

## **Akari Care Limited and Akari Care Cymru Limited Data Protection Policy - Resident**

### **Introduction**

Akari Care Limited and Akari Care Cymru Limited use personal data. This policy explains how we collect, use and handle that personal data and how we comply with obligations in the General Data Protection Regulation (**GDPR**).

### **Akari as a Data Controller**

Akari Care Limited whose registered office is at First Floor, Leeds House, Central Park, New Lane, Leeds, LS11 5DZ (company number 07737949) and Akari Care Cymru Limited whose registered office is at First Floor, Leeds House, Central Park, New Lane, Leeds, LS11 5DZ (company number 05930853) are data controllers for the purposes of the GDPR. This means that they are responsible for determining how personal data which they hold is used.

Akari Care Limited is registered as a data controller with the Information Commissioner's Office (**ICO**) with number ZA009283, and Akari Care Cymru Limited is registered as a data controller with the ICO with number Z289656X.

This privacy policy is issued on behalf of both Akari Care Limited and Akari Care Cymru Limited, so when we mention either "Akari", "we", "us" or "our" in this policy, we are referring to whichever of Akari Care Limited or Akari Care Cymru Limited is responsible for processing your data.

### **About this privacy statement**

This statement explains how we handle the personal data which we collect, including personal data which is provided to us via our website at [www.akaricare.co.uk](http://www.akaricare.co.uk), when you fill in any enquiry or application forms, during telephone calls or as a result of face to face contact such as meetings, or personal data provided by third parties such as local authorities.

Please read this privacy statement carefully. It explains:

- how we collect personal data
- the categories of personal data we hold
- how we use your personal data
- the legal basis we rely on for processing that personal data in accordance with GDPR
- the criteria we use to determine how long to retain personal data
- your rights in relation to personal data

We may change this policy from time to time by updating this page, and for Resident Data by updating our terms of business.

## How we collect personal data

We collect personal data from you and from third parties (anyone acting on your behalf, for example, family members, local authorities, doctors).

Where you provide us with information about other people, you must make sure that they have seen a copy of this privacy policy and are comfortable with you giving us their information.

We collect personal information from you through your contact with us, including by phone (we may record or monitor phone calls to review and maintain quality standards), by post or email, through our website, by completing enquiry, application or other forms, or face-to-face (for example, at formal meetings or whilst you are resident in one of our care homes or visiting a resident).

We also collect information from other people and organisations, such as:

- a family member, or someone else acting on your behalf
- doctors, nurses, other health-care professionals, hospitals, clinics and other health-care providers
- those paying for the services we provide to you, including local authorities, public-sector commissioners and insurers

## Categories of personal data we hold

We process the following categories of personal data:

- **Contact Data:** including your name, address, email address and phone numbers
- **Financial Data:** such as details about your payments and your bank details, any funding of your services provided by third parties, and any personal allowance
- **Resident Data:** this is personal data we hold in connection with, and as a result of, providing our services to you (aside from Contact Data and Financial Data). This may include your

date of birth, weight, meal preferences, any complaints about our services, powers of attorney and also “special category data” such as information about your physical and/or mental health, including genetic information or biometric information, information about any health conditions or allergies you have, medications you are taking, any medical treatment preferences, any welfare or safeguarding issues, and information about your race, ethnic origin and religion which enables us to tailor our services for you.

“Special category data” is personal data which the GDPR says is more sensitive, and so needs more protection

- **Third Party Data:** such as name and contact details for your next of kin in case of an emergency
- **Marketing Data:** such as information about how you use our services and any enquiries you have made with us
- **Technical Data:** this is information about how you use our website or other technology, including IP addresses or other device information (please see our [Cookies Policy](#) for more details)

### **How we use your personal data and legal bases for doing so**

We normally process your personal data because it is necessary for us to do so in order to provide the services which we have agreed to provide in a contract with you, or it is in our or a third party’s legitimate interests or it is required or allowed by any law that applies.

Where we process special category data, we must have an additional lawful reason. Usually, this is because it is necessary for the purposes of preventive or occupational medicine, or it is necessary for reasons of public interest in the area of public health, such as ensuring high standards of quality and safety of health care, or we have your explicit consent.

If we share your personal data, we will make sure appropriate protection is in place to protect your personal data in line with data protection laws.

The following examples provide in more detail information about how we use your personal data and the legal basis we rely upon for doing so.

#### *Example 1: to provide our core services*

Categories of data: The provision of care services is our core function. We use Contact Data, Financial Data, Resident Data and Third-Party Data, for this purpose. This may also involve us disclosing personal data to, for example, other professionals involved in the matter such as doctors, hospitals, local authorities and other health and social care providers.

Legal basis: We use data in this way on the basis that it is necessary for fulfilling our contract with you for the provision of care services, it is necessary to protect your life, and/or to comply with a

legal requirement. In addition, we may use this data on the basis that it is in our legitimate interest to do so in order to perform our core function of providing care services.

We use special category data to provide our services on the basis that it is necessary for the purposes of preventative or occupational medicine, in order to provide health and social care and treatment, and to manage health-care or social-care systems.

We may also use special category data if we have your explicit permission. As is best practice, we will only ask you for this permission if there is no other legal reason to process it. If we need to ask for your permission, we will make it clear that this is what we are asking for and ask you to confirm your choice to give us that permission. If we cannot provide a service without your permission, we will make this clear when we ask for your permission. If you later withdraw your permission, we will no longer be able to provide you with a service that relies on having your permission.

*Example 2: regulatory compliance*

Data type: Our services are regulated by the Care Quality Commission (**CQC**) and the Care Inspectorate Wales (**CIW**) and we are required to comply with the rules specified by these bodies. We use Contact Data, Financial Data, Resident Data and some Third-Party Data, to comply with those rules. Some of this is obtained from third party sources such as the NHS and your local authority. We may also need to disclose information to the NHS, CQC, CIW, the police, our auditors and insurers, which from time to time may include Resident Data.

Legal basis: This is necessary to ensure that we comply with the legal obligations which we are subject to in particular those we adhere to as a regulated body.

Where this includes special category data, this is provided on the basis that it is necessary to protect the public against malpractice, for example to deal with investigations in response to a safeguarding concern, a complaint, or a regulator (e.g. the Care Quality Commission, Care Inspectorate Wales or General Medical Council) telling us about an issue. We may also need to use it to exercise our rights, to defend ourselves from claims and to keep to laws and regulations that apply to us and the third parties we work with.

*Example 3: to administer our business*

Categories of data: We use Contact Data, Financial Data, Resident Data and Third-Party Data, for tasks related to our core task of providing care, such as invoicing and payment, handling enquiries, administering our complaints procedure, and generally managing our relationship with you, and third parties who provide products or services for us.

Legal basis: We may use this data on the basis that it is in our legitimate interest to do so in order to ensure that we are paid for our services, to monitor how well we are meeting our clinical and non-clinical performance expectations, to ensure that enquiries and complaints are handled efficiently and to ensure that our third party service providers supply what we need to perform our contract with you and comply with our legal obligations. We may need to provide your data to those paying for your care services, such as public-sector commissioners.

*Example 4: to operate our website*

Categories of data: We process Contact Data and Technical Data to operate our website. This includes collecting data to deal with its functions such as handling submitted enquiries and job applications. This data also helps us to improve our website and how it operates for example, so that we can monitor the number of content hits.

Legal basis: The use of data for this purpose is in our legitimate interests in managing and improving our website and its content which is an important tool for the development and operation of our business.

*Example 5: marketing*

Categories of data: We may send to you marketing communications such as information about our services. This use includes Contact Data and Marketing Data whether relating to our residents, family members or other contacts. It may also include some Technical Data where we track user activity and engagement with marketing messages.

Legal basis: It is in our legitimate interests to use data in this way in order to develop our business and increase our profile. We include people in our marketing database where we have the appropriate consents to do so in accordance with the rules relating to marketing communications for example where we send out electronic marketing communications. We provide further information about this when data is collected such as on our online “Contact Us” form.

You can ask us to stop sending marketing messages at any time by following the unsubscribe links or by contacting us at any time, using the contact details below.

*Example 6: recruitment*

Categories of data: We invite contact from people who are interested in applying for a position with us. This involves us using Contact Data and other information about experience and employment history to consider an application. People may occasionally provide us with special category data for this purpose, for example to facilitate an interview.

Lawful basis: We use this type of personal data where we have your consent to do so, i.e. we will rely on the fact that you send this information to us as your agreement to us using it for this purpose.

**Change of purpose**

We will only use personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason. We may process personal data without your knowledge or consent, in compliance with the rules where required or permitted by law.

**If you do not provide personal data**

Please note that if you do not provide the personal data we ask for, it may result in a delay in performance of, or may otherwise restrict our ability to perform, our services.

## **Data transfers**

We may transfer data between other Akari care homes and to our head office. Data will always be sent electronically and encrypted. Transferring of data may also be required to local authorities and the NHS, this will be done using the NHS secure encrypted e-mail platform.

Paper documents (such as MAR charts) may need to be passed to ambulance transfer crews in the event of a hospital visit. These will be handed to the transfer crew in a sealed envelope.

We do not routinely transfer data outside the European Union (**EU**). Occasionally, we may need to do so, for example if we need to contact your family members who are located outside of the EU.

If we do need to transfer your personal data outside of the EU, we will take steps to make sure that appropriate protection is in place, in line with data protection laws.

## **Data security**

We apply high security standards to the information we handle (including personal data). We take appropriate precautions and security measures to prevent personal data from being accidentally lost or used, accessed or disclosed in an unauthorised way. These measures include the use of technology but also include other organisational precautions such as the control of access to our care homes, offices and systems. We also limit access to personal data to those employees, agents, contractors and other persons who need it.

Our IT service providers have secure access to data although that access is strictly limited to where required for the provision of relevant services such as support and therefore, is occasional. We have contracts in place with those providers detailing confidentiality and security obligations.

## **How long we keep your personal data**

We keep your personal data in line with set periods calculated using the following criteria.

- how long you have been a resident in one of our care homes, the types of services we provide you, and when you will cease to be a resident
- how long it is reasonable to keep records to show we have met the obligations we have to you and by law
- any time limits for making a claim
- any periods for keeping information which are set by law or recommended by regulators, professional bodies or associations
- any relevant proceedings that apply

If you would like more information about how long we will keep your information for, please contact us on [datasecurity@akaricare.co.uk](mailto:datasecurity@akaricare.co.uk) or 0113 468 0800.

## Legal rights

The following summarises the rights of data subjects in the GDPR. Individuals may (depending on circumstances):

**Request access to personal data** (a subject access request). You can receive a copy of the personal data we hold about you and ensure and check that we are processing it lawfully.

**Request correction** which means you can have incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of new data you provide.

**Request erasure of your personal data.** You may request the removal of personal data if there is no good reason for us continuing to hold it including if you successfully exercise a right to object to processing, if we have processed data unlawfully or where we are legally required to erase personal data. We may not comply where there are legal reasons for this.

**Object to processing** of personal data where we rely on legitimate interest bases and if the processing impacts your fundamental rights and freedoms. You can also object to direct marketing. We may have grounds to process data which override your rights and freedoms.

**Request restriction of processing** (usually temporarily) where: we are establishing data accuracy; if data use is not lawful in accordance with GDPR but you do not want us to erase it altogether; if you have objected to use of data but we need to verify whether we have overriding legitimate grounds to use it; or if we no longer need the data but you need us to keep it to establish, exercise or defend legal claims.

**Request a data transfer.** We will provide your data to you or your chosen third party, in a structured, commonly used, machine-readable form. This only applies to automated information which you provided consent for us to use or if necessary to perform a contract with you.

**Withdraw consent** at any time where we rely on consent to process your personal data. This will not affect the lawfulness of processing carried out before you withdraw your consent.

Note that there may be exceptions to certain rights.

## Exercising your rights

Please contact us if you would like to exercise any of your rights or if you have any questions.

Address: Data Protection Officer, Akari Care, First Floor, Leeds House, Central Park, New Lane, Leeds, LS11 5DZ. Tel: 0113 468 0800  
Email: [datasecurity@akaricare.co.uk](mailto:datasecurity@akaricare.co.uk)

You may complain to the ICO which is the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)) though to allow us to assist, please contact us in the first instance.

No fee is payable to access your personal data (or to exercise any other right). However, we may charge a reasonable fee or refuse to deal with a request if it is unfounded or excessive.

We may need information to clarify a request or help us confirm your identity and ensure your ability to exercise rights. This is a security measure to ensure personal data is not incorrectly disclosed. We seek to respond to all legitimate requests within one month. Occasionally, it may take longer if your request is complex or requests are numerous.

### **Your obligations**

It is important that the personal data we hold is accurate. Please tell us if your data changes. If you provide data to us about another person, such as a family member, you should ensure that you have their consent if appropriate or other necessary authority, to pass those details on and for us to use them in accordance with this statement. You should also make sure that you bring this statement to their attention.

### **Third-party links and cookies**

Our website includes links to third-party sites and applications including Twitter. Clicking links or enabling applications may allow third parties to collect or share data about you. You should read policies and other statements on other websites carefully. We also operate cookies on our website and information about that is also provided separately in our [Cookies Policy](#).