

**THE KINCARRATHIE TRUST
PRIVACY NOTICE
(GENERAL)**

Introduction

The Kincarrathie Trust, Kincarrathie House, Pitcullen Crescent, Perth PH2 7HX (Scottish charity number SCO16809) is registered with the Care Inspectorate at Compass House, 11 Riverside Drive, Dundee DD1 4NY to provide accommodation and residential care.

In providing residents with our services we have a duty to collect, hold and process relevant personal information given to us. In order to manage our responsibilities we have a range of policies and procedures (some of which are listed below) to ensure that any personal or special category data supplied that identifies an individual will always be held securely and treated confidentially and undertakes to comply with all applicable data protection legislation currently in force.

Subject to all that follows, the Trust may use personal information provided either with the consent of the individual or on the basis of the following:

1. **Contract:** the processing is necessary for a contract we have with the individual.
2. **Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
3. **Vital interests:** the processing is necessary to protect someone's life.
4. **Public task:** the processing is necessary for us to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
5. **Legitimate interests:** the processing is necessary for our or the individual's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

Individuals are entitled to request a copy of the information which the Trust holds about them. If an individual becomes aware that the personal information the Trust holds about them is inaccurate, they may request that we amend it. Any requests in this respect or any other correspondence relating to this notice should be directed to the Finance & Administration Manager, The Kincarrathie Trust, Kincarrathie House, Pitcullen Crescent, Perth PH2 7HX. The same person should be contacted for information on GDPR and an individual's obligations, or if an individual has any concerns.

Where processing is based upon consent, individuals have the right to withdraw consent at any time which will not affect the lawfulness of processing based on consent before its withdrawal.

The Supervisory authority in the UK & NI is the Information Commissioner's Office (ICO). Where an individual has a complaint regarding the handling of their data which they do not think can be handled by the Trust, then they have the right to make a complaint to the ICO. See ico.org.uk/make-a-complaint/

What personal information we collect about residents and third parties.

Residents. As a registered care provider, we must collect personal information on residents which is essential to enable us to provide effective care and support. The information is contained in individual manual files and other record systems, all of which are subject to security and authorised access policies. Special category data is processed in accordance with provision h) of Article 9 of the GDPR for the provision of health or social care. Personal information that becomes inactive, e.g. from enquiries or prospective residents who do not enter the home is also kept securely for as long as it is needed, prior to disposal.

Information held about residents includes the following:-

- Personal details i.e. name (including preferred name), date of birth, gender, marital status, national insurance number.
- Contact details i.e. previous address, personal telephone number.
- Background such as place of birth and life history so that we can get to know each resident individually and that each person feels at home at Kincarrathie.
- Information about other healthcare providers such as G.P. and Dentist.
- Individual likes and dislikes relating to food, routines, hobbies, interests and personal preferences that will help us with the quality of care provided.
- Information about family and friends including emergency contact details.
- Information about longer term wishes.

Some of the information which we collect about residents will be defined as “special category data” which requires a greater level of protection. This may include:-

- Racial or ethnic origin.
- Religious beliefs.
- Healthcare information, including reason for admission, any disabilities or special requirements, food allergies, medication (and whether the individual self-medicates), medical history, medical records throughout the time the individual spends with us, records required to meet care home regulations such as risk assessments, care plans and details of the care provided.

Third parties, including Residents Representatives. All personal information obtained about others associated with the delivery of care, is protected in the same ways as information on residents. The information we hold may include name, title, designation, address, telephone number (landline and/or mobile), email address and power or attorney information.

Suppliers. The only information we will hold on suppliers will be that provided to us by them as part of any contract entered into for the supply and payment of goods. Where the information given falls within the definition of “personal data” this will be governed by our general privacy notice and will be held and used strictly on the basis of “legal obligation and/or “legitimate interests”.

How we collect information.

The great majority of residents' and thirds parties' personal information is collected directly from them, (in the case of residents this includes information obtained from their family/friends, anyone who has authority to act on their behalf and from healthcare professionals) or through form filling, mainly manually, but also electronically in some instances e.g. when contacting us through our website or by email.

With residents, we build on the information provided in enquiry and referral forms, and, for example, from needs assessments, which form the basis of residents' care and support plans.

All personal information obtained to meet our statutory requirements will always be treated in line with our explicit consent, data protection and confidentiality policies.

What we do with personal information.

Residents

In order to comply with data protection legislation we require a "lawful basis" to collect and use information about residents for any particular purpose. The overarching reason for obtaining personal information on residents and third parties is to ensure that we provide a person-centred care service, which meets all regulatory standards and requirements. Within this context the following details why we collect and use personal information and the "legal basis" for doing so:-

Why we use your information	Legal basis for requesting/holding and using information
Pre -admission assessments to consider if/how the individual's care needs can be met.	In order to be able to enter into a contact with the individual. To meet legal/regulatory obligations. To consider the individual's healthcare requirements as a potential resident.
Provision of care so as to ensure the individual needs of the resident are fully met.	In order to perform our contract with the individual. To meet legal/regulatory obligations. Our legitimate interests. For the protection of the individual's vital interests. To consider the individual's healthcare requirements as a resident at Kincarrathie.

<p>The overall administration and day to day running of the Home.</p>	<p>In order to perform our contract with the individual.</p> <p>To meet legal/regulatory obligations.</p> <p>Our legitimate interests.</p> <p>To consider the individuals healthcare requirements as a resident at Kincarrathie.</p>
<p>Handling any complaints received or concerns raised.</p>	<p>In order to perform our contract with the individual.</p> <p>To meet legal/regulatory obligations.</p> <p>Our legitimate interests.</p> <p>To consider the individual's healthcare requirements as a resident at Kincarrathie.</p>
<p>Safeguarding and regulation.</p>	<p>In order to perform our contract with the individual.</p> <p>To meet legal/regulatory obligations.</p> <p>To consider the individual's healthcare requirements as a resident at Kincarrathie.</p>
<p>Communication. We need to communicate with you before, during and after your stay with us.</p>	<p>In order to perform our contract with the individual.</p> <p>Our legitimate interests.</p>

Residents Representatives

<p>Why we use your information</p>	<p>Legal basis for requesting/holding and using information</p>
<p>To assist in pre -admission assessments to consider if/how the individual applicant's care needs can be met.</p>	<p>Contractual obligations.</p> <p>Legitimate interests.</p>
<p>Communication on the ongoing provision of care so as to ensure the individual needs of the resident are fully met.</p>	<p>Contractual obligations.</p> <p>Legitimate interests.</p>

Communication on the overall administration and day to day running of the Home.	Contractual obligations. Legitimate interests.
Handling any complaints received or concerns raised.	Contractual obligations. Legal obligation. Legitimate interests.
Communication on what's happening in the Home through regular newsletters and occasional meetings/events.	Legitimate interests.

How we keep personal information safe.

We have a range of policies that enable us to comply with all Data Protection requirements, copies of which can be provided, on request. These include:-

- Complaints.
- Confidentiality of Residents' information.
- Consent to Care and Treatment.
- Data Protection.
- Record Keeping.
- Residents' access to records.
- Sharing information with other providers.

How personal information held by us can be accessed.

There are procedures in place to enable any resident or third party whose personal information we possess and might process in some way to have access to that information on request. The right to access includes both the information itself and any uses which it may have been used for.

Who we might share information with.

To provide the best care possible, there are occasions we will need to share information about residents with third parties, including G.Ps', hospital staff, Health & Social care agencies, private healthcare/welfare providers who contribute to a resident's personal care, individuals with power of attorney, statutory bodies concerned with the regulation of an individual's care, and other organisations who may continue an individual's care after they leave Kincarrathie. We will only share personal information with relevant third parties that contribute to an individual's ongoing care and where we have a lawful basis for doing so. The information will not be disclosed or shared for any other purpose without the resident's permission unless such disclosure is required by law or other court order.

The only exceptions to the above would be where we are required by regulation and/or law to provide information. When notifying the Local Authority, the Care Inspectorate or the Scottish Social Services Council of a safeguarding matter or any other incident that requires us to notify these bodies, we would seek to ensure that the information provided is treated in confidence.

Where information is provided for statistical purposes, this is anonymously aggregated so that there is no privacy risk involved in its use.

How long we keep information.

We only keep personal information for as long as necessary to fulfil the purposes for which the information has been collected. When there is no longer a lawful purpose for holding the information it will be secured destroyed/deleted. There are policies in place to help determine how long information will be retained and these reflect relevant legislation and regulations.

How we keep our privacy policies up to date.

The staff appointed to control and process personal information assess all privacy risks on a continuous basis and carry out comprehensive reviews of data protection policies and procedures on a regular basis.

*Last reviewed:
October 2018*