

# West Berkshire Council Care Homes Privacy Notice May 2023

This privacy notice sets out how West Berkshire District Council Care Homes (the “**Care Homes**”) will use your personal data and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice applies to potential, current and former users of the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: May 2023

Update History:

Version 1, 31 <sup>st</sup> May 2023	First issue of a new Privacy Notice

Directorate: People  
Service: Adult Social Care

## **About the Organisation**

The following Care Homes Willows Edge, Notrees and Birchwood, sit within West Berkshire Council. The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

ICO Registration Number: **Z6825178**

<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

## **The Data Protection Officer**

Contact details for the Data Protection Officer at the Council can be found at:

<https://www.westberks.gov.uk/dpofficer>

## **THE PERSONAL DATA WE HOLD ABOUT YOU**

This document describes how and why we collect, store, protect, process and share the data you give to us. We collect personal data when you enquire about our care services and become a resident of one of our care homes. We also collect personal data to help us work with you and to understand, plan and provide the Care Home services you need.

## **WHAT DATA WILL WE COLLECT ABOUT YOU?**

We will collect and process the following information:

- Name
- Age and date of birth
- Address
- Contact information (telephone number, email address etc)
- Gender
- Nationality
- Children's personal details and contact information
- Next of kin personal details and contact information.
- Financial information (such as, bank details, income, benefits)
- Visual images
- Lifestyle and social circumstances
- Employment and education details

We also collect and process the following special category information:

- Racial/ethnic origin
- Religion
- Sexual orientation (this is optional, and you can decide to withhold this information)
- Information included in referrals to and from other organisations
- Housing needs
- Medical information including:
  - Admissions to medical facilities
  - Alerting information (relating to the person's medical information)
  - Allergies
  - Details of medical appointments and assessments
  - Care plan (including interventions and problems)
  - Deprivation of liberty safeguards (DOLS) and other safeguarding information
  - Early interventions
  - Health promotion information
  - Information relating to medications
  - Preventative medical procedures
  - Details and results of medical procedures and events (including discharge and diagnoses)
  - Risk management plans
  - Risks and warnings relating to medical issues
  - Medication

Criminal offence data will be processed under the 28 conditions of Schedule 1 of the Data

Protection Act 2018 which are available for the processing of criminal offence data. These are set out in paragraphs 1 to 37. You will be told where this is used.

## **SOURCE OF YOUR PERSONAL DATA**

Most of the above personal data we process is provided to us directly by yourself in various formats, for example, by letter, email, telephone, in face-to-face meetings, visits to your home or online forms.

We may also receive information about you from third parties such as:

- Family members
- Hospitals
- GPs
- Nurses
- Carers
- Commissioning Care Groups (CCGs)
- NHS Trusts
- Intermediate Care Systems / Boards
- Hospices
- Schools and colleges
- Private and voluntary organisations such as advocacy services, parent and carer organisations (such as MENCAP) and so on
- Other local authorities
- Police
- Pharmacies

**PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA**

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Under the UK General Data Protection Regulation (UK GDPR), the lawful basis we rely on for processing the information is
<p>West Berkshire District Council is processing your data in line with its statutory duties, outlined in the Care Act 2014.</p> <p>Processing is also necessary in the public interest; in other words, as a public authority, West Berkshire District Council runs an Adult Social Care service to protect the people who live within the district.</p> <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p><b>Public Task:</b> Article 6(1)(e) of the GDPR namely the 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 Council.</p> <p><b>Legal Obligation:</b> Article 6(c) the processing is necessary to comply with the law including:</p> <ul style="list-style-type: none"> <li>• Care Act 2014</li> <li>• Health and Social Care Act 2012</li> <li>• Health and Social Care Quality and Safety Act 2015 Section 251(b)</li> <li>• Mental Capacity Act 2005</li> <li>• Mental Health Act 2007</li> <li>• Housing Act 2004</li> <li>• Liberty Protection Safeguards / Deprivation of Liberty Safeguards</li> </ul> <p>For special category personal data the lawful basis we rely on for processing the information is Article 9 UK GDPR: (g) (a) Processing is necessary for provision of health or social care treatment</p> <p>You can read the guide to lawful basis for processing special category data on the Information Commissioner's Office website</p>

## SHARING YOUR PERSONAL DATA

To make sure that we all work together for your benefit, we may need to share information about you with other organisations. Our eMAR system also links into the BOOTS pharmacy system which enables us all to have the most up to date and relevant information regarding your prescription / medication requirements.

Your data will be seen by council employees who have direct involvement in your care and also by those managing and overseeing those employees. When required, we will also share information with a range of other statutory bodies in order to ensure you are supported and cared for.

Your information may be shared with:

- Health services, including your GP and Pharmacy
- Other Council services
- The Care Quality Commission (CQC)
- Police or Fire services, should there be a risk to your wellbeing that would make contact with them appropriate
- Charities, providers and caring organisations that might provide services to help you

However, we will only share what others need to know so that they can provide you with appropriate services.

We will not usually share your information with family members or friends unless you have given us permission, but if your wellbeing is at risk we may have to do so to keep you safe.

Your NHS number is accessed through an NHS service called the Personal Demographic Service (PDS). Adult Social Care sends basic information such as your name, address and date of birth to the PDS in order to find your NHS Number. Once retrieved from the PDS the NHS Number is stored in the Council's adult social care case management system. You can 'opt-out' of the use of your NHS Number within the council's social care system upon request. However, if you choose to 'opt-out' then the benefits that it brings may not be realised in terms of the provision of care.

The national data opt out was introduced on 25 May 2018 to allow you to opt out from the use of your data for anything other than your individual care and treatment. This will prevent it being used for research or planning purposes as listed above. The opt out is in line with the recommendations of the National Data Guardian in the Review of Data Security, Consent and Opt-outs.

The national data opt out applies to the NHS and some of the activities of the council. If you are happy with use of your data for research and service planning, you do not need to do anything. If you do choose to opt out your confidential patient information will still be used to support your individual care.

Health agencies and councils must check the NHS national data opt out system before using your data for research or planning.

You can change your national data opt out choice at any time by using the online service or by clicking on Your Health in the NHS App, and selecting choose if data from your health records is shared for research and planning.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

As a local authority, West Berkshire is legally required to report statutory returns at a Client Level to the Department of Health and Social Care (DHSC). This change takes effect from 1<sup>st</sup> April 2023. This means that in order for the Council to fulfil its information obligations to the government it is required to share data including personal and sensitive data with the DHSC.

The information being provided supports the Government's drive toward the integration of health and social care. Information provided will help understand current and future population needs, to help monitor service outcomes to inform future service development.

Details of this directive and requirement are set out in a Data Provision Notice: Collection of Client-Level Adult Social Care Data (No.2) that can be found here: [Collection of Client-Level Adult Social Care Data \(No 2\) Direction - NHS Digital](#)

**Please note:** - the National Data Opt-Out mentioned above will not apply to the submission of data to NHS Digital, as it is a legal requirement that local authorities must comply with. Please also note that there is no requirement for the council to obtain consent and no opportunity for individuals to opt out or withdraw their consent. This is because it is a legal requirement which the council is obliged to comply with.

## **HOW LONG WILL YOUR DATA BE KEPT?**

Your data will not be kept any longer than necessary. You can check how long the organisation will keep each type of data against West Berkshire District Council's retention schedule <http://www.westberks.gov.uk/retention>

## **HOW IS YOUR DATA STORED AND PROCESSED?**

Your data will be held on electronic databases and networked storage with restricted access designed for social care and will be protected from unauthorised access using up-to-date technical and organisational security measures.

## YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

## HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

## INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.



## **COMPLAINTS**

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.