

Privacy Notice for Service Users of Beechcroft Care Homes Ltd



Introduction

As part of the services we offer, we are required to process personal data about our staff, our service users and, in some instances, the friends or relatives of our service users and staff. “Processing” can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to protecting your privacy, being transparent about why we need your personal data and what we do with it. This information is set out in this privacy notice. It also explains your rights when it comes to your data.

If you have any concerns or questions, please contact us:

Julia Gow-Smith

Director/ Head of Care/ Data Protection Champion

Head Office:

Beechcroft Care Homes Ltd, Holmfield, Grafton Road, Torquay, TQ1 1QJ

E-mail : juliagowsmith@yahoo.com

Mob: 07799 060681

This privacy notice explains how we meet our data protection obligations under the General Data Protection Regulation (GDPR).

Data Protection principles

All data we hold will be processed in accordance with the following data protection principles: -

- processing is fair, lawful and transparent
- data is collected for specific, explicit, and legitimate purposes
- data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- data is not kept for longer than is necessary for its given purpose
- data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing,

accidental loss, destruction or damage by using appropriate technical or organisation measures

- we comply with the relevant GDPR procedures for international transferring of personal data

What data do we collect?

So that we can provide a safe and professional service we need to keep certain records about you. We may need to collect a range of information about you which will include personal, sensitive or special category data. This includes:-

- Your name, address and contact details, including email address and telephone number.
- Details of any medical conditions, past and present.
- Your care needs and how we will meet those in a Care Plan.
- Details of your next of kin, whether is a family member or a friend and their contact details, including their email address and telephone number.
- Details of your General Practitioner and any other health and/or social care professional who may be working with you.
- Information about your ethnic origin, sexual orientation or religious belief including your preferences likes and dislikes.
- In some circumstances we may hold details about your views on end of life care, any funeral plans and chosen Funeral Director.
- Your financial details e.g., details of how you pay us for your care and your funding arrangements.

How do we collect this Data?

We will be able to speak to you about some of your information. We may speak to your family and friends and others who know about you. We will ask your GP and any other professionals involved with you about your medical conditions, medications, needs and any treatment programs.

We will ask for your consent on our 'Consent Form' and if you are unable to give your consent we will follow the Mental Capacity Act 2005 and GDPR principles acting in your best interests at all times. If we need to ask your permission, we will give you all the information pertaining to that consent and support you in making any decisions required.

Where is this information kept?

The data will be stored in your personal file which is locked away in the office and on a computer system. The majority of your information is kept on the computer system this includes your basic details, your medical history, any risks that you may have, your care plan and how we will support you. This system is called Person Centred Software and staff use mobile phones to access this information and to record the support they have given you. Both paper and computer files will be held securely and only designated people will have access to them. Each staff member has their own unique password and can only be given access to the system by the manager.

Why do we need this information?

We need this information about you so that we can provide you with high quality care which is tailored to your specific needs. To make sure that you are safe and we are caring for you in the best possible way. Also, so that we can get the appropriate help and support from others should you need it.

We also have a legal obligation to do so under the Health and Social Care Act 2008 and Mental Capacity Act 2005.

Will we share our information with others?

The information we build up on you, will need to be shared with other professionals at times. For example, if you became unwell, we may have to share information with others which could be doctors or medics in order to get the best treatment for you. We may share information to your legal representatives or other third parties such as the Local Authority, Organisations we have a legal duty to share information with, such as our regulator the Care Quality Commission, the police or other law enforcement agencies.

With your permission we will share some of your information with your family or friends.

Health and social care services in Devon and Cornwall have developed a system to share patient data efficiently and quickly and, ultimately, improve the care you receive. This shared system is called the Devon and Cornwall Care Record.

It's important that anyone treating you has access to your shared record so they have all the information they need to care for you. This applies to your routine appointments and also in urgent situations such as going to A&E, calling 111 or going to an out-of-hours appointment.

It's also quicker for staff to access a shared record than to try to contact other staff by phone or email.

Only authorised health and care staff can access the Devon and Cornwall Care Record and the information they see is carefully checked so that it relates to their job. Also, systems do not share all your data – just data that services have agreed is necessary to include.

For more information about the Devon and Cornwall Care Record, please go to <https://www.devonandcornwallcarerecord.nhs.uk/>

What information will we share with others?

We might have to share a range of information about you to others in order to ensure that you get the best possible care and treatment. This information may be shared face to face, via telephone, via e-mail or via post. When we give information to others we will do so ensuring your privacy and confidentiality. We will share your information with others following the eight Caldicott Principles sharing information on a need-to-know basis as follows:

- 1. Justify the purpose(s)** Every proposed use or transfer of personal confidential data within or from an organisation should be clearly defined, scrutinised and documented, with continuing uses regularly reviewed, by an appropriate guardian.
- 2. Don't use personal confidential data unless it is absolutely necessary** Personal confidential data should not be included unless it is essential for the specified purpose(s) of that flow. The need for patients to be identified should be considered at each stage of satisfying the purpose(s).
- 3. Use the minimum necessary personal confidential data** Where use of personal confidential data is considered to be essential, the inclusion of each individual item of data should be considered and justified so that the minimum amount of personal

confidential data transferred or accessible as is necessary for a given function to be carried out.

4. Access to personal confidential data should be on a strict need-to-know basis

Only those individuals who need access to personal confidential data should have access to it, and they should only have access to the data items that they need to see. This may mean introducing access controls or splitting data flows where one data flow is used for several purposes.

5. Everyone with access to personal confidential data should be aware of their responsibilities Action should be taken to ensure that those handling personal confidential data – both clinical and non-clinical staff – are made fully aware of their responsibilities and obligations to respect patient confidentiality.

6. Comply with the law Every use of personal confidential data must be lawful. Someone in each organisation handling personal confidential data should be responsible for ensuring that the organisation complies with legal requirements.

7. The duty to share information can be as important as the duty to protect patient confidentiality Health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by these principles. They should be supported by the policies of their employers, regulators and professional bodies.

8: Inform patients and service users about how their confidential information is used A range of steps should be taken to ensure no surprises for patients and service users, so they can have clear expectations about how and why their confidential information is used, and what choices they have about this. These steps will vary depending on the use: as a minimum, this should include providing accessible, relevant and appropriate information - in some cases, greater engagement will be required

What will happen to my data when I leave the service?

Your data which we have on the computer and in paper form will be archived after you have left the service. Any archived Information will be kept securely with only minimal authorized persons having access. That would include the two directors and the Registered/Home Manager.

After three years, from the date you left our service, the majority of all your data will be confidentially destroyed. However, some basic information such as your name, admission and discharge dates, your contact details, NOK or legal representative details and financial details such as who paid for your placement and the amount paid may have to be kept for seven years as part of our legal requirements under Tax laws.

Your records at this point will not be given to any third party unless they:

- Are acting on your behalf and have your consent to do so.
- Have legal authority to make decisions on your behalf i.e. has power of attorney.
- Have another legal basis for access

What are your rights?

The data we keep about you is your data and we ensure that we keep it confidential and that it is used appropriately following the law and guidance. You have the following rights when it comes to your data:

1. You have a right to request a copy of all of the data we keep about you. There may be a charge for this service.
2. You have the right to ask us to correct any data we have which you believe to be inaccurate or incomplete. You can also request that we restrict all processing of your data while we consider your rectification request.
3. You have the right to ask that we erase any of your personal data which is no longer necessary for the purpose we originally collected it for. We retain our data in line with the Information Governance Alliance's Guidelines.
4. You may also request that we restrict processing if we no longer require your personal data for the purpose we originally collected it for, but you do not wish for it to be erased.
5. You can ask for your data to be erased if we have asked for your consent to process your data.
You can withdraw consent at any time – please contact us to do so.
6. If we are processing your data as part of our legitimate interests as an organisation or in order to complete a task in the public interest, you have the right to object to that processing. We will restrict all processing of this data while we look into your objection.

If you think the information, we are holding on you is incorrect for have any concerns about it for any reason please speak to the Registered /Home manager or to one of the Directors David or Julia Gow-Smith.

More information is available in our separate policy on Data Protection Complaints.

If you bring your concerns or complaints to us about your information data that we have and are not satisfied with our response or if you believe we are processing your personal data in a way that is not in accordance with the law, you may complain to the Information Commissioner's Office.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

<https://ico.org.uk/global/contact-us/>

<https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

NHS National Data Opt-Out:-

The National Data Opt-Out enables service users to opt out from the use of their data for anything other than their individual care and treatment.

Please see the 'NHS National Data Opt-Out' leaflet for details on how to do this.

Definitions:-

Personal Data – meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

Sensitive Data – meaning any personal data consisting of information as to the racial or ethnic origin of the data subject, political opinions religious beliefs or other beliefs of a similar nature, membership of a trade union, physical or mental health or condition, sexual life, the commission or alleged commission of any offence of any proceedings relating to the offence.

Contact information: -

Head Office:

Beechcroft Care Homes Ltd, Holmfield, Grafton Road, Torquay, TQ1 1QJ

Tel: 01803 215760

Company Director: David Gow-Smith

E-mail: davidgow.smith@yahoo.com

Company Director/ Data Protection Champion: Julia Gow-Smith

E-mail: juliagowsmith@yahoo.co.uk

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