

PRIVACY NOTICE

How we use your information

This privacy notice tells you what to expect when Arberglen collects personal **information**. It applies to information we collect about:

- Security and Performance
- Website
- People who email us
- Your rights
- Complaints or queries
- Access to Personal information
- Disclosure of personal information
- Legal basis for processing personal information
- Changes to this privacy notice
- How to contact us
- Appendix 1 – Service User Privacy Notice

Security and performance

Arberglen uses a third-party service to help maintain the security and performance of the Arberglen website. To deliver this service it processes the IP addresses of visitors to the Arberglen website.

Website

We use a third-party service to publish our website. We use a standard service to collect anonymous information about users' activity on the site, for example the number of users viewing pages on the site, to monitor and report on the effectiveness of the site and help us improve it.

People who email us

We use Transport Layer Security (TLS) to encrypt and protect email traffic. If your email service does not support TLS, you should be aware that any emails we send or receive may not be protected in transit.

We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send is within the bounds of the law.

Your rights

Under data protection legislation, you have rights as an individual which you can exercise in relation to the information we hold about you.

You can read more about these rights here – <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

Complaints or queries

Arberglen tries to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

This privacy notice was drafted with brevity and clarity in mind. It does not provide exhaustive detail of all aspects of Arberglen's collection and use of personal information. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address below.

If you want to make a complaint about the way we have processed your personal information, you can contact the Information Commissioner's Office in their capacity as the statutory body which oversees data protection law – www.ico.org.uk/concerns.

Access to Personal information

Arberglen tries to be as open as it can be in terms of giving people access to their personal information. Individuals can find out if we hold any personal information by making a 'subject access request'. If we do hold information about you we will:

- give you a description of it;
- tell you why we are holding it;
- tell you who it could be disclosed to; and
- let you have a copy of the information in an intelligible form.

To make a request to Arberglen for any personal information we may hold you need to put the request in writing to the address provided below.

If you agree, we will try to deal with your request informally, for example by providing you with the specific information you need over the telephone.

Disclosure of personal information

In many circumstances we will not disclose personal data without consent, unless legally obliged to do so as part of contractual obligations.

We may disclose your personal information to the following categories of recipients:

- to our group companies, third party services providers and partners who provide data processing services to us (for example, to support the delivery care for our residents or delivery of employment rights for employees), or who otherwise process personal information for purposes that are described in this Privacy Policy or notified to you when we collect your personal information.
 - The Acre Care Homes Group consists of:
 - Arberglen Care Home
 - St Serfs Care Home
- to any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or



regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person;

- to a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your personal information only for the purposes disclosed in this Privacy Policy;
- to enforce or apply our Contract of Service
- to any other person with your consent to the disclosure.

Legal basis for processing personal information

If you are a visitor from the European Economic Area, our legal basis for collecting and using the personal information described above will depend on the personal information concerned and the specific context in which we collect it.

However, we will normally collect personal information from you only where we have your consent to do so, where we need the personal information to perform a contract with/involving you, or where the processing is in our legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms. In some cases, we may also have a legal obligation to collect personal information from you or may otherwise need the personal information to protect your vital interests or those of another person.

If we ask you to provide personal information to comply with a legal requirement or to perform a contact with you, we will make this clear at the relevant time and advise you whether the provision of your personal information is mandatory or not (as well as of the possible consequences if you do not provide your personal information).

Similarly, if we collect and use your personal information in reliance on our legitimate interests (or those of any third party), we will make clear to you at the relevant time what those legitimate interests are.

If you have questions about or need further information concerning the legal basis on which we collect and use your personal information, please contact us using the contact details provided under the "How to contact us" heading below.

Changes to this privacy notice

We keep our privacy notice under regular review. This privacy notice was last updated on 3rd May 2018

How to contact us

If you want to request information about our privacy policy, you can email us on jenny.thain@acrecarehomes.com or write to:

Jenny Thain
Arberglen Care Home
9 Udston Road
Hamilton
ML3 9HT

Appendix 1 – Service User Privacy Notice (over page)

Privacy Notice

How we use residents' personal information (also known as Personal Data)

What personal information do we hold?

- basic details such as name, address, contact details and next of kin
- details of contact we have had with you such as referrals and enquiries
- details of services you have received (e.g. financial or legal services)
- information about complaints, incidents and accidents including falls
- notes and reports about your health and any treatment and care you have received or need, including about clinic and hospital visits and medicines administered
- Mental and Physical Assessments conducted by registered professionals
- Financial information
- information from phone calls, email and letters
- other information we receive from other sources, including Local Authority Social Work, Department of Work and Pensions, General Practitioner and Hospitals

What do we need your personal information for and what do we do with it?

We need your personal information to

- identify you as an individual
- identify your life style so we can support it within the care home
- identify where you need care and support to enable you to live as independently, healthily, safely and sustainably as possible

When we receive your personal information, we create a person-centred care plan detailing who you are and something of your life history. We record information on your abilities, preferences and areas where you need support

and intervention in day to day care. We also review your medical background, current medicines and medical care to enable your health to be well managed.

The information you provide to us during enquiry, pre-admission assessment and admission to the care service, goes into the care plan. The care plan covers all aspects of your life including physical, mental, behavioural, financial, spiritual.

In addition to your care plan we add your personal information to our filing systems to allow for general administration. These include paper filing systems and electronic filing systems on computers within the care home, and at our head office.

Some information may be located in your bedroom such care reports.

We may also use your personal information to respond to requests where we have a lawful obligation to do so e.g. reports about your care and support to our regulatory body the Care Inspectorate, or reports about your care and support to the Local Authority Social Work team who periodically review your care or contribute to your fees.

What if I do not wish (or consent) to provide my personal information?

We will only ask you for personal information if we need it. In most cases we will explain to you, at the time, why we need the information. For example, we will ask about your religious beliefs during the pre-admission assessment, so we can support you to continue practicing your chosen religion.

We will also ask you or your representative to sign a consent form to allow us to access, use and/or share your information. For example, a consent form permitting us to share your information with the local GP surgery and District Nurses so that your health can continue to be looked after.

In some cases, we cannot progress in the service provision, unless you provide us with information. For example, without your date of birth we may not be able to register you with the GP.

There are instances where organisations may provide personal information to us, without your knowledge. For example, update a Community Psychiatric Nurse on your mental health.

There are also occasions where we have a lawful basis for sharing information about you, without your explicit consent. For example, if you had an accident

resulting in a trip to hospital we are duty bound to notify the Care Inspectorate (our regulatory body), your next of kin and Social Work officers.

Who is responsible for my personal information?

The people ultimately responsible for your personal information are the care home owners. Technically they are called Data Controllers. The Owners have a responsibility in law, to ensure there are robust policies and procedures in place to keep your information secure. Everyone collecting, reading, storing or disposing of your information is bound by the General Data Protection Regulations, to act lawfully.

Who is my personal information shared with?

Information may be shared with Acre Care Homes Limited. Acre Care Homes Limited is a holding company that owns 100% of the shares in Arberglen. Mr F Thain and Mrs J Thain own 100% of the shares in Acre Care Homes Limited. Information shared with Acre Care Homes Limited includes but it is not limited to, improving service delivery and strategic development across the group (Acre Care Homes Limited currently owns one other care home). Standardised paperwork across the group may be branded with Acre Care Homes logo and details.

We work with other individuals and organisations to provide our services to you, and this may involve them handling your personal information. This handling of your personal information is done within the European Economic Area who are bound by the same data protection laws.

We do not share your personal information with anyone outside of the company (Arberglen Care Home) and Head Office (Acre Care Homes) to use for their own purposes, except:

- when we have your permission
- when we are permitted or obliged to do so by law. For example, we are required to provide information to organisations such as the Care Inspectorate and to notify the Local Authority of incidents such as Adult Support and Protection
- if we are under a duty to disclose or share personal data in order to enforce or apply our contractual terms and conditions

- to protect the rights, property, or safety of the care home or others living or working there. For example, sharing information with the police.
- in order to detect, prevent and help with the prosecution of financial crime. For example, we may share information with fraud prevention or law enforcement agencies, and other organisations. If we suspect fraudulent activity we may inform the person or organisation who administers or funds your care services.
- if there are other exceptional circumstances, and we are unable, or it is not appropriate to seek your permission.

If you have a representative (family member or legally appointed person) we may share your information, only for the administration of your residence (next of kin and power of welfare attorney/guardian) and payment of fees (next of kin or financial power of attorney/guardian). However, we would not share your health information with your financial power of attorney.

Your confidential medical information will only be disclosed to those involved with your treatment or care, or in accordance with UK law and guidelines from professional bodies. If you receive services from us and that service transfers to a new provider, we may share your personal and confidential medical information with the new provider. For example, paramedics and hospital staff or nursing home if you left our service.

The confidentiality of your personal information is of paramount concern to us and we comply with UK data protection law.

We do not use your personal information for marketing purposes nor do we pass or sell your personal information to marketing or advertising companies. Any direct marketing you receive will be between yourself and the marketing company.

How is my personal information kept secure?

We are committed to keeping your personal information secure. We have put in place physical, electronic and operational procedures intended to safeguard and secure the information we collect. All our staff have a legal duty to respect the confidentiality of your information, and access to your confidential information is restricted only to those who have a reasonable need to access it.

How long do you keep my personal information for?

We will only keep your personal information for as long as is necessary and in accordance with UK law. Typically, we hold your information for the duration of your residence within the care home, and for at least 5 years thereafter. Further details are available in our Information Retention Policy. Once information is no longer required paper copies will be shredded. Electronic records will be deleted as far as practicable, otherwise archived securely in web-based providers.

I have a right to know what personal information you hold about me. How can I access this information?

Under data protection legislation, you have the right to request access the personal information we hold. To make a request for your personal information contact the Home Owner: Jenny Thain jenny.thain@acrecarehomes.com

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

How often is this notice updated?

We review and update this notice at least once annually.

Where can I find a copy of this privacy notice?

A copy of the current privacy notice can be found on the care home notice board and website: www.arberglen.com

Who can I contact for more information on this privacy notice?

Mrs Jenny Thain, Home Owner: jenny.thain@acrecarehomes.com

Additional information

Respite/ short stay residents

Your information will follow the same path as permanent residents. On leaving the service you will be asked if we can retain your personal contact details on file to correspond with you in the future. If you do not wish us to contact you, your wishes will be respected.

Residents with Adult With Incapacity (AWI) certificates

If you are in possession of an AWI certificate or come into possession of an AWI certificate whilst in our care, your legally appointed representative (e.g. Family member or solicitor) will advocate your legal rights with regard to personal information and data protection.