

## **PRIVACY STATEMENT – OURRIS RESIDENTIAL HOMES LIMITED**

### **Introduction**

Ourris Residential Homes Limited respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after any personal data we collect from you and tell you about your privacy rights and how the law protects you.

### **1. IMPORTANT INFORMATION AND WHO WE ARE**

#### *Purpose of this privacy policy*

This privacy policy aims to give you information on how Ourris Residential Homes Limited collects and processes your personal data in relation to the operation of Anastasia Lodge Residential Care Home and Day Care Services for Older People (the “**Home**”). Day Care Services at the Home are operated by our associated company Lemon Tree Day Care Limited.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

#### *Controller*

Ourris Residential Homes Limited is the controller and responsible for your personal data (referred to as: “the Company”, “we”, “us” or “our” in this privacy policy).

We have appointed a data protection officer who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise *your legal rights*, please contact the data protection officer using the details set out below.

#### *Contact details*

If you have any questions about this privacy policy or our privacy practices, please contact our data protection officer in the following ways:

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Full name of legal entity: Ourris Residential Homes Limited

Email address: accounts@autumn-gardens.com

Postal address: Accounts Department, 73 Trent Gardens, London N14 4QB

Telephone number: 02084402946

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

### *Changes to the privacy policy and your duty to inform us of changes*

We keep our privacy policy under regular review. This version was last updated in [December 2020]. Historic versions can be obtained by contacting us.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **2. THE DATA WE COLLECT ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you (including sensitive data) which we have grouped together as follows:

- **"Identity Data"** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **"Contact Data"** includes invoicing address, email address and telephone numbers.
- **"Life History Data"** includes details of residents', day care attendees', or memory club members (referred to as **"residents"** in this policy and the term residents includes prospective residents) family and friends and carers and

information in relation to their lives also includes photographs of residents, their relatives and friends.

- **“Preference Data”** includes information about your preferences as regards accommodation, food, care services in order to enable us to provide care to you in a way that best suits your needs.
- **"Financial Data"** includes bank account and payment card details.
- **"Transaction Data"** includes details about payments to and from you and other details of services we have provided to you.
- **"Marketing and Communications Data"** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **“Security Data”** includes identity and contact information records (including times of entry and departure of the Home), video and CCTV footage collected at or around the Home.
- **“Special categories of personal data”**

Some of the information which we collect about you may be “special categories of personal data”. Special categories of data require a greater level of protection. The special categories of personal data about you which we may collect include:

- information about your racial or ethnic origin;
- information about your religious beliefs;
- information about your sex life and sexual orientation;
- healthcare information, including:
  - any disabilities or special requirements which you may have;
  - medical records applying to the time you have spent with us;
  - your medical history;

- records required by care home regulations, like risk assessments, care plans and records of the care we provide to you; and
- details of your support and care needs.

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We collect data from and about you including through:

- **your contract with us (or your relative or friend's contract where you are named as guarantor or representative)**
- **your prospective contract with us where you are considering becoming a resident (or your relative or friend's contract if you are their representative)**
- **the contract or prospective contract of someone you care for if you are the carer of a resident or prospective resident**

in each of the above circumstances you may give us your identity, contact and financial data by filling in forms or by corresponding with us by post, phone, email or otherwise. As noted at paragraph 2 above, the term "**resident**" includes day care attendees and memory club members as well as people who are permanently or temporarily resident in the Home.

- **your friends and relatives** who provide us with information about you including where such friends or relatives are your representative or guarantor.
- **your carers** who provide us with information about you in relation to memory club activities or day care services.
- (in the case of a **visitor** to the Home) from you directly when you provide us with Identity Data and Contact Data when you visit the Home.
- (in the case of relatives and friends of a resident or carers of a resident) **from the resident or directly from you** particularly in relation to information for activities for residents such as life history books or other memory tools; where you provide information directly we will usually rely on your consent to use your information.

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- (in the case of parties signing up for receipt of information about our Homes) **from you directly** when you provide us with identity data and contact data on requesting that we send you information about our Homes.
- **your attorney or representative** being parties authorised to take decisions in relation to your finances and or your care.
- **healthcare professionals** and officers in the local authority/social services department.

#### **4. HOW WE USE YOUR PERSONAL DATA**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to in order to perform a contract with you or to provide you with information you have requested.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.
- Where it is necessary to provide you with healthcare services.

Generally, we do not rely on consent as a legal basis for processing residents' personal data although we will get residents', and friends', relatives' and carers', consent before sending any third party direct marketing communications to you via email or text message and where you sign up to request that we send you information about our Homes. You have the right to withdraw consent to any marketing at any time by contacting us.

#### **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal basis we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful basis

depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific lawful basis we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To enter into a contract with you and to make an assessment of your care needs at or prior to admission or attendance	(a) Identity (b) Contact  Sensitive personal data including health data	Performance of a contract with you.  Necessary for the provision of health or social care or treatment or the management of health and social care services.
(In relation to relatives, friends and carers of residents) to communicate with you in relation to the care of a resident with whom we have a contract.	(a) Identity  (b) Contact	Necessary for the legitimate interests of us and our residents (to hold and maintain contact details for next of kin)
To deliver the care services and related administration to you in accordance with a contract with you. Including for example the provision of life history books	(a) Identity (b) Contact (c) Preference (d) Life History (e) Financial (e) Transaction (f) Marketing and Communications	Performance of a contract with you  Necessary for our legitimate interests (to recover debts due to us)  Necessary to comply with a legal obligation  Necessary for the provision of health or social care or treatment or the management

	Sensitive personal data including health data	of health and social care services.
(In relation to relatives, friends and carers of residents) to deliver care services to a resident including the provision of life history books for residents for example	(a) Identity (b) Life History	Necessary for the provision of health or social care or treatment.  We may also rely on your consent for use of information you or the resident provide for such activities.
To provide you with information about our services and events	(a) Identity (b) Contact	In relation to prospective residents, and friends and family we will rely on consent, for residents we will process on the basis that it is necessary for the performance of a contract with you.
To manage our relationship with you which will include notifying you about changes to our terms or privacy policy.	(a) Identity (b) Contact	Performance of a contract with you  Necessary to comply with a legal obligation  Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
Analysis of care provision and monitoring of diversity	(a) Identity (b) Preference  Sensitive personal	Necessary for performance of a contract with you  Necessary for our legitimate interests (to monitor equality

	information including health data.	and diversity in our Home and ensure our services are fit for purpose)
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Marketing and Communications	Performance of a contract with you  Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)  For surveys we may rely on your consent for use of the data.
To administer and protect our business	(a) Identity (b) Contact	Necessary for our legitimate interests (for running our business, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)  Necessary to comply with a legal obligation
Regulation and associated matters	Sensitive personal data including health data	Performance of a contract with you  Necessary to comply with a legal obligation  Necessary for the provision of health or social care or treatment or the management of health and social care services.



Security	Security Data	Necessary for our legitimate interests (for protecting our business)
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### *Newsletters and information about the Home*

We may use your Identity and Contact Data to send you information and newsletters about the Home and any events related to the Home.

### *Third-party marketing*

We do not usually carry out any third party marketing but we will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

### *Opting out*

You can ask us (or third parties) to stop sending you marketing messages (or any newsletters for example) at any time by contacting us.

### *Change of purpose*

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

If you do not provide us with information which we need to consider your admission, we may not be able to offer you a place at our Home. Once already a resident, if you

do not provide us with information which we request from time to time, we may not be able to provide you with the continuing care and support you need.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may share your personal data with the parties set out below for the purposes set out in the table above.

- Associated companies: We will share data with Ourris Properties Limited and Lemon Tree Day Care Limited as these companies provide services at our Homes and we may need to share that data where it is necessary for the provision of care to you and to enable us to provide services to you under your contract and particularly where a resident transfers from the Home to a Home operated by an associated company.
- External Third Parties being:
  - i) Healthcare providers including your GP, any hospital you attend and any other healthcare practitioners providing care to you where it is lawful and necessary to do so.
  - ii) Regulators and commissioners including the Care Quality Commission, any NHS Commissioners and any local authority responsible for funding your care together with any relevant safeguarding authorities and in certain circumstances the police or other law enforcement agencies, in each case where we are required by law to share such information.
  - iii) service providers who provide IT system administration and marketing services.
  - iv) professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
  - v) HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

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- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. INTERNATIONAL TRANSFERS**

We do not transfer your personal data outside the European Economic Area ("EEA").

## **7. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. DATA RETENTION**

How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the

amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your data: see '*your legal rights*' below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## **9. YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- 9.1 **"Request access"** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- 9.2 **"Request correction"** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 9.3 **"Request erasure"** of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- 9.4 **"Object to processing"** of your personal data 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

9.5 **"Request restriction of processing"** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

9.6 **"Request the transfer"** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

9.7 **"Withdraw consent at any time"** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

What we may need from you

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We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

#### Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## ADDENDUM 1

### NHS Test and Trace

The Department of Health and Social Care (**DHSC**) has issued guidance on the need for care homes to support the NHS Test and Trace. The NHS Test and Trace is a key part of the Government's COVID-19 response to assist with rapidly detecting people who have recently come into close contact with a COVID-19 case, to enable swift action to be taken to minimise transmission of the virus and support public health and safety.

The collection of the information (**Data**) shall comply with the General Data Protection Regulation (**GDPR**).

The legal basis for processing your Data is that the processing is necessary for:

- the management of health and social care systems and services (GDPR Article 9(2)(h)); and
- reasons of public interest in the area of public health (GDPR Article 9(2)(i)).

### Data Collected

The Home shall maintain a record of the Data set out below.

Data subject	Data Collected
Residents	<ul style="list-style-type: none"> <li>• name and contact details of current residents.</li> <li>• If you move out of the Home, the Home shall continue to keep a record of you, including:               <ul style="list-style-type: none"> <li>○ resident's name;</li> <li>○ a contact phone number;</li> <li>○ date of admission (if this took place within 21 days of their departure);</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ date of departure/moved to another setting.</li> </ul>
Visitors	<ul style="list-style-type: none"> <li>● name (if there is more than one person, then the Home can record the name of the 'lead member' of the group and the number of people in the group as long as the lead visitor is able to support provision of more detailed information of their visiting group if needed);</li> <li>● a contact phone number for each visitor, or for the lead member of a group of people;</li> <li>● date of visit;</li> <li>● arrival time; and</li> <li>● where possible a departure time.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>● the names of staff who work at the premises;</li> <li>● a contact phone number for each member of staff; and</li> <li>● the dates and times that staff are at work.</li> </ul>

### **What the Data will be used for**

NHS Test and Trace may ask the Home for these records where:

- someone who has tested positive for COVID-19 has listed the Home as a place they visited recently or are a resident or staff member of the Home;
- the Home has been identified as a potential location of a local outbreak of COVID-19.

Under these circumstances DHSC, through NHS Test and Trace, will contact the Home by phone or text and request that it shares specific information (that is, the contact details of individuals who were on the premises between specific times on a specific day). The Home will then share the relevant Data with DHSC and NHS Test and Trace will then conduct a contact-tracing exercise with a view to providing those



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individuals with appropriate advice.

### **Data Controller**

The Home will be the data controller at the point the Data is collected from the individual. At the point the Data is received from the Home (to enable the contact tracing to commence), DHSC will also be the data controller and you can access the DHSC privacy notice at:

<https://www.gov.uk/government/publications/privacy-notice-for-maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace/privacy-notice-for-maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#legal-basis-under-gdpr-and-dpa-2018>

### **Data Retention specifically produced for NHS Test and Trace**

The Home maintains records of current and previous residents, visitors and staff in accordance with the record systems established within the Home. The Home shall maintain the Data in accordance with Section 8 of this Privacy Policy.

In the event the Home records or reports are produced by the Home specifically for NHS Test and Trace, those records and reports will be held for 21 days. After 21 days, the Home will securely dispose of or delete the Data.

Please note that DHSC will retain the Data in accordance with the DHSC privacy notice.

## **Addendum 2**

### **Covid-19 Testing, Covid-19 Vaccination or exemption status and related matters**

As part of the UK Government's response to the Covid-19 pandemic residents, staff and visitors of care homes are expected to participate in tests for Covid-19. The tests include, but are not limited to, rapid (lateral flow) test, PCR tests and Covid-19 antibody tests (the **Covid-19 Tests**). In addition, staff and, in particular circumstances, visitors, are required to show vaccination status or exemption status before entry into the building of the care home.

The Department of Health and Social Care (**DHSC**) has issued guidance related to testing for residents, staff, and visitors of care homes. In addition, Public Health England (**PHE**) has also published guidance related to Covid-19 Tests. The requirements related to vaccination status or exemption status are a legal obligation.

In accordance with government guidance the Home may require you to undertake a Covid-19 Test and where we do so we will collect information (**Data**) from you in relation to the relevant test. In accordance with the legal obligation, the Home may require you to show proof of your vaccination status or exemption status. We will not keep a copy of the proof of vaccination or exemption or the reason why you may be exempt. We may also from time to time be required to collect Data in relation to associated matters in accordance with Government guidance where to do so is necessary to comply with a legal obligation or necessary for the provision of health or social care or treatment or the management of health and social care services.

The collection of the Data shall comply with the General Data Protection Regulation (**GDPR**).

The legal basis for processing your Data are or will be (as applicable):

- express consent has been obtained prior to taking the Covid-19 Tests (GDPR Article 6(1)(a) and Article 9(2)(a));
- the processing is necessary for the management of health and social care systems and services (GDPR Article 9(2)(h));

- the processing is necessary for reasons of public interest in the area of public health (GDPR Article 9(2)(i)).

### Data Collected

The Home shall maintain a record of the Data set out below.

Data subject	Data Collected
Visitors	<ul style="list-style-type: none"> <li>• name</li> <li>• a contact phone number;</li> <li>• date of visit;</li> <li>• arrival time;</li> <li>• result(s) of Covid-19 Tests and such other test results or health information required to be collected in accordance with Government guidance; and</li> <li>• vaccination status or exemption status and such other status or health information required to be collected in accordance with the law.</li> </ul>
Residents	<ul style="list-style-type: none"> <li>• name and contact details of current residents;</li> <li>• NHS number and details of resident's GP practice;</li> <li>• resident health information as required to be collected by DHSC or any other data controller listed in DHSC's privacy policy (set out below) or otherwise in accordance with Government guidance or law; and</li> <li>• result(s) of Covid-19 Tests</li> </ul>
Staff	<ul style="list-style-type: none"> <li>• the name and contact details of staff who work at the premises;</li> </ul>

	<ul style="list-style-type: none"> <li>• NHS number and details of resident's GP practice;</li> <li>• Staff health information as required to be collected DHSC or any other data controller listed in DHSC's privacy policy (set out below) or otherwise in accordance with Government guidance; and</li> <li>• result of the Covid-19 Test(s); and</li> <li>• vaccination status or exemption status and such other status or health information required to be collected in accordance with the law.</li> </ul>
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#### **What the Data will be used for**

The Data will be used to manage the spread of the virus within the Home and to determine whether a visit can proceed.

The results of the Covid-19 Tests will be reported to DHSC, PHE and such other organisations as may be directed by DHSC.

Data collected in accordance with Government Guidance or the law shall be used in accordance with that guidance or the law.

#### **Data Controller**

The Home will be the data controller at the point the Data is collected from the individual. At the point the Data is received from the Home, DHSC or such other regulatory body or public agency to which the data is required to be transferred in accordance with the relevant Government guidance will also be the data controller and you can access the DHSC privacy notice at:

<https://www.gov.uk/government/publications/coronavirus-covid-19-testing-privacy-information/testing-for-coronavirus-privacy-information--2>

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DHSC's privacy notice lists other data controllers for the Covid-19 testing programme, including, but not limited to PHE. Each data controller will have its own privacy notice.

**Data Retention of Covid-19 Test results, Covid-19 vaccination or exemption status and associated Data**

The Home maintains records of current and previous residents, visitors and staff in accordance with the record systems established within the Home. The Home shall maintain the Data in accordance with Section 8 of this Privacy Policy.

DHSC, and other data controllers identified in DHSC's privacy notice will retain the Data in accordance with their privacy notice.