



## Privacy Notice for Residents, Potential Residents and Former Residents

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<b>Approval Record</b>	
Policy Owner	Chief Officer or Operations manager

# Privacy Notice for Residents, Potential Residents and Former Residents

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## 1. WHAT IS THE PURPOSE OF THIS DOCUMENT?

- 1.1 Haven (Tyneside) Limited is committed to protecting the privacy and security of your personal information.
- 1.2 This privacy notice describes how we collect and use personal information about you during and after your relationship with us as a beneficiary of our services, in accordance with the General Data Protection Regulation (GDPR).
- 1.3 Haven (Tyneside) Limited is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.
- 1.4 This notice applies to all potential, current and former individuals in receipt of our services, including housing, support and training services. This notice does not form part of any contract to provide services to you. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.
- 1.5 It is important that you read and retain a copy of this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation. If you require assistance with reading this notice, this notice will be read to you and you will be asked to verbally confirm you have understood.

## 2. DATA PROTECTION PRINCIPLES

- 2.1 We will comply with data protection law. This says that the personal information we hold about you must be:
  - 2.1.1 Used lawfully, fairly and in a transparent way.
  - 2.1.2 Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
  - 2.1.3 Relevant to the purposes we have told you about and limited only to those purposes.
  - 2.1.4 Accurate and kept up to date.
  - 2.1.5 Kept only as long as necessary for the purposes we have told you about.
  - 2.1.6 Kept securely.

### **3. THE KIND OF INFORMATION WE HOLD ABOUT YOU**

- 3.1 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).
- 3.2 There are "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about an individual's criminal convictions is also given additional protection under data protection law.
- 3.3 We will collect, store, and use the following categories of personal information about you:
  - 3.3.1 Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
  - 3.3.2 Date of birth.
  - 3.3.3 Gender.
  - 3.3.4 Marital status and dependants.
  - 3.3.5 Next of kin and emergency contact information.
  - 3.3.6 Information about previous residence(s) (including references).
  - 3.3.7 National Insurance number.
  - 3.3.8 Location of employment or workplace (if applicable).
  - 3.3.9 Copy of passport and/or driving licence (if applicable).
  - 3.3.10 Records of training undertaken with or through Haven.
  - 3.3.11 Records of services accessed from or through Haven.
  - 3.3.12 Support records
  - 3.3.13 Behavioural and disciplinary information.
  - 3.3.14 Photographs.
- 3.4 We may also collect, store and use the following "special categories" of more sensitive personal information:
  - 3.4.1 Information about your race or ethnicity, religious beliefs, sexual orientation.

3.4.2 Information about your health, including any medical condition, health and sickness records.

3.4.3 Information about criminal convictions and offences.

#### **4. HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

4.1 We collect personal information about our residents through the referral process to our services (including through the local authority or other agency that referred you to our service), as well as directly from the information that you provide. We may also collect information from former accommodation or services providers and for the purpose of obtaining criminal and other background checks.

4.2 We will collect additional personal information in the course of service-related activities throughout the period you access services from us.

#### **5. HOW WE WILL USE INFORMATION ABOUT YOU**

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

5.1.1 Where we need to perform the contract or agreement we have entered into with you.

5.1.2 Where we need to comply with a legal obligation.

5.1.3 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.

5.1.4 Where you have provided consent for your personal information to be used in a particular way.

5.2 We may also use your personal information in the following situations, which are likely to be rare:

5.2.1 Where we need to protect your interests (or someone else's interests).

5.2.2 Where it is needed in the public interest.

#### **6. SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION**

6.1 We need all the categories of information in the list above (see paragraphs 3.3 and 3.4) primarily to allow us to provide accommodation or other services to you as set out in the contracts in place with relevant local authorities, to enable us to provide information to public or statutory authorities who have referred you to our services or who otherwise need this information, to provide necessary reviews to relevant local authorities and other stakeholders and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate

interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- 6.1.1 Providing you with residential accommodation.
  - 6.1.2 Providing you with training or other services, or access to the same.
  - 6.1.3 Liaising with third parties to facilitate the provision of services as set out in paragraphs 6.1.1 and 6.1.2.
  - 6.1.4 Assessing the use and effectiveness of the services we provide to you,
  - 6.1.5 Administering the contract we have entered into with you and/or a local authority or other agency.
  - 6.1.6 Making a decision about your suitability for our services.
  - 6.1.7 Determining whether and the terms on which you may access our services.
  - 6.1.8 Checking you are legally entitled to live in the UK.
  - 6.1.9 Administering the contract we have entered into with you.
  - 6.1.10 Conducting one to one support, review or supervision meetings.
  - 6.1.11 Business management and planning, including accounting and auditing.
  - 6.1.12 Gathering evidence for possible breaches of acceptable conduct or behaviour.
  - 6.1.13 Making arrangements for the termination of the provision of services to you.
  - 6.1.14 Dealing with legal disputes involving you, or other residents, including accidents or injuries.
  - 6.1.15 Complying with health and safety obligations.
- 6.2 Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## **7. IF YOU FAIL TO PROVIDE PERSONAL INFORMATION**

If you fail to provide certain information when requested, we may not be able to provide you with the accommodation, training or other services you are due to receive, or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of residents).

## **8. CHANGE OF PURPOSE**

- 8.1 We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 8.2 Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **9. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

- 9.1 "Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

9.1.1 In limited circumstances, with your explicit written consent.

9.1.2 Where we need to carry out our legal obligations or exercise rights in connection with the provision of the social care we provide. This will include compliance with our health and safety obligations, regulatory obligations and to consider how your health impacts on our provision of these services.

9.1.3 Where it is needed in the public interest, such as to provide support to residents with a particular disability or medical condition, or to safeguard the economic wellbeing of an individual at economic risk, or otherwise safeguarding an individual at risk.

- 9.2 Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **9.3 Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights conferred on us by law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of accessing accommodation or other services from us that you agree to any request for consent from us.

## **10. INFORMATION ABOUT CRIMINAL CONVICTIONS**

- 10.1 We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection and retention policy and guidance.
- 10.2 Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- 10.3 We envisage that we will collect information about criminal convictions, by obtaining this information from the local authority or agency engaging us to provide services to you, in accordance with the arrangements we have in place with those bodies. We also liaise with the probation service and the police and will collect information about criminal convictions through our work with these bodies.
- 10.4 We are allowed to use your personal information in this way given the process and terms under which you have been referred to our services, to enable us to make appropriate decisions about the support, training or other services to be provided to you to help prevent offending or re-offending. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

## **11. AUTOMATED DECISION-MAKING**

- 11.1 Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.
- 11.2 We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **12. DATA SHARING**

- 12.1 We may have to share your data with third parties, including third-party service providers, statutory agencies and the police and probation service.
- 12.2 We require third parties to respect the security of your data and to treat it in accordance with the law.
- 12.3 Please note that, in accordance with our data protection and retention policy document and guidance and in order to help ensure the safety of your personal information, we will not send your personal information to any third party by email transmission under any circumstances.

#### **12.4 Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the provision of services to you or where we have another legitimate interest in doing so.

#### **12.5 Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents, such as Lifeskills training providers). Other third parties that may process your information include Home Group Limited, Gateshead Council, Newcastle City Council, Home Group and Northumbria Community Rehabilitation Company.

#### **12.6 How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

#### **12.7 What about other third parties?**

12.7.1 We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction. We may also share personal information with a replacement service provider, for example if the local authority that referred you to our service engages a new service provider to provide services to you that were previously provided by us. In this situation we will share your personal data if and to the extent required under the terms of the agreement with the local authority.

12.7.2 We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to the Care Quality Commission and the Charity Commission.

### **13. DATA SECURITY**

13.1 We have put in place measures to protect the security of your information. Details of these measures are available upon request from the Chief Officer and Operations Manager.

13.2 Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.



- 13.3 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors in our organisation, and other third parties, who have a need to know this to provide the relevant services to you. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Chief Officer and Operations Manager.
- 13.4 We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **14. DATA RETENTION**

### **14.1 How long will you use my information for?**

- 14.1.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our data protection and retention policy and guidance which is available from the Chief Officer and Operations Manager. 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.
- 14.1.2 In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a resident of Haven we will retain and securely destroy your personal information in accordance with our data protection and retention policy and guidance.

## **15. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **15.1 Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the period in which you access our services.

### **15.2 Your rights in connection with personal information**

- 15.2.1 Under certain circumstances, by law you have the right to:

- (a) **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- (b) **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- (c) **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- (d) **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- (e) **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- (f) **Request the transfer** of your personal information to another party.

15.2.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Chief Officer and Operations Manager in writing.

### **15.3 No fee usually required**

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

### **15.4 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 the information (or to exercise any of your other rights). This is another

appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

**15.5 Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Chief Officer and Operations Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

**16. CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the Chief Officer.**

I, \_\_\_\_\_ (resident), acknowledge that on \_\_\_\_\_ (date), I received a copy of Haven (Tyneside) Limited's privacy notice for residents and that I have read and understood it.

Signature: .....

Name: .....

**OR**

I, \_\_\_\_\_ (Haven staff), confirm that on \_\_\_\_\_ (date), I read a copy of Haven (Tyneside) Limited's privacy notice for services users to \_\_\_\_\_ (resident), who duly acknowledged the notice and its contents and has confirmed that he/she has understood it.

Signature: .....

Name: .....