

## Privacy Notice - Clients

Consultus Care & Nursing Ltd respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

We have been supplying carers and nurses to people in their own homes for over 60 years; we operate as an introduction agency, as a registered care provider and also as a provider of nursing services.

We process personal data (including sensitive personal data), so that we can provide the above services – in doing so, we act as a Data Controller and Data Processor.

As a client, you may give us your personal data directly, such as over the telephone, by completing a registration form or when you visit our website. We need to process your personal data to enable us to provide you with the best and most suitable carers and nurses for your needs and we confirm that your personal data will only be used in accordance with the terms set out below.

### COLLECTION AND USE OF PERSONAL DATA

#### Personal Data and Sensitive Personal Data that We Collect From You

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- Identity Data includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender
- Contact Data includes billing address, home address, email address and telephone numbers. Some telephone calls may be recorded for training and monitoring purposes
- Financial Data includes bank account and payment card details
- Transaction Data includes details about payments to and from you and other details of services you have purchased from us
- Technical Data includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website
- Usage Data includes information about how you use our website
- Marketing and Communications Data includes your preferences in receiving marketing from us

We may also collect, use, store and transfer different kinds of sensitive personal data including details about your health and genetic and biometric data. The reasons for processing this sensitive personal data are set out below.

#### If You Fail To Provide Personal Data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

#### Purpose of Processing and Legal Basis

As noted above, we collect personal data (including sensitive personal data) and will process this data for the purposes of providing you with our services.

We will only use your personal data and sensitive personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests
- Where we need to comply with a legal or regulatory obligation
- Where the Processing is necessary to protect your interests or those of another connected person ie. a relative
- Where the processing is based on the Consent you give when you tick the box on the Client Registration Form (although generally we do not rely on consent as a legal basis for processing your personal data). You have the right to withdraw consent at any time

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

## **Recipient(s) of Data**

We will only share your personal and sensitive personal data with service providers such as carers or nurses chosen to care for you. Only that information that is strictly necessary for the provision of care will be given to that service provider, carer or nurse.

We may have to share your personal data with certain third parties such as:

- Service providers acting as processors based in the United Kingdom who provide IT and system administration services
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accounting services
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

We do not transfer your personal data outside the European Economic Area (EEA).

## **Statutory / Contractual Requirement**

We need to collect and process personal data about you such as identity data (your name, date of birth, marital status, gender etc), contact data (your address, email address and telephone number) and financial data (such as your bank account) in order to carry out the above services.

You have the right to withdraw your consent at any time where we are relying on your consent in order to process your data. This will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to continue to provide our services to you. We will advise you if this is the case at the time you withdraw your consent.

## **DATA RETENTION**

We will retain your personal data for only as long as is necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements. Different regulations require us to keep different data for different periods of time.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Where we have obtained your consent to process your personal and sensitive personal data, we will do so in line with our retention policy which you can request from us by contacting us using our contact details as set out below. Upon expiry of the relevant retention period we will cease to process your personal data and sensitive personal data.

## **YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

You have the right to:

- Be informed about the personal data that we collect or process about you;
- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it;
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us;
- Request erasure of your personal data in certain circumstances. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing, where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you;

- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - (a) if you want us to establish the data's accuracy;
  - (b) where our use of the data is unlawful but you do not want us to erase it;
  - (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
  - (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it
- Request not to be subjected to automated decision making and profiling; and
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Where you have consented to us processing your personal data and sensitive personal data and we are relying on consent to process your personal data and sensitive personal data, you have the right to withdraw that consent at any time by contacting our Head Office either in writing to Consultus Care & Nursing Ltd, 17-19 London Road, Tonbridge, Kent TN10 3AB or by emailing [office@consultuscare.com](mailto:office@consultuscare.com).

### **No Fee Usually Required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What We May Need From You**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time Limit To Respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **DATA SECURITY**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, carers, nurses and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **MARKETING**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We may use your identity and contact personal data to form a view on what we think you may want or need, or what may be of interest to you.

You will receive marketing communications from us if you have requested information from us or purchased services from us and, in each case, you have not opted out of receiving that marketing. You can ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting the data privacy manager whose details are set out below.

## **CONTACTING US**

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

Our full details are:

Full name of legal entity:	Consultus Care & Nursing Ltd
Name or title of data privacy manager:	Debbie Kettle
Email address:	<a href="mailto:office@consultuscare.com">office@consultuscare.com</a>
Postal address:	17-19 London Road, Tonbridge, Kent TN10 3AB
Telephone number:	01732 355231

If you wish to complain about this Privacy Notice or any of the procedures set out in it, please contact our data privacy manager using the details as set out above.

You also have the right to raise concerns or make a complaint at any time with the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or with any other relevant supervisory authority.

We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.