

## **Fair Processing Notice**

When Luton Friendship Homecarers processes your personal data, we are required to comply with the Data Protection Act 1998 (“**DPA**”) up to and including 24 May 2018, and from 25 May 2018, the General Data Protection Regulation 2016 (“**GDPR**”) (the DPA and GDPR are together referred to as the “**Data Protection Legislation**”).

Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, date of birth, location data and in some cases opinions that we document about you, as well as special categories of data including but not limited to medical and health records, care plans and information about your religious beliefs, ethnic origin and race, sexual orientation and political views.

Everything we do with your personal data counts as processing it, including collecting, storing, amending, transferring and deleting it. We are therefore required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This fair processing notice provides information about the personal data we process, why we process it and how we process it.

### **Our responsibilities**

Luton Friendship Homecarers is the data controller of the personal data you provide. We have appointed Darren Gunter as Data Protection Officer and he will have day to day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

## **Why do we process your personal data?**

We process your personal data in order to provide you with the services you have requested and to fulfil the contract we have entered into with you. We may also process your personal data to respond to any queries or comments you submit to us and to correspond with you on a day to day basis.

We may need personal data from you to be able to provide services to you, to meet our legal obligations, to enter into a contract with you and/or to provide you with all the information you need. If we do not receive the personal data from you, we may be unable to fulfil our obligations to you.

We process most of your information on the grounds of consent from you, performance of a contract we have entered into with you, protection of the vital interests of a Data Subject or, in the case of special categories of data, processing for the provision of health or social care or treatment or the management of health or social care systems or services.

If we obtain consent from you to the processing of your personal data, you can withdraw your consent at any time. This won't affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

## **Who will receive your personal data?**

We only transfer your personal data to the extent we need to. Recipients of your personal data may include:

*Assigned Care Workers, The Care Quality Commission, Your Local Authority, The Police*

We do not transfer your personal data outside of the EEA.

## How long will we keep your personal data?

We will retain your personal data for 6 years. We retain your information for this period in case any issues arise or in case you have any queries. Your information will be kept securely at all times. Following the end of the 6-year *period*, your files and personal data we hold about you will be permanently deleted or destroyed. If we are required to obtain your consent to process your personal data, any information we use for this purpose will be kept until you withdraw your consent, unless we are entitled to retain the personal data on the basis of other grounds set out in the Data Protection Legislation.

## What are your rights?

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which we process your data. More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>). These rights apply for the period in which we process your data.

### 1. Access to your data

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.

We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

## **2. Rectification of your data**

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we don't feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

## **3. Right to be forgotten**

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

Where we no longer need your personal data for the purpose for which we collected it

Where we have collected your personal data on the grounds of consent and you withdraw that consent

Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data  
Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and

Where the personal data has to be deleted to comply with a legal obligation

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

## **4. Right to restrict processing**

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data, but we don't have to delete it. This right is available to you:

If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy

If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection

If the processing is unlawful; or

If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim

## **5. Data portability**

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller.

This right only applies to personal data you provide to us:

Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and

Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

## **6. Right to object**

You are entitled to object to us processing your personal data:

If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority

For direct marketing purposes (including profiling); and/or

For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

## **Automated decision making**

Automated decision-making means making a decision solely by automated means without any human involvement. This would include, for example, an online credit reference check that makes a decision based on information you input without any human involvement. It would also include the use of an automated clocking-in system that automatically issues a warning if a person is late a certain number of times (without any input from HR, for example).

We don't carry out any automated decision making using your personal data.

## **Your right to complain about our processing**

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office ("ICO"). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website <https://ico.org.uk/concerns/>.

## **Any questions?**

If you have any questions or would like more information about the ways in which we process your data, please contact Darren Gunter, Data Protection Officer, at [info@lutonfhc.org.uk](mailto:info@lutonfhc.org.uk)