

## PRIVACY NOTICE (Service Users)

Trust Care Management Ltd (TCM) and the services it operates is committed to being transparent and open about why personal data is required and how this is managed. A copy of this privacy notice can be found on our website.

This privacy notice explains your rights as a service user regarding the data opt-out policy, how data is collected, used, retained and disclosed in line with UK data protection laws.

### 1. How and why personal information is collected?

As part of the services we offer, we are required to process personal information or data about you.

“Processing” can mean collecting, recording, organising, storing, sharing or destroying data. We must have a lawful basis for processing personal data and as a registered care provider, it is essential this is collected, including financial information, to enable us to provide ongoing quality care and support.

Information is contained in individual files, electronic and manual and other record systems which are subject to strict security and authorised access policies.

This data is held because we have a **legal obligation** to do so, usually under the Health and Social Care Act 2012 or Mental Capacity Act 2005.

Where the data is not required to be processed by law, and processing is genuinely a matter of your choice we will ask you for your written **consent** before processing for example where we use photographs of you doing therapeutic activities for display on activities boards or to be included in our activity’s album. Where data is processed through your consent, we will clearly explain to you what we need the data for, and you have a right to withdraw consent at any time without any negative consequences.

In some cases, we may process your data to further the **legitimate interest** of the Organisation, for example, where we have a CCTV camera in the car park area of our services or monitoring communal areas in our care homes. Legitimate reasons could include the prevention and detection of crime, safeguarding staff and visitors, ensuring compliance with health and safety procedures, or investigating accidents and/or incidents. Where we use legitimate interest as a lawful basis for processing data, we will consult with you to gain your views about the processing, and we will also conduct a DPIA (Data Protection Impact Assessment) which aims to balance the necessity to process the information or data against your interests, rights, and freedoms.

## 2. What data do we have and for how long do we keep it?

### Personal Data

We may process the following types of personal data:

- basic details and contact information, such as name, address, date of birth and next of kin, email address that you or your power of attorney have asked we hold
- financial details, such as how you fund care or funding arrangements.

### Special Category Data

We also record the following data which is classified as “special category”:

- health and social care data, which may include physical and mental health data
- data may be recorded about your race, ethnic origin, sexual orientation or religion.

We process “special category” data because:

- it is necessary due to social security and social protection law, mostly in safeguarding situations and where it is necessary to protect your fundamental interests when you are physically or legally incapable of providing consent
- it is needed for provision and management of social care services.
- we are required to provide data to the Care Quality Commission (CQC), our regulator, as part of public interest obligations.

Data is retained in line with the Information Governance Alliance’s guidelines.

## 3. Where is data processed?

This is done face-to-face, via telephone, email, our website, by post, application forms and/or apps.

Data is collected from or shared with:

- the service user or their legal representative(s)
- third parties.

Third parties are organisations we might lawfully share data with, which include other parts of the health and care system such as local hospitals, service users GP or other health and care professionals, the pharmacy, social workers, clinical commissioning groups, the Local Authority and family or friends, with the service user’s permission.

There is a legal obligation to share information with some organisations, such as for safeguarding purposes, the CQC, police or other law enforcement agencies if requested by law or a court order.

Data is retained in line with the Information Governance Alliance's guidelines

#### **4. Your rights**

You have the right to refuse/withdraw consent to information sharing at any time. The data kept about you is your data, kept confidential and used appropriately.

Rights regarding personal data:

- you have the right to access personal data and can request a copy of all data held and will not normally be charged for this
- incorrect information can be updated if any personal data is inaccurate or incomplete
- you can request any personal data which is no longer necessary for the purpose we originally collected it for to be deleted
- you can request that we restrict processing data if we no longer require your personal data for the purpose we originally collected it for, but you do not wish it to be deleted
- if we have asked for your consent to process data, this can be withdrawn at any time
- if we are processing your data as part of our legitimate role or to complete a task in the public interest, you have the right to object to that processing.

Identification may be required to support data requests to ensure personal data is not shared inappropriately and requests will be acted on as soon as possible, usually within one month.

#### **5. What does this mean for me as a service user?**

As a service user, information collected about you could be provided to other approved organisations, where there is a legal basis to do so, to help plan services, improve care provision and for research into developing new treatments and preventing illness.

Information is only used where allowed by law and never for insurance or marketing purposes without explicit consent. The care service will always seek written permission from you before sharing personal information with anyone else, for purposes other than direct care

However, if you do not want your personal data to be used for planning or research, you can stop this.

#### **6. 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 patient information for purposes other than your direct care.

As a care service, 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 kept.

Our care services do not use or share service users’ information beyond direct care and we do not share our service users’ information with any pharmaceutical, medical or other researchers and do not use sensitive information for purposes beyond your care and treatment.

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 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.

This quote from the Digital Social Care website applies to our organisation *“At this time, we do not share any data for planning or research purposes for which the national data opt-out would apply. We review all of the confidential patient information we process on an annual basis to see if this is used for research and planning purposes. If it is, then individuals can decide to stop their information being shared for this purpose.”* (Digital Social Care)

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 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 service user 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 service user 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.

All health and social care CQC-registered organisations in England must be compliant with the national data opt-out by 31 July 2022.

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

## **7. Questions, Concerns or Complaints**

As a Data Controller, the Company has a responsibility to ensure that all data processing is conducted in accordance with the law and with due regards to data subject's rights. Should you have any questions regarding this statement, or how we process your personal information, please contact **Mr Zyaad Khoyrutty (HR Director)** using the following contact details:

Email: [hr@trustcare.co](mailto:hr@trustcare.co)

Tel: 01733 261 233

## **8. Information Commissioner's Office (ICO)**

If you feel care services have not complied with requirements regarding your personal data rights, a complaint can be submitted to the Information Commissioner's Office:

Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF <https://ico.org.uk/global/contact-us/>.