

Privacy and Fair Processing Notice

We recognise the privacy and security of personal information is of great importance to our clients, their families and friends, our employees and others such as commissioners, GPs and all those involved in looking after the welfare of our clients.

We have provided this Privacy Notice to set out why we need to collect personal information relating to our clients, families, friends and representatives ('you' or 'your'), how we use it and how we protect it.

1. Definitions

- This notice aims to inform you about how and why we process your personal data and the lawful basis for doing so.
- The Superior Healthcare Group Ltd ('we' or 'us') is a 'data controller' for the purposes of data protection legislation. A data controller determines the purposes and means of processing personal data.
- Personal data is any information which relates to an individual who can be identified from that information.
- Processing includes the collection, recording, storage, use, disclosure or destruction of personal data.
- This notice describes the categories of personal data we use for you, and the legal basis on which we do this, and for what purpose.
- This notice does not provide exhaustive detail. However, we are happy to provide any additional information or explanation needed. Any requests for this should be addressed to our Data Protection Officer (see Section 12).

2. General Data Protection Regulations

The GDPR principles are as follows:

- **Lawfulness, fairness and transparency** – data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.
- **Purpose limitation** – data must be collected only for specified, explicit and legitimate purposes.
- **Data minimisation** – data must be adequate, relevant and limited to what is necessary.
- **Accuracy** – data must be accurate and, where necessary, kept up to date. Inaccurate data must be erased.
- **Storage limitation** – data must only be stored for as long as is necessary.
- **Integrity and confidentiality** – data must be processed in a secure manner.
- **Accountability** – the data controller is responsible for, and must be able to demonstrate, compliance with the other data protection principles.

To make sure you receive the best possible care, your records are used to assist the care you receive.

Information held about you may also be used by the ICB/CQC/NHS/Local Safeguarding Authorities or any other public/local authority body in interests of protecting and promoting public health.

Your information may be used within the Superior Healthcare Group for clinical audit purposes to monitor the quality of the service provided.

3. Why we ask you to provide personal information?

The purpose of the Superior Healthcare Group processing your personal information/data is so we may provide you with an effective service. As a healthcare provider, we deliver care and nursing services to you and we therefore must collect and use personal information about you.

We follow NHS good practice when doing so and will:

- Discuss and agree with you what we are going to record about you;
- Give you a copy of letters and communications we are writing about you; and
- Show you what we have recorded about you, if you ask.

The collection and processing of personal data is also necessary in order that we can enter a contract with you to provide adequate services for you. If you fail to provide the details requested, we may be unable to comply with the terms of any contract with you or comply with our legal obligations to you.

4. Failure to provide personal data to the Superior Healthcare Group

The provision of your personal data about your health and any treatment or care you have received previously is part of the UK statutory instrument:

- Health and Social Care Act 2012
- GDPR Art 9.2(h)

Failure to provide personal information and data about yourself may result in us failing to provide you the necessary healthcare services as mandated by NHS England.

If you do not wish personal data that we hold about you to be used or shared in the way that is described in this notice, please discuss the matter with us. You have the right to object, but this may affect our ability to provide you with care or advice.

5. Categories of data we process

5.1 We process personal information relating to identified natural persons so we may deliver a thorough and efficient service for our clients.

5.2 The health records may be electronic, physical (paper) or a mixture of both. We use a combination of working practices and technology to guarantee that your information is kept confidential and secure.

5.3 Records held by the Superior Healthcare Group may include the following information about you:

- Details such as your address, carer, legal representative, emergency contact details
- Any contact our operational teams have had with you, such as appointments, clinic visits, emergency appointments, telephone calls etc.
- Notes and reports about your health
- Details about your treatment and care
- Relevant information from other health professionals, relatives or those who care for you.
- Where personal data comes from the healthcare professionals who provide you with care and maintain records about your health and any treatment or care you have received previously (e.g. NHS trust, GP surgery, walk-in clinic, etc.). These records help us to provide you with the best possible healthcare.
- Any additional details we will require about you in order to carry out our duty of care, we will request directly from you.
- We will not use any information about you that is available in publicly accessible sources.

6. What are the legal grounds for us processing your personal information?

6.1 Working closely with our public health commissioners we closely follow the statutory health and social care organisations guidelines in the delivery of our services and we use the following lawful basis for processing your data:

- Article 9 condition for direct care or administrative purposes: 9(2)(h) ‘...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems’.
- Article 6 Lawful processing: Article 6(1)(e) ‘...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 controller...’

This also includes local administrative purposes such as:

- Waiting list management
- Activity monitoring
- Regular audits
- Production of datasets to submit for commissioning purposes and national collections.

We will not share information that identifies you for any reason, unless:

- You ask us to do so
- We ask and you give us specific permission
- We have to do this by law
- We have special permission because we believe that the reasons for sharing are so important that they override our obligation of confidentiality, for example, to prevent someone from being seriously harmed.

7. Consent

7.1 Occasionally we may need your consent to use your personal information (for marketing communication, for example). However, as above, generally we won't need your consent to use personal information – for example if we need it to meet regulatory requirements or if it is necessary for an effective performance of your contract.

7.2 Where you provide consent to the processing of your data, you should be aware that you will be able to withdraw your consent at any time.

8. Retention periods

8.1 We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any statutory, health and safety, accounting or reporting requirements.

8.2 When deciding how long we are required to keep records, we considered the data retention guidelines provided by the NHS. These are in line with the Records Management Code of Practice for Health and Social Care 2016 as per the below link. For more details regarding the retention periods please refer to our Retention Policy and Procedure.

- <https://transform.england.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice/>

8.3 In line with the above guidance, any data relating to our complex care clients, including healthcare information, is kept for 20 years after termination of the contract.

8.4 The personal data is safely stored at our archive located our Head Office in Whitstable (Gazette House). The archive is accessible only to the authorised personnel. The archive is maintained

regularly and any excess storage is sent to our external data storage facility managed by a data storage company called Restore.

- 8.5 At Restore, each stored box is labelled with a bar code corresponding to the description of the content and identified data retention period. Once we identify storage boxes and data to be deleted and destroyed, the request is sent to Restore and we receive confirmation certificated of the safe deletion of the data. Our Compliance Team maintains an updated list of all our stored boxes including the information about its content, and retention dates.
- 8.6 Any records pertaining to employees or clients exceeding the retention periods are marked for disposal. Once identified, these records are disposed of, using a secure disposal service.

9. Who do we share this information with?

9.1 To make sure that we provide you with an efficient and effective service, we will sometimes need to share your information:

- Between teams within our organisation
- With employees that may need access to the core information about you, including sensitive health information, as well as your address.
- With partner organisations within the NHS that support the delivery of the service you may receive.
- With organisations we have contracted to provide a direct care service to you.
- With external agencies involved in any way in your care like ICB, CQC, Local Safeguarding Authority.

9.2 We may have to share your personal information, subject to strict agreements on how it will be used, with the following organisations:

- NHS trusts / Foundation trusts
- GPs
- NHS Commissioning support units
- Independent contractors such as dentists, opticians, pharmacists
- Private sector providers
- Voluntary sector providers
- Ambulance trusts
- Integrated Care Boards
- Social care services
- NHS Digital
- Local authorities
- Education services
- Fire and Rescue services
- Police and Judicial services
- Voluntary sector providers
- NHS approved private sector providers
- Other 'data processors' which you will be informed of at the point of direct care.

We will only ever share your information for your direct care, and only when we are satisfied that our partners or suppliers have sufficient measures in place to protect your information in the same way that we do.

9.3. Your personal and sensitive data will only be stored and processed on servers based within the European Economic Area (EEA). Your data will only be processed by our team based within the UK and not beyond the EEA region.

10. Automated decision making

10.1 An automated decision is one that is made with no human involvement.

10.2 Please be aware that you will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

11. Rights of access, correction, erasure, restriction and portability

11.1 You have the following rights under the GDPR:

- Request **access to your personal data** (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 data** that we hold about you. This enables you to ask 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.
- **Object to processing** of your personal information on grounds relating to your particular situation where we are relying on a legitimate interest (or those of a third party) or where processing is necessary for the performance of a task carried out in the public interest as the lawful basis for processing.
- **Request the restriction** of processing of your personal information on the following grounds:
 - you contest the accuracy of the personal data for a period enabling us to verify the accuracy;
 - the processing is unlawful and you oppose the erasure of the personal data and requests restriction instead;
 - we no longer need the personal data for the original purposes of the processing, but the data is required by you for the establishment, exercise or defence of legal claims.
- **Request the transfer** of your personal information to another party, also known as portability.

11.2 Please contact our Data Protection Officer in writing (contact details below) if you would like to exercise any of your rights under the GDPR.

11.3 To help us deal with your request as efficiently as possible, you will need to include:

- Your current name and address
- Proof of identity (a copy of your driving licence, passport or two different utility bills that display your name and address)
- As much detail as possible regarding your request so that we can identify any information we may hold about you, this may need to include your previous name and address, date of birth and what the Superior Healthcare Group services you received.

12. Contact us

If you have any questions regarding this notice, wish to contact our Data Protection Officer, or wish to exercise any of your rights under GDPR, please contact us at the address below.

DPO
Superior Healthcare Group Ltd
Gazette House
5 8 Estuary View Business Park
Boorman Way
Whitstable
Kent
CT5 3SE

Email: dpo@superiorhealthcare.co.uk
Tel: 01227 771133

We will always do our best to assist you to exercise your rights and give you any information you request and have the right to receive. However, if you ever feel you need to pursue a data privacy complaint further, you have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

The contact details of the ICO are as follows:

- Helpline: 0303 123 1113
- Website: <https://ico.org.uk/concerns/>