

General Data Protection Regulation (GDPR)
Privacy Notice

Updated: March 2021

We issue this privacy notice in the interests of transparency over how we use (“**process**”) the personal data that we collect from you. **Personal data** for these purposes means any information relating to an identified or identifiable person.

“**Sensitive personal data**” means personal data consisting of information as to –

- a) the racial or ethnic origin of the individual,
- b) their political opinions,
- c) their religious or philosophical beliefs,
- d) their membership of a trade union,
- e) their physical or mental health or condition,
- f) their sexual life,
- g) the commission or alleged commission by them of any offence,
- h) any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings,
- i) genetic data; and
- j) biometric data where processed to uniquely identify a person (for example a photo in an electronic passport)

Our Privacy Promise

We promise:

- To keep your data safe and private.
- Not to sell your data.

- To give you ways to manage and review your marketing choices at any time

Who we are

North Staffs Carers Association is a Company Limited by Guarantee Registration No. 3313461 and Registered Charity Number 1062548. You can find out more about us at www.carersfirst.com

If you have any questions, or want more details about how we use your personal information, you can ask us, via email to info@carersfirst.com or you can call us on 01782 793100.

How the law protects you

As well as our Privacy Promise, your privacy is protected by law. This section explains how that works.

Data Protection law says that we are allowed to use personal information only if we have a proper reason to do so. This includes sharing it outside North Staffs Carers Association. The law says we must have one or more of these reasons:

- To fulfil a contract we have with you, or
- When it is our legal duty, or
- When it is in our legitimate interest, or
- When you consent to it.

A legitimate interest is when we have a business or commercial reason to use your information. But even then, it must not unfairly go against what is right and best for you. If we rely on our legitimate interest, we will tell you what that is.

Here is a list of all the ways that we may use your personal information, and which of the reasons we rely on to do so. This is also where we tell you what our legitimate interests are.

What we use your personal information for

- To manage our relationship with you or your business.
- To develop new ways to meet our customers' needs and to grow

Our reasons

Your consent
Fulfilling contracts
Our legitimate Interests
Our legal duty

Our legitimate interests

Keeping our records up to date, working out
Which of our services may interest you and
telling you about them.
Defining types of Customers for new services

- our business.
- To develop and carry out marketing activities.
- To study how our customers use services from us and other organisations.
- To provide advice or guidance about our services.

- To develop and manage our brands, products and services.
- To test new products.
- To manage how we work with other companies that provide services to us and our customers.

- To detect, investigate, report, and seek to prevent financial crime.
- To manage risk for us and our customers.
- To obey laws and regulations that apply to us.
- To respond to complaints and seek to resolve them.

- To run our business in an efficient and proper way. This includes managing our financial position, business capability, planning, communications, corporate governance, and audit.

- To exercise our rights set out in agreements or contracts.

Fulfilling contracts
Our legitimate Interests
Our legal duty.

Fulfilling contracts
Our legitimate Interests.
Our legal duty.

Our legitimate Interests.
Our legal duty.

Fulfilling contracts.

Seeking your consent when we need it to contact you.
Being efficient about how we fulfil our legal duties

Developing services, and what we may charge for them
Defining types of Customers for new services
Being efficient about how we fulfil our legal duties.

Complying with regulations that apply to us.
Being efficient about how we fulfil our legal duties.

Complying with regulations that apply to us.
Being efficient about how we fulfil our legal duties.

Groups of personal information

We use many different kinds of personal information, and group them together like this.

Type of personal information

Description

Financial

Your financial position, status and history.

Contact

Where you live and how to contact you.

Socio-Demographic

This includes details about your work or profession, nationality and education.

Contractual

Details about the services we provide to you.

Communications

What we learn about you from letters, emails, and conversations between us.

Social Relationships

Your family, friends, and other relationships.

Open Data and Public Records

Details about you that are in public records such as the Electoral Register, and information about you that is openly available on the internet.

Usage Data

Other data about how you use our services.

Documentary Data

Details about you that are stored in documents in different formats, or copies of them. This could include things like your passport or driver's license.

Special types of data only

The law and other regulations treat some types of personal information as special. We will collect and use these types of data if the law allows us to do so:

- Racial or ethnic origin
- Religious beliefs
- Health data including gender

Consents

Any permissions, consents, or preferences that you give us. This includes things like how you want us to contact you,

Data Controller

For data protection purposes the “**data controller**” means the person or organisation who determines the purposes for which and the manner in which any personal data are processed.

You can contact our Data Controller by writing to: North Staffs Carers, Trent House, 234 Victoria Road, Fenton, Stoke-on-Trent, ST4 2LW
Calling on 01782 793100 or by emailing info@carersfirst.com.

Purpose of processing the data

It is necessary for us to process personal data for the following reasons:

1. We will need the information in order to identify the individual for the purposes of providing a service;
2. We will need to maintain that information for the general purposes of the ongoing relationship.

Our legal basis for processing personal data of applicants, staff and customers is that:

1. Processing the personal data is necessary for the purpose of carrying out the employment contract or to take steps to enter into an employment contract or to provide the correct service for the customer
2. Processing is necessary to comply with a legal obligation (for example we are obliged under employment law to include in a written statement of employment terms the identity of the parties to the employment contract);
3. Processing the data is necessary to protect the vital interests of an individual (for example we are legally responsible for the health and safety of staff, job applicants and visitors to our premises and so it is necessary to process data relating to those individuals for that reason; and/or
4. Processing the data is necessary for the purposes of our “legitimate interests” as the data controller (except where such interests are overridden by the interests, rights or freedoms of the individual).

Our “legitimate interests” for these purposes are:

1. the need to process data on applicants, staff and customers for the purposes of assessing suitability for employment (then carrying out the employment contract) and for customers (ensuring the correct service is provided);
2. the need to gather data for the purposes safeguarding the health and safety of job applicants, employees and customers;
3. the need to process data for the purposes of ensuring network and information security.

We may from time to time need to process sensitive personal data, for example medical records or other information relating to the health and well being of an individual.

In that case we will either obtain the explicit consent of the individual to the processing of such data or we may consider the processing of that data as being necessary for carrying out our obligations as an employer. That will be assessed on a case by case basis.

There is no strict statutory or contractual requirement for you to provide data to us but if you do not provide at least that data that is necessary for us to assess suitability and then to conduct the employment or service provider relationship then it will not practically be possible for us to employ you (staff) or provide a service (Customers). You are free at any time to change your mind and withdraw your consent.

The information we use

These are some of the kinds of personal information that we use:

- Full name
- Date of birth and/or age (e.g. to make sure that you are eligible for certain services)
- Residential address
- History of your caring role
- Contact details, such as email addresses and phone numbers
- Financial data
- Data relating to you or your services
- Employment details
- Vehicle details

Recipients of personal data

Your personal data may be received by the following categories of people:

1. Our HR department;
2. In the case of job applicants, the interviewer and prospective manager;
3. Any individual authorised by us to maintain files;
4. Other professional working with you; and
5. Appropriate external regulators and authorities (such as HMRC and HSE)
6. Companies that introduce you to us
7. Medical Practitioners

8. Social Care Services
9. Your family members on behalf of you

We do not envisage that your data would be transferred to a third country. If we perceive the need to do that we would discuss that with you and explain the legal basis for the transfer of the data at that stage.

Who we share your information with

We may need to share your personal information with these organisations to provide you with the service you have chosen:

Social Care;
Health Services;
Other third sector organisations;
Companies we have a joint venture or agreement to co-operate with
Organisations that introduce you to us;
Organisations and other persons providing services to you;
Organisations you ask us to share your data with;
Government bodies and agencies in the UK (e.g. HMRC);
Courts, to comply with legal requirements, and for the administration of justice;
Anyone else where you have consented or as required by law.

Duration of storage of personal data

We will keep personal data for a period no longer than one year following the last contact made having regard to the original purpose for which the data was processed. After you stop being a Carer, we may keep your data for up to one year for one of the following reasons:

You wish to be involved with our Former Carers Groups
To respond to any questions or complaints
To help you with any continuing applications for benefits or services

In some cases, we will be legally obliged to keep your data for a set period. Examples are below:

Staff - Income tax and NI returns, income tax records and correspondence with HMRC: We are obliged to keep these records for not less than 3 years after the end of the financial year to which they relate.

Wage and salary records: We are obliged to keep these records for 6 years.

Your rights in relation to your personal data

The right to be forgotten

You have the right to request that your personal data is deleted if:

it is no longer necessary for us to store that data having regard to the purposes for which it was originally collected; or
in circumstances where we rely solely on your consent to process the data (and have no other legal basis for processing the data), you withdraw your consent to the data being processed; or
you object to the processing of the data for good reasons which are not overridden by another compelling reason for us to retain the data; or the data was unlawfully processed; or
the data needs to be deleted to comply with a legal obligation.

However, we can refuse to comply with a request to delete your personal data where we process that data:

to exercise the right of freedom of expression and information;

to comply with a legal obligation or the performance of a public interest task or exercise of official authority;

for public health purposes in the public interest;

for archiving purposes in the public interest

the exercise or defense of legal claims.

The right to data portability

You have the right to receive the personal data which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided (us) where:

the processing is based on consent or on a contract; and

the processing is carried out by automated means.

Note that this right only applies if the processing is carried out by “automated means” which means it will not apply to most paper based data.

The right to withdraw consent

Where we process your personal data in reliance on your consent to that processing, you have the right to withdraw that consent at any time.

You may do this in writing to us. If you withdraw your consent, we may not be able to provide certain services to you. If this is so, we will tell you.

The right to object to processing

Where we process your personal data for the performance of a legal task or in view of our legitimate interests you have the right to object on “grounds relating to your particular situation”. If you wish to object to the processing of your personal data you should do so in writing stating the reasons for your objection.

Where you exercise your right to object we must stop processing the personal data unless:

we can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms; or the processing is for the establishment, exercise or defense of legal claims

How to get a copy of your personal information

So that you are aware of the personal data we hold on you, you have the right to request access to that data. This is sometimes referred to as making a “subject access request”. You can access your personal information we hold by telephoning 01782 793100, emailing info@carersfirst.com or by writing to us at this address:

North Staffs Carers Association
Trent House, 234 Victoria Road

Fenton, Stoke-on-Trent ST4 2LW

Letting us know if your personal information is incorrect

You have the right to question any information we have about you that you think is wrong or incomplete. Please contact us if you want to do this. If you do, we will take reasonable steps to check its accuracy and correct it.

The right to restrict processing

In certain prescribed circumstances, such as where you have contested the accuracy of the personal data we hold on you, you have the right to block or suppress the further processing of your personal data.

Rights related to automated decision making and profiling

The GDPR defines “profiling” as any form of automated processing intended to evaluate certain personal aspects of an individual, in particular to analyse or predict:

- performance at work;
- economic situation;
- health;
- personal preferences;
- reliability;
- behavior;
- location;
- service received services given or movement

You have the right not to be subject to a decision when it is based on automated processing; and it produces a legal effect or a similarly significant effect on you.

However, that right does not apply where the decision is necessary for purposes of the performance of a contract between you and us. We may use data related to your performance or attendance record to make a decision as to whether to take disciplinary action (staff). We consider that to be necessary for the purposes of conducting the employment contract. In any event that is unlikely to be an automated decision in that action will not normally be taken without an appropriate manager discussing the matter with you first and then deciding whether the data reveals

information such that formal action needs to be taken. In other words, there will be “human intervention” for the purposes of the GDPR and you will have the chance to express your point of view, have the decision explained to you and an opportunity to challenge it.

Complaints

Where you take the view that your personal data are processed in a way that does not comply with the GDPR, you can contact us at our registered address. You also have a specific right to lodge a complaint with the relevant supervisory authority. The supervisory authority will then inform you of the progress and outcome of your complaint. The supervisory authority in the UK is the Information Commissioners Office.

lco.org.uk.