

APPENDIX 3

Privacy Notice – People we support

Covid 19 update- At the time of this review the country is still in the midst of the Coronavirus Covid 19 pandemic. Although largely the UK's Data Protection Act 2018 and the E.U.'s General Data Protection Regulations 2018 remain unaffected; there is a planned change to the way in which the NHS and health and social care bodies handle patient data. This had resulted in the NHS introducing the National patient data opt out scheme. Due to the Coronavirus the initial time frame for compliance across all health and social care organisations has been pushed back from 2020 to the end of March 2021. This is to enable organisations, where needed, to concentrate their resources on managing the Coronavirus.

As such this affects organisations such as ours, in terms of how we notify the people we support about the opt out scheme, about their rights and how they can be supported to opt out should they wish. The result of this is that we need to sign up to the NHS's data security and protection toolkit to achieve compliance. In doing so we also need to reflect these changes in relevant data related policies and amend existing privacy notices for those who could be affected; for example the people we support. Therefore please see **The National NHS opt out scheme** on the last two pages within this notice. This provides further information about the opt out scheme and how to do so should you wish.

Under Articles 13 and 14 of the General Data Protection Regulations organisations are required to provide people with information about the intended purposes for processing personal data and the lawful basis, or bases, for the processing.

- The Data Controllers are Aspirations Care Ltd, Aspirations (Midlands) Ltd and New Start Supported Housing Ltd. The contact details are:

Controller's representative, Data Protection Lead and Caldicott Guardian:
Dan Coleman, Head of Quality
Email: groupdataprotection@aspirationscare.com
Telephone: 01452 399199

- Aspirations Care Ltd, Aspirations (Midlands) Ltd and New Start Supported Housing Ltd are not required to appoint a Data Protection Officer
- The purpose of processing is management of customer related activities such as providing support services
- The lawful bases of processing are **Contract, Legal obligation, Vital Interest and Public Interest**
- Special category data is collected under Schedule 1, Part 1, 1 – Vital interests
- Criminal convictions and offences data is collected under Schedule 1, Part 3, 1 – Vital interests

- Personal data may include:
 - Name, contact details, date of birth, Next of kin details
 - Medical information, bank details, NI number, Benefit details, housing arrangements and/or Tenancy agreement
 - Accident and Incident reports
 - Gender, sexual orientation, religion and beliefs, marital or civil partner status, nationality, ethnic or national origin, disability, behaviours, family relationships
 - Criminal offences and convictions

This list is indicative and not exhaustive

- Personal data may be shared between Group companies, our outsourced IT partner, funding Local Authorities, Social Workers, Health professionals and law enforcement/government authorities. If you lack capacity to consent, data may be shared with your Attorney, Deputy or Appointee

- Personal data is not transferred to third countries

- Personal data is not used or shared for marketing purposes; in the event that Aspirations wishes to feature a Service User in marketing or publicity material an explicit, specific consent form will be obtained

- Unless personal data is transferred to your funding Local Authority when support ceases, it will be retained for a minimum of 6 years following Aspirations ceasing to support you

- The General Data Protection Regulations provide the following rights for individuals:
 - The right to be informed
 - The right of access
 - The right to rectification
 - The right to erasure
 - The right to restrict processing
 - The right to data portability
 - The right to object
 - Rights in relation to automated decision-making and profiling

- Not all rights relate to all types of data

- The Aspirations Group of companies does not carry out automated decision-making and profiling

- You have the right to lodge a complaint with The Information Commissioner's Office. Their contact details are:

Address: Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
 Telephone: 0303 123 1113 (local rate) or 01625 545 745
 Fax: 01625 524 510
 website: www.ico.org.uk

Registration numbers for the companies in the Aspirations Group are:

Aspirations Care Ltd	Z8717214
Aspirations (Midlands) Ltd	ZA791850
New Start Supported Housing Ltd	ZA245627

- Your personal data originates from yourself, your funding Local Authority, your Social Worker, internal sources, related to your support, and government authorities. Data is not obtained from publicly available sources
- Provision of your personal data is a contractual requirement and is mandatory. Failure to provide the personal data would mean your support could not commence or continue

Changes to personal data advised by third parties will be advised to you within one month

The National NHS opt out scheme

As an organisation we will only ever share and process personal information about the people we support in the line of providing services to them and supporting their health and social care needs. As highlighted in the previous section 5.0 this will be shared only on a need to know basis in line with the legal basis on which we are able to do so, in order that the people we support get the services and treatment they may require. There may however be differences in the way that the NHS and health services process your data. As such they have introduced a national opt out scheme that organisations such as Aspirations must comply with by the end of March 2021. To comply we have had to sign up to their digital data security and privacy toolkit on line and ensure that changes to policy and the privacy notices we issue, inform the people we support how to opt out of the national patients opt out scheme, should they wish to. To pass on this information we have made changes to the privacy notices we provide to people, telling them how they can opt out. Below we provide a brief overview of how the NHS currently uses patient data, which is largely anonymised. We have disseminated this update across the organisation and will support individuals who wish to opt out, if they need support to do so. Those that do will require their support plans and health related action plans and hospital passport to reflect that they have formerly opted out, should they be a patient or require treatment at a later date.

How the NHS and care services use your information?

Aspirations is one of many organisations working in the health and care system to improve care for patients and the public. Whenever people use a health or care service, such as attending Accident & Emergency or using Community Care services, important information is collected in a patient record for that service. Collecting this information helps to ensure people get the best possible care and treatment. The information collected about people when they use these services can also be used and provided to other organisations for purposes beyond their individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for people, their families, and future generations. Confidential patient information about people's health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that people cannot be identified in which case confidential patient information is not needed.

People have a choice about whether they want their confidential patient information to be used in this way. If they are happy with this use of information, they do not need to do anything. However, if people do choose to opt out their confidential patient information will still be used to support their individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone
- See the situations where the opt-out will not apply

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and

<https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Our organisation is currently compliant with the national data opt-out policy.