

# PRIVACY NOTICE

## 1 Introduction

Netherclay House collects and processes personal data relating to its workers and residents to manage its relationship with them. Netherclay House is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

\*full information for each staff / resident is contained within your contract.

## 2 What information does Netherclay House collect?

2.1 Netherclay House collects and processes a range of information about you. This includes:

2.1.1 your name, address and contact details, including email address and telephone number, date of birth and gender;

2.1.2 information about your marital status, next of kin, dependants and emergency contacts;

2.1.3 information about your nationality and entitlement to work in the UK;

2.1.4 information about medical or health conditions.

2.2 Netherclay House collects this information in a variety of ways. For example, data is collected through application/assessment forms, identity documents, from correspondence with you; or through meetings or other assessments.

2.3 Data is stored in a range of different places, including in your personnel file/Client care record in Netherclay House's HR management systems (People HR)/ Company care management systems (Nourish / Cool Care) and in other IT systems (including Netherclay House's email system).

## 3 Why does Netherclay House process personal data?

3.1 Netherclay House needs to process data to enter into a worker/client engagement with you and to meet its obligations under that engagement. For example, it needs to process your data to provide you with a worker/client agreement and to **pay/invoice** you in accordance with your agreement.

3.2 In some cases, Netherclay House needs to process data to ensure that it is complying with its legal obligations. For example, to comply with health and safety laws, to safeguard, to auto-enrol workers in pension schemes and to enable workers to take the holiday and breaks to which they are entitled.

3.3 In other cases, Netherclay House has a legitimate interest in processing personal data before, during and after the end of the worker/client relationship. Processing worker data allows Netherclay House to:

3.3.1 maintain accurate and up-to-date HR/Care records for example: contact details (including details of who to contact in the event of an emergency),

- 3.3.2 conduct checks to ensure that workers have the right to work in the UK in accordance with government guidance;
  - 3.3.3 support financial assistance through Continuing Health Care Somerset Clinical Commissioning Group, Somerset Adult Social Care or other NHS related departments for the benefit of the client and their care costs;
  - 3.3.4 keep a record of absence; ensure acceptable conduct within the workplace; allow for succession planning and workforce management;
  - 3.3.5 obtain occupational health advice, to ensure that Netherclay House complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that workers are receiving the pay or other benefits to which they are entitled;
  - 3.3.6 support effective care of clients in accessing other external health providers such as dentists, physiotherapists, podiatrists or opticians.
  - 3.3.7 respond to and defend against legal claims.
- 3.4 Where Netherclay House relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of workers/clients and has concluded that they are not.

#### **4 Who has access to data?**

- 4.1 Your information will be shared internally, including with Company management, and employees to whom you report/ provide care for you.
- 4.2 Netherclay House may share your data with third parties in order to obtain background checks/previous health records / information from third-party providers. Netherclay House may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.
- 4.3 Netherclay House also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of pension benefits and the provision of occupational health services, Continuing Health Care or NHS.
- 4.4 Netherclay House will not transfer your data to countries outside the European Economic Area.

#### **5 How does Netherclay House protect data?**

- 5.1 Netherclay House takes the security of your data seriously. Netherclay House has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.
- 5.2 Where Netherclay House engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **6 For how long does Netherclay House keep data?**

Netherclay House will hold your personal data for the duration of your worker/client engagement. The periods for which your data is held after the end of engagement are set out relevant retention periods.

## **7 Your rights**

7.1 As a data subject, you have a number of rights. You can:

7.1.1 access and obtain a copy of your data on request;

7.1.2 require Netherclay House to change incorrect or incomplete data;

7.1.3 require Netherclay House to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;

7.1.4 object to the processing of your data where Netherclay House is relying on its legitimate interests as the legal ground for processing; and

7.1.5 ask Netherclay House to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override Netherclay House's legitimate grounds for processing data.

7.2 If you would like to exercise any of these rights, please contact the Care Director.

7.3 If you believe that Netherclay House has not complied with your data protection rights, you can complain to the Information Commissioner.

## **8 What if you do not provide personal data?**

8.1 You have some obligations under your worker/client engagement to provide Netherclay House with data. You may also have to provide Netherclay House with data in order to exercise your statutory rights, such as in relation to entitlements. Failure to provide the data may mean that you are unable to exercise your statutory rights.

8.2 Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Netherclay House to enter a worker engagement with you. If you do not provide other information, this will hinder or prohibit Netherclay House's ability to administer the rights and obligations arising as a result of the worker engagement efficiently.

8.3 Certain information, such as contact details, NHS number, current GP, medical history and current medical information have to be provided to enable Netherclay House to enter a client engagement with you. If you do not provide other information, this will hinder or prohibit Netherclay House's ability to administer the rights and obligations arising as a result of the worker engagement efficiently.

## **9 Automated decision-making**

Decisions relating to your worker/client engagement are not based solely on automated decision-making.

