is a privacy notice?

A Privacy Notice is a statement by the organisation to our service users, visitors, carers, the public and staff that describes how we collect, use, retain and disclose personal information which we hold. It is sometimes also referred to as a Privacy Statement, Fair Processing Statement or Privacy Policy. This privacy notice is part of our commitment to ensure that we process your personal information/data fairly and lawfully.

Why issue a privacy notice?

Orchard Care South West Limited recognises the importance of protecting personal and confidential information in all that we do and takes care to meet its legal and regulatory duties. This notice is one of the ways in which we can demonstrate our commitment to our values and being transparent and open, and commitment to our values of Respecting Diversity, Acting with Integrity, Demonstrating Compassion, Striving for Excellence and Listening and Supporting Others.

This notice also explains what rights you have to control how we use your information.

What are we governed by?

The key pieces of legislation/guidance we are governed by are:

Data Protection Act 1998 Human Rights Act 1998 (Article 8)
Access to Health Records Act 1990
Freedom of Information Act 2000
Health and Social Care Act 2012, 2015
Public Records Act 1958
The Environmental Information Regulations 2004
Computer Misuse Act 1990
The Common Law Duty of Confidentiality
The Care Record Guarantee for England
The Social Care Record Guarantee for England International Organisation for Standardisation (ISO) – Information Security Management Standards (ISMS)
Records Management – Code of Practice for Health and Social Care 2016
Accessible Information Standards (AIS)
General Data Protection Regulations (GDPR) – post 25th May 2018

Who are we governed by?

Department of Health - <https://www.gov.uk/government/organisations/department-ofhealth>

Information Commissioner's Office - <https://ico.org.uk/> Care Quality Commission - <http://www.cqc.org.uk/>

NHS England - <https://www.england.nhs.uk/>

Why and how we collect information

We may ask for or hold personal confidential information about you which will be used to support delivery of appropriate care and treatment. This is to support the provision of high quality care.

These records may include:

- Basic details, such as name, address, date of birth, next of kin.
- Contact we have had, such as appointments and home visits.
- Details and records of treatment and care, including notes and reports about your health
- Information from people who care for you and know you well, such as health professionals and relatives.

It may also include personal sensitive information such as sexuality, race, your religion or beliefs, and whether you have a disability, allergies or health conditions. It is important for us to have a complete picture, as this information assists staff involved in your care to deliver and provide improved care, deliver appropriate treatment and care plans, to meet your needs.

Information is collected in a number of ways, via your healthcare professional, referral details from your GP or directly given by you.

How we use information

- To help inform decisions that we make about your care.
- To ensure that your care is safe and effective.
- To work effectively with other organisations who may be involved in your care.
- To ensure our services can meet future needs.
- To review care provided to ensure it is of the highest standard possible.
- To train healthcare staff.
- For improvement and audit.

How information is retained and kept safe?

Information is retained in secure electronic and paper records and access is restricted to only those who need to know. It is important that information is kept safe and secure, to protect your confidentiality. There are a number of ways in which your privacy is shielded; by removing your identifying information, using an independent review process, adhering to strict contractual conditions and ensuring strict sharing or processing agreements are in place.

The Data Protection Act 2018 regulates the processing of personal information. Strict principles govern our use of information and our duty to ensure it is kept safe and secure. Orchard Care South West Limited is registered with the Information Commissioners Office (ICO). Our registration reference is Z8578227.

Technology allows us to protect information in a number of ways, in the main by restricting access. Our guiding principle is that we are holding your information in strict confidence.

How do we keep information confidential?

Everyone working for us is subject to the Common Law Duty of Confidentiality and the Data Protection Act 2018. Information provided in confidence will only be used for the purposes to which you consent to, unless there are other circumstances covered by the law.

Under our Confidentiality Code of Conduct, all staff are required to protect information, inform you of how your information will be used and allow you to decide if and how your information can be shared. This will be noted in your records.

All staff are required to undertake annual training in data protection, confidentiality, IT/cyber security, with additional training for specialist, such as healthcare records and data protection officers.

Our legal obligations

Data Protection Act 2018 lays down regulations for the handling of personal data. For all such data it is essential to abide by the principles which govern the care and use made of the data. Personal information must:

1. be fairly and lawfully processed
2. collected for specified, explicit and legitimate purposes
3. adequate, relevant and limited to what is necessary
4. accurate and, where necessary, kept up to date
5. kept in a form which permits identification for no longer than is necessary
6. processed in a manner that ensure appropriate security

Consent

In order to be able to lawfully process the personal or sensitive information of an individual we must first obtain their consent; this is applicable to both people who use services and staff; this is fairly straightforward for staff who recruiting managers will inform by means of their appointment as information is contained within their contract of employment which they must sign. For people who use services it is very important that reasonable efforts are made to ensure that they understand how their information is to be used to support their care and support, how their information might be shared with others involved in their care and ensuring they have no objections. In some circumstances some people requiring care and support may lack the capacity to extend this trust, but this does not diminish the duty of confidence that their information will not be used or disclosed for purposes other than for which it was provided. Due to the level of care and support we provide, we also have a vital interest in collecting the relevant information in order to provide safe and person-centred care.

Relatives or carers

Some people may wish to restrict the amount of information about their care and support to their relatives; they should be encouraged to be very explicit if there is anyone that they do not want to be given information. In the event of the person being unable to give permission an advocate must be identified to act on behalf of the person and permission obtained from him/her. It should however be noted that relatives, carers and even those documented as next of kin, do not necessarily have the right to access the personal or sensitive records of a person.

Who will the information be shared with?

To provide best care possible, sometimes we will need to share information about you with others. We may share your information with a range of Health and Social Care organisations and regulatory bodies. You may be contacted by any one of these organisations for a specific reason; they will have a duty to tell you why they have contacted you. We may also share information with the police, social services and local council. Information sharing is governed by specific rules and law. We will not disclose any health information to third parties without your explicit consent, unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires the disclosure of information.

Your right to withdraw consent for us to share your personal information

You have the right to refuse/withdraw consent to information sharing at any time. We will fully explain the possible consequences to you, which could include delays in you receiving care.

Contacting us about your information

Our organisation has a senior person responsible for protecting the confidentiality of your information and enabling appropriate sharing. This person is known as the Data Protection Officer. You can contact Orchard Care South West Limited, Data Protection Officer by using the contact details below.

If you have any questions or concerns regarding the information we hold on you, the use of your information or would like to discuss further, please contact the Data Protection Officer.

Data Protection Officer
Pine Lodge Residential Home
13 Hazeldene Road
Weston super Mare
North Somerset
BS23 2XL
Email: kate.s@orchardcare.co.uk
Phone: 01934 622539

Can I access my information?

Under the Data Protection Act 2018 a person may make a subject access request that is held about them by an organisation. For more information on how to access the information we hold about you please contact the Data Protection Officer.

Contacting us if you have a complaint or concern

We try to meet the highest standards when collecting and using personal information. We encourage people to bring concerns to our attention and we take any complaints we receive very seriously. You can submit a complaint through the Company's Complaints Procedure, which is available on our web site, or you can write to:

Data Protection Officer
Pine Lodge Residential Home
13 Hazeldene Road
Weston super Mare

North Somerset
BS23 2XL

If you remain dissatisfied with the company's decision following your complaint, you may wish to contact: Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF. Their web site is at www.ico.gov.uk The Information Commissioner will not normally consider an appeal until you have exhausted your rights of redress and complaint to the company.