

AKARI CARE LIMITED AND AKARI CARE CYMRU LIMITED DATA PROTECTION POLICY

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 UK General Data Protection Regulation (UK GDPR).

Akari Care as a Data Controller

Akari Care Limited/ Akari Care Cymru – registered office
First Floor, Leeds House, Central Park, New Lane, Leeds, West Yorkshire, LS11 5DZ
(company number 07737949)

Akari Care Cymru Limited - registered office
Akari Care Limited, First Floor, Leeds House, Central Park, New Lane, Leeds, West Yorkshire, LS11 5DZ
(company number 05930853)

Are the UK GDPR data controllers responsible for determining how personal data is held and 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 Care", "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 provided to us via our website at www.akaricare.co.uk when you fill in any enquiry or application forms
- During telephone calls
- As a result of face-to-face contact such as meetings
- Or personal data provided by third parties such as local authorities.

This privacy statement explains.

- How we collect personal data
- The categories of personal data we hold
- How we use personal data
- The legal basis we rely on for processing that personal data in accordance with UK 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 determined as 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 contact with us, including by phone (we may record or monitor phone calls to review and maintain quality standards), by post, by email, through our website, by completing enquiry forms, applications or any other forms, face-to-face meetings (for example formal meetings), 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:

- 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, 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 name, address, email address and phone numbers.
- **Financial Data:** details about payments, bank details, funding services provided by third parties, including personal allowance.
- **Resident Data:** personal data we hold in connection with, and as a result of providing our services (aside from Contact Data and Financial Data). This may include date of birth, weight, meal preferences, complaints, powers of attorney and “special category data” such as information about 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 more protected sensitive personal data.
- **Third Party Data:** Such as name and contact details for your next of kin or emergency contacts.
- **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 **Personal Data** because; it is necessary to provide the services which we have agreed to provide in a contract with you, it is in our or a third party's legitimate interests or it is required or allowed by any law that applies.

If we share your **Personal Data**, we will place appropriate protection in line with data protection laws.

Where we process **Special Category Data**, we must have an additional lawful reason, usually for the purposes of preventive or occupational medicine, or it is necessary for reasons of public health interest such as ensuring high standards of quality and safety of health care, or we have your explicit consent.

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 to perform our core function of providing care services.

Special Category Data: Is used to provide our services on the basis that it is necessary for the purposes of preventative or occupational medicine, to provide health and social care and treatment, and to manage healthcare 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.

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 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 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 or may otherwise restrict our ability to perform our services.

Data transfers

We may transfer data between other Akari care homes and to our Support Centre. 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 UK. Occasionally, we may need to do so, for example if we need to contact family members who are located outside of the UK.

If we do need to transfer personal data outside of the UK, 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.

- Period of time a resident is in one of our care homes
- The types of services we provide and when you 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

Legal rights

The following summarises the rights of data subjects in the UK 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 UK 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.

Data Protection Officer, Akari Care Limited, First Floor, Leeds House, Central Park, New Lane, Leeds, West Yorkshire, LS11 5DZ

datasecurity@akaricare.co.uk

You may complain to the ICO which is the UK supervisory authority for data protection issues (www.ico.org.uk)

- Please contact us in the first instance to see if we can assist.

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, it is your responsibility to inform us if your data changes.

If you provide data to us about another person, such as a family member, you must 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 X. 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.

Training and Induction

All colleagues are expected to complete UK GDPR and Data Protection training as part of the induction process. Information is also provided to colleagues in the colleague handbook on commencement into post.

DOCUMENT REVIEW AND REVISION

The company undertakes to review all documented policies and procedures every three years.

The company will additionally review all documentation:

- Where investigations into complaints and incidents indicate a change is required.
- Changes arising from safeguarding or equality and diversity issues.
- As a result of changes in legislation or recommendations from the NHS or recognised clinical bodies.

ACCESSIBLE INFORMATION

This information can be made available in alternative formats, such as easy read or large print, and may be available in alternative languages, upon request. Please contact the **Akari Care Limited/ Akari Care Cymru Limited** Support Centre on **0113 468 0800** or email enquiries@akaricare.co.uk

EQUALITY IMPACT ASSESSMENT

Akari Care Limited have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.