

PRIVACY NOTICE FOR RESIDENTS OF MARINO, CARE COMMUNITY, RUN BY THE SISTERS OF THE CROSS AND PASSION

Date: October 2018

What is the purpose of this document?

We, the **Sisters of the Cross and Passion (registered charity number 1038483) (Charity)** are committed to protecting the privacy and security of the personal information of our residents and their relatives.

This privacy notice describes how we collect and use personal information about our residents (**our residents**) and, to the extent necessary for the safety and wellbeing of our residents and those visiting and/or with a close connection to our residents (**relatives**) at 22, Griffith Avenue, Dublin 9 in accordance with the General Data Protection Regulation (**GDPR**).

The Charity is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about our residents and relatives. We are required under data protection legislation to notify our residents and relatives of the information contained in this privacy notice.

This notice applies specifically to current residents and relatives. It does not form part of any contract to provide goods and/or services. We may update this notice at any time.

It is recommended that our residents and relatives read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about our residents and relatives, so that they are aware of how and why we are using such information.

Data protection contact

We have appointed a data protection contact (**DPC**), Sister Anne Hammersley, to oversee compliance with this privacy notice and the processing by us of personal information about our residents and relatives. If our residents or relatives have any questions about this privacy notice or how we handle the personal information referred to in it, they should contact our DPC (via pltcpsters@gmail.com). If our residents or relatives have any complaints about the processing of the personal information referred to in this privacy notice, they have the right to make a complaint to the Information Commissioner's Office (**ICO**) (www.ico.org.uk), the regulator and supervisory authority for data protection in the UK.

The kind of information we hold about our residents and relatives

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).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about our residents:

- Names
- Current and previous addresses;
- Dates of birth
- Social security details (including National Insurance Numbers);
- Banking details;

- Identification documentation (including passports, driving licences, birth certificates);
- Personal preference information (such as preferences in respect of food and clothing);
- Care needs information (including behavioural and other information in respect of our residents' day-to-day care needs);
- Emergency contact information (such as next of kin and General Practitioner details).

We will collect, store and use the following categories of personal information about relatives:

- Names;
- Addresses;
- Contact details (email, telephone numbers);
- Details of visits to MARINO, CARE COMMUNITY, including the date and time of the visit and who they have visited.

We may also collect, store and use the following “special categories” of more sensitive personal information about our residents:

- Information about our residents' health, including any medical condition, health and sickness records.
- Information about our residents' race or ethnicity and religious beliefs.

We do not anticipate holding any "special categories" of more sensitive personal information about relatives.

How is the personal information of our residents and relatives collected?

We collect personal information about our residents and relatives at various points during their involvement with the Marino, Care Community as provided by our residents and relatives. We may also collect personal information about our residents and relatives from third parties such as relatives and healthcare providers (such as GPs and pharmacists).

How we will use information about our residents and relatives?

We will only use the personal information about our residents and relatives when the law allows us to. Most commonly, we will use their personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with them.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and their interests and fundamental rights do not override those interests.
4. Where we have their consent to do so.
5. Where we need to protect their interests (or someone else's interests).

We may also use the personal information about our residents and relatives where it is needed in the public interest or for official purposes. Occasions on which we use our residents' and relatives' personal information on this basis are likely to be rare.

Situations in which we will use the personal information of our residents and relatives

We need all the categories of information in the list above (see *the kind of information we hold about our residents and relatives*) to allow us to perform our contract with our residents¹, to enable us to comply with our legal obligations², to pursue legitimate interests of our own or those of third parties (provided the interests and fundamental rights of our residents and relatives do not override those interests)³, and where it is necessary to protect their or another person's vital interests⁴. The situations in which we will process our residents' and relatives' personal information are listed below.

We have indicated numerically in superscript the lawful purpose or purposes for which we are processing or will process the personal information of our residents and relatives, as well as indicating which categories of data are involved. Where there is more than one potential justification for the processing activity depending on the situation, we have listed these together. If our residents and relatives would like confirmation of which basis is being relied upon for a particular type of processing please contact the DPC for clarification.

The situations in which we will process our residents' personal information are:

- Providing care and accommodation during residents' stay at MARINO, CARE COMMUNITY, including the creation and keeping of records and sharing personal information necessary and incidental to the provision of care and accommodation¹;
- Tailoring residents' care to meet their needs and preferences (in pursuance of our legitimate interest of providing better care to our residents)³;
- Administering invoices and payments during the course of residents' stay with MARINO, CARE COMMUNITY¹;
- Advising visitors, other residents and staff of any behavioural difficulties residents may encounter (in some cases furthering our legitimate interest of protecting our residents, relatives of our residents and staff)^{3, 4};
- Providing information incidental to healthcare provision by pharmacists, General Practitioners and other healthcare professionals⁴;
- Providing spiritual and pastoral care to residents as required during their stay (in pursuance of our legitimate interest in providing such spiritual and pastoral care in furtherance of our charitable purpose)³;
- Reporting to, and filing with, the Charity Commission and Care Quality Commission²;
- Investigating issues and complaints (in pursuance of our legitimate interest in ensuring that a good standard of care is provided to all our residents).

The situations in which we will process relatives' personal information are:

- Contacting relatives in case of emergency to update next of kin as to residents' wellbeing (in pursuance of the legitimate interest of the next of kin in being informed as to a residents' condition)^{3, 4};
- Recording visitor information in case of theft, harm or other need to identify visitors to Marino Care Community (in pursuance of the legitimate interest of protecting the safety and wellbeing of staff, residents and relatives)³;

If our residents or relatives fail to provide personal information

If our residents or relatives fail to provide certain information when requested, we may not be able to do what we said we would do, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use our residents' and relatives' personal information 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 we need to use our residents' or relatives' personal information for an unrelated purpose, we will notify them and we will explain the legal basis which allows them to do so.

Please note that we may process our residents' and relatives' personal information without their knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use sensitive personal information

”Special categories” of sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with our residents' and/or relatives' explicit written consent.
2. Where we carry out processing in the course of our legitimate activities with appropriate safeguards on condition that the processing relates solely to our members or former members or to persons who have regular contact with us in connection with our purposes and the personal data is not disclosed outside of us without the consent of our residents or relatives.
3. Where we need to carry out our legal obligations and in line with our data protection policy and archiving and destruction policy.
4. Where it is necessary for the provision of health and social care and treatment and the management of Marino Care Community;
5. Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy and archiving and destruction policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect our residents' and relatives' interests (or someone else's interests) and they are not capable of giving their consent, or where they have already made the information public.

Do we need our residents' and relatives' consent?

We do not need our residents' and relatives' consent if we use special categories of their personal information in accordance with this written policy. In limited circumstances, we may approach our residents and relatives for their written consent to allow us to process certain "special category" data. If we do so, we will provide them with full details of the information that we would like and the reason we need it, so that they can carefully consider whether they wish to consent. Our residents and relatives should be aware that it is not a condition of any contract with us that they agree to any request for consent from us.

Data sharing

We may need to share our residents' and relatives' data with third parties including third-party service providers.

We require third parties to respect the security of our residents' and relatives' data and to treat it in accordance with the law.

We may transfer our residents' and relatives' personal information outside the EU. If we do, they can expect a similar degree of protection in respect of their personal information.

Why might we share our residents' and relatives' personal information with third parties?

We will share our residents' and relatives' personal information with third parties where required by law or where we have a legitimate interest in doing so.

Which third-party service providers process our residents' and relatives' personal information?

The following activities are carried out by third-party service providers: certain specialist healthcare services such as those carried out by General Practitioners, Pharmacists and district nurses; supplementary services provided to the care community such as taxi services and equipment provider services; those who provide pastoral and spiritual care; and IT services.

We are also required to share certain information with statutory and regulatory bodies.

How secure is our residents' and relatives' information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect our residents' and relatives' personal information in line with our policies. We do not allow our third-party service providers to use our residents' or relatives' personal data for their own purposes. We only permit them to process our residents' and relatives' personal data for specified purposes and in accordance with our instructions.

When might we share our residents' and relatives' personal information with third parties?

We may need to share our residents' and relatives' personal information with third parties. For example, we may need to share our residents' and relatives' personal information with a regulatory or statutory body or to otherwise comply with the law or to ensure that comprehensive healthcare can be provided to our residents.

Data transfer outside of the EU

Whilst we do not routinely do so, we (or third parties with whom we share personal information about our residents and relatives) may need to transfer our residents' and relatives' personal information about them outside the EU. In those cases, except where the country has been determined by the European Commission or the relevant authority in the United Kingdom (as applicable) as ensuring an adequate level of data protection, we require the recipients of personal information about our residents and relatives to take appropriate measures to protect such information. For example, by requiring them to enter into a data transfer agreement in the standard form approved for this purpose by the European Commission or the relevant authority in the United Kingdom (as applicable). Further details of any such transfers, and any such protective measures, are available from our DPC.

Data Security

We have put in place measures to protect the security of our residents' and relatives' information. Details of these measures are available upon request.

Third parties will only process our residents' and relatives' personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent our residents' and relatives' personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to our residents' and relatives' personal information to those third parties who have a legitimate need to know. They will only process our residents' and relatives' personal information

on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our DPC.

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

Data retention

How long will we use our residents' and relatives' information for?

We will only retain the personal information about our residents' and relatives' for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of the personal information about our residents' and relatives' are available in our retention policy which is available from our DPC. 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 the personal data about our residents and relatives, the purposes for which we process the personal data about our residents and relatives and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise the personal information about our residents and relatives so that it can no longer be associated with them, in which case we may use such information without further notice to them.

Rights of access, correction, erasure, and restriction

Our residents' and relatives' duty to inform us of changes

It is important that the personal information we hold about our residents and relatives is accurate and current. We ask that residents and relatives keep us informed if their personal information changes.

Our residents' and relatives' rights in connection with personal information

Under certain circumstances, by law our residents and relatives have the right to:

- Request access to their personal information (commonly known as a “data subject access request”). This enables them to receive a copy of the personal information we hold about them and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about them. This enables them to have any incomplete or inaccurate information we hold about them corrected.
- Request erasure of their personal information. This enables them to ask us to delete or remove personal information where there is no good reason for us continuing to process it. They also have the right to ask us to delete or remove their personal information where they have exercised their right to object to processing (see below).
- Object to processing of their personal information where we are relying on a legitimate interest (or those of a third party) and there is something about their particular situation which makes them want to object to processing on this ground. They also have the right to object where we are processing their personal information for direct marketing purposes.
- Request the restriction of processing of their personal information. This enables them to ask us to suspend the processing of personal information about them, for example if they want us to establish its accuracy or the reason for processing it.

- Request the transfer of their personal information to another party.

If our residents or relatives want to review, verify, correct or request erasure of their personal information, object to the processing of their personal data, or request that we transfer a copy of their personal information to another party, they should contact the DPC in writing.

No fee usually required

Our residents and relatives will not have to pay a fee to access their personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if their request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from our residents and relatives

In some circumstances we may need to request specific information from our residents or relatives to help us confirm their identity and ensure their right to access the information (or to exercise any of their other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where our residents or relatives may have provided their consent to the collection, processing and transfer of their personal information for a specific purpose, they have the right to withdraw their consent for that specific processing at any time. To withdraw their consent, they should contact the DPC. Once we have received notification that they have withdrawn their consent, we will no longer process their information for the purpose or purposes they originally agreed to, unless we have another legitimate basis for doing so in law.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide our residents and relatives with a new privacy notice when we make any substantial updates. We may also notify our residents and relatives in other ways from time to time about the processing of their personal information.

If you have any questions about this privacy notice, please contact our DPC, via email at pltcpsters@gmail.com, post to The Briery Retreat Centre, 38, Victoria Avenue, Ilkley, West Yorkshire LS29 9BW or telephone 01943 607287.