



Privacy notice – clients

We are Avida Care Limited and this notice tells you about how and why we use your personal information. We always aim to process your data in a fair and transparent manner.

We are committed to protecting the privacy and security of your personal information. We will process any personal data we collect from you in accordance with Data Protection Legislation (EU General Data Protection Regulation 2016/679 and the UK Data Protection Act 2018) and the provisions of this Privacy Notice. Please read the following carefully to understand how we treat your personal data. For definitions of the terms “personal data” and “special categories of data” please refer to the end of this document.

The legal basis on which we collect and process your data

Data protection legislation sets out a number of different reasons for which a company may collect and process your personal data, including:

Fulfilment of contractual obligations

We need your personal data to comply with our contractual obligations to you as a client for whom we deliver care and support services. Indeed we cannot provide these services to you unless we process your personal data, and therefore we do not need your specific consent in order for us to discharge our contractual obligations to you.

Legal compliance

The law requires us to collect, store and use your personal data in order to fulfil our statutory obligations under, for example the Health and Social Care Act 2012, the Care Act 2014, The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and other legislation. As a social care organisation we have to process special categories of personal data (see appendix for definition and examples) about people who use our services. The main legal basis for us doing this is outlined in Article 9(2) in the new GDPR legislation. More information is available on the conditions for processing special categories of data at the following link:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protectionregulation-gdpr/lawful-basis-for-processing/special-category-data/>

The following extract encapsulates our legal basis for using your data:

“(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.”

Legitimate interest

In specific situations, we require your data to pursue our legitimate interests in a way which might reasonably be expected as part of running our business and which does not materially impact your rights, freedom or interests. For example, we may use your data, such as your name, in specific communications with other organisations such as Gloucestershire County Council who provide funding to pay for the care



which you provide to our clients. Such usage will only be for the purposes of addressing queries and confirming information about care visits that you have made.

We may also use your address details (including email address if you have one and allow us to use it) to send you information by post or email as part of our ongoing communications with you.

Consent

In specific situations other than those above, we can also collect and process your data with your consent. For example, if you were to tick a box or ask for us to contact you by email to keep you updated about new services or offers. Obtaining your informed consent is also important to us, so we always explain why we need to collect the information from you and how we will use it.

Data Controller

For the purpose of the GDPR Avida Care Limited is the “data controller” of your information. This means that we are responsible for deciding how we hold and use your personal data. We are required under Data Protection Legislation to notify you of the information contained in this Privacy Notice.

Data Protection Officer

We have appointed a Data Protection Officer (DPO) to oversee compliance with this Privacy Notice. If you have any questions about this Privacy Notice or how we handle your personal data, or any complaint, please contact the DPO at the contact details set out below:

Data Protection Officer
Avida Care Limited
1st Floor
7a Mercia Road
Gloucester GL1 2SQ
Telephone: 01452 415066

How to complain

We hope that we can resolve any query or concern you raise about our use of your information. The GDPR also gives you right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns/> or telephone: 0303 123 1113.

Collecting information from you

We may collect and process your personal data that you provide us through a variety of means (including application forms, our website, telephone or face-to-face conversation, and electronic communication such as email) in order to provide our services to you. We will routinely collect this data at various times, the main ones being:

- When you first make contact with us.
- When one of our officers assesses your needs, which is usually done in your home.
- During ongoing care delivery.



In certain circumstances, for instance if you have been assessed as not having the required mental capacity, we may collect personal data about you from your next of kin or a friend or relative that you have designated.

We always strive to provide information to you in a way that is concise, transparent, intelligible (using clear and plain language), and easily accessible.

The type of information that we may hold about you

As a client of ours we need to collect some personal data from you, such as shown in the following list.

- Personal contact details such as name, title, address, telephone numbers, and email address(es).
- Date of birth
- Gender
- Marital status and dependants
- Financial information such as bank account information if you pay us direct into our bank account or if you wish us to use your bank account details if we ever need to reimburse you by bank transfer.
- Photographs
- IP addresses and cookies for those accessing our website.

We will always strive to keep the minimum information about you that is sufficient to properly provide our service to you.

There are a number of important documents that we use in which we need to store some or all of your personal data that we collect from you. The main examples are:

- Your client contract (that is, the contract that you sign between you as our paying client and us as your service provider).
- Client care plan. This is the paper document (or in future this might be an electronic file held on a computer system) that is kept in your home and which contains records and notes about the care you receive and other important information such as medications that you may be taking.
- Your client records on our operational computer systems, for instance our visit scheduling system that enables us to plan your care visits.
- Correspondence between us.

How long will we keep your personal data?

Whenever we collect or process your personal data, we'll only keep it for as long as is necessary for the purpose for which it was collected. The length of time for which we keep your data is called a retention period, and the period may vary depending on the type of data and the purpose for which we have collected and used it. At the end of that retention period, your data will either be deleted completely or anonymised, for example by aggregation with other data so that it can be used in a non-identifiable way for statistical analysis and business planning.

Once you become a client then we will hold your data for as long as you remain a client for the services you have contracted. If you cease to be a client then the retention period will commence and last for a particular duration depending on the type of data and the legislation governing how long we must retain it. See the following table for details.

Information	Retention period
Client service contracts	6 years after cessation of contract
Care plans / records (no serious incidents), including observations, notes etc	8 years after cessation of contract [Based on NHS policy]
Care plans / records (for a client where there has been a serious incident that leads to civil or criminal proceedings)	Until any legal investigations and proceedings are completed.
General correspondence including letters and emails	3 years after cessation of contract
Specific correspondence including letters and emails related to complaints or incidents	8 years after cessation of contract
Recorded telephone conversations via switchboard	Not applicable – we do not record conversations with clients
Messages left on mobile phones	Maximum 6 months following the date of the message
Client invoices, credit notes	3 years after cessation of contract or generation of final invoice or credit note (if that is later); or up to 6 years if there is a dispute
Accident books, accident records/reports (not including accidents involving chemicals or asbestos)	3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21).
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
Related retention periods for social workers	
Adults (under 65) with learning disabilities	6 years after last contact
Adults where a Mental Health Act assessment has been completed	10 years after last contact
Adults where protection of vulnerable adults procedures have been used	10 years after last contact
Other adults (under 65) mental health cases	6 years after last contact
Other non-exceptional adults cases	2 years after last contact
Enquiries about adults which are recorded but which do not result in an assessment of need	2 years after last contact
Deceased adult client where death is considered suspicious	75 years after last contact

Keeping your personal data secure

We will treat your data with care and take all appropriate steps to protect it. For example your details are kept in secure files, whether in paper form or in electronic form.

Our employees using our business IT systems must be authorised to do so and provided with unique ID and password information and are only granted access appropriate to the use they need to make of your data. Access to our IT systems containing your personal data is via password-protection.



We use offsite IT systems processing so that your data is protected even if our premises are compromised or destroyed.

We regularly monitor our systems and procedures to ensure they remain effective and robust.

We will also take all reasonable practical steps to help keep your personal care plan secure, but please note that this document is kept in your home and thus you also have a responsibility to maintain its security.

With whom do we share your personal data?

In order to carry out our business and fulfil our obligations to customers, employees and others, we need to share your personal data with other organisations (sometimes referred to as third parties). We require these third parties to confirm to us that they comply with the GDPR, respect and ensure the security of your data and to treat it in accordance with the law.

We apply certain principles to these organisations to keep your data safe and protect your privacy:

- We provide only the information they need to perform their specific services.
- They may only use your data for the exact purposes we specify in our contract with them.
- We work closely with them to ensure that your privacy is respected and protected at all times.
- If we stop using their services, any of your data held by them will either be deleted or rendered anonymous.

Examples of the kind of third parties we work with are:

- IT companies who support our website and other business systems. These include:
 - PB Computers Limited who supply our care rostering and scheduling system, which will record some of your personal data to allow us to allocate you to care visits and help ensure you are paid correctly.
 - HAS Technology Limited, the supplier of the CM2000 electronic call monitoring software that we are required to use by Gloucester County Council in order to log your care visits.
 - WeSolveIT Limited, who provide the cloud-based computing environment that underpins our operations.
- The Care Quality Commission, which is the national regulator for home care, and which may demand certain information from us for instance as part of their regular inspections.
- The Disclosure and Barring Service (DBS) and agents acting on their behalf whom we use to process DBS applications for us.
- Companies such as delivery couriers or taxis, for example if we send you materials or arrange transport for you.

We may also share your information with our insurance company, credit reference agencies and other companies for use in credit decisions, for fraud prevention and to pursue debtors.

We also use social media applications such as Facebook and Twitter to provide a platform for sharing of company-related information about for example feedback on our performance and upcoming events. However, we will not post your personal data on these platforms without your specific consent.



Under Data Protection legislation Avida Care Limited is also a processor of information (a “data processor”) on behalf of public bodies such as Gloucestershire County Council and Gloucestershire CCG.

Where your personal data may be processed

We do not knowingly share or process your personal data outside the European Economic Area (EEA).

What are your rights over your personal data?

You have rights under Data Protection legislation including:

- **The right to be informed** about the collection and use of your personal data.
- **The right of access** to your data, commonly referred to as “subject access”. You can make a subject access request at any time either verbally or in writing. In most cases this does not incur any cost to you and we will respond within one calendar month.
- **The right to rectification**, which means you can request us to correct any inaccurate data we hold about you or complete data that is incomplete. You can do this verbally or in writing and we have one calendar month to respond to your rectification request.
- **The right to erasure** of your data, also known as the “right to be forgotten”.
- **The right to restrict processing** or suppress your data, which means that we can still hold it, but cannot use it, unless you consent or the data is required for some other important reason such as the public interest.
- **The right to data portability**, which basically entitles you to receive a copy of your personal data and/or have your personal data transmitted from us to another care provider (if it is technically possible) should you choose an alternate provider.
- **The right to object** to us processing your personal data *in certain circumstances*, for example if you had joined our events programme and no longer wished to continue doing this.
- **Rights in relation to automated decision making and profiling**, which means solely by automated means without any human involvement. We have a duty to disclose such processing to you, though at the current time we have assessed our operations and none of them involve making purely automated decisions about you, other than electronic call logging which may issue an automatic alarm to us if our care worker does not arrive to a visit on time.

You can exercise most of these rights by issuing a written or verbal request to us and we generally have one calendar month to respond.

You can find out more about your rights at the Information Commissioner Office website at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

An overview of your different rights

You have the right to fair processing of information and transparency over how we use your personal information. You also have the right to request:

- Access to the personal data we hold about you, free of charge in most cases.
- The correction of your personal data when incorrect, out of date or incomplete.
- That we stop any consent-based processing of your personal data after you withdraw that consent.
- Review by a member of our staff of any decision made based solely on automatic processing of your data (i.e. where no human has yet reviewed the outcome and criteria for the decision).



- That we delete your personal data, if it is no longer necessary for the purpose for which we originally collected or processed it, or if you cease to be our client if you believe the data may not be automatically deleted following any retention period.

You can request to exercise any of these rights at any time by contacting:

The Data Protection Officer, Avida Care Limited, 1st Floor, 7a Mercia Road, Gloucester GL1 2SQ or email enquiries@avidacare.co.uk. To ask for your information to be amended please contact us in the usual manner.

If we choose not to, or cannot, action your request we will explain to you the reasons for our refusal.

Your right to withdraw consent (where applicable)

We do not normally seek to use your personal information in a manner that requires your consent, but if we do seek, and you grant, your informed consent to us using your information for such a purpose, then you have the right to change your mind at any time and withdraw that consent by contacting our Data Protection Officer as above. We will then cease this processing.

Appendix – meaning of personal data and special categories of data

‘Personal Data’ means any information relating to an identified or identifiable natural person (‘Data Subject’). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.’

Special Categories of Data

‘Special categories of data’ (previously referred to as sensitive data under the Data Protection Act 1998) signify data which are subject to a higher standard of protection than general personal data. This is data concerning:

- Racial or ethnic origin
- Political opinions
- Religious belief or similar (philosophical belief*)
- Trade union membership
- Physical/mental health or condition
- Sexual life or (sexual orientation*)
- Commission or allegation of an offence*
- Proceedings for any offence, disposal of proceedings, sentence*
- Genetic data*
- Biometric data*

*Altered in GDPR.

‘Personal data’ is any information relating to an individual who is identified or is otherwise identifiable, whether directly or indirectly. This isn’t just their name but can be their date of birth, mobile phone number, photograph, a description of their family circumstances or NHS number (to name a few examples).

Certain types of information are deemed to require additional protection under the GDPR and are referred to as 'sensitive personal data'.

Sensitive personal data is information concerning an individual's:

- *Racial or ethnic origin;*
 - *Political opinions;*
 - *Religious belief or similar including philosophical belief;*
 - *Trade union membership;*
 - *Physical/mental health or condition;*
 - *Sexual life or sexual orientation;*
 - *Commission or allegation of an offence;*
 - *Proceedings of any offence, disposal of proceedings, sentences;*
 - *Genetic data; and*
 - *Biometric data.*
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