

Residential Services

Our adult residential services are registered with the Care Quality Commission (CQC) to provide accommodation and personal care to adults with physical or learning disabilities and include:

Chipchase & Ferndene (Forest Hall), Leybourne (Killingworth), Wansbeck House (Jesmond), and Tynehouse & Moorview (Jesmond).

Information collection

Information you give us.

Upon enrolment as one of our residents, we will collect various personal information about you. This will include; full name, date of birth, address, contact telephone number, email address, emergency contact details, next of kin.

Due to the specialised nature of the health, wellbeing and medical support we provide to our residents, we will also be required to collect personal information relating to your medical condition. Under data protection laws, this is classified as **'Special Category data'**. This information will include; specific medical condition, therapy needs, medication requirements, family history and any behavioural needs (if applicable).

We may also require financially related information, for instance, your bank account information (if required) or any associated funding information to support residential fees.

Information from third parties.

We may need to contact third parties, for instance, your GP, Social Worker, Local Authority, NHS, Therapist (or similar) to request previous medical records, or associated health records relating to your health and wellbeing. This is to ensure we have all the relevant and up to date information relating to your medical and health history, so we can fully support your specific needs. We will ask your permission to do so prior to requesting this specific information.

In cases where both we and the local authority (or similar) process the same personal information relating to you, we will be joint data controllers of your personal information.

How we will use your information

The categories of information that we collect, hold, and share include:

- Personal information (such as name and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- Personally identifiable information (such as your National Insurance Number and your images)
- Special Category information (such as medical and health information)
- Financial information (such as your bank account details)
- behavioural information
- safeguarding information

The information you give us and we collect from relevant third parties will be used to form your service user record. For instance, your daily activities, progress, and any medical needs will be added to your records.

Additional relevant communications that contains key information relating to your wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your health and wellbeing needs, to ensure we provide you with the required support.

For instance:

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to process financial transactions
- to allow the statistical analysis of data so we can plan the provision of services.

Legal basis for our processing

As the data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional special category legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

If you are a **private user who contracts directly with us** - *processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR), or*

If you are **funded via your local authority** – *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR), and*

Our additional **special category condition** is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition**; Part 1, **Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

During assessment/enrolment at our service we will ask you to disclose your **racial/cultural identity as well as your faith** as part of our assessment and care planning. **This is not mandatory, and therefore you do not have to disclose this information.** If you do it will be used to determine whether there was a support need.

Our legal basis for this processing is – *the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6 (a) GDPR), and*

Our additional **special category condition** for processing is - *the data subject has given explicit consent to the processing of those personal data for one or more specified purposes (Article 9 (a) GDPR).*

This is in accordance with the **DPA 2018 schedule 1 Condition**; Part 1, **Health or social care purposes. 2 (1) This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.**

At times our services may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for this processing this information is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject (Article 6 (c) GDPR), and*

Our additional **special category condition** for processing is - *processing is necessary to **protect the vital interests** of the data subject or another natural person where the data subject is physically or legally incapable of giving consent (Article 9 (c) GDPR).*

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Safeguarding of children and of individuals at risk. 18 (1)** *This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

Images of individual's play an important part of our activities and we will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR).

Your consent will be gained via our Image Consent Form, which you will have received, signed, and returned to the residence outlining your specific preferences of what images can, or cannot be processed.

Recipients and disclosing your personal information

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, therapy teams, education services, finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- During inspections with Regulators, for example; Ofsted/CQC and/or private consultancy firms who we instruct to complete audits, as part of our legal and contractual arrangements.

Your personal information is only in these circumstances viewed on-site and is not removed.

We may also disclose your personal information external to the Foundation in the following circumstances:

- To third parties who provide a service to us and process your personal information on our behalf. These include;
 - Databridge (Wansbeck House only) <https://databridgemis.net/>
- With third parties who also process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;
 - Local Authorities
 - GPs
 - Social Workers
 - NHS
 - External therapy and/or behavioural teams
- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
 - Hoist suppliers
 - Wheelchair suppliers
 - Transport services (Local Authorities)

- Where we are under a duty to disclose your personal information in order to;
 - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
 - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
 - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or
 - in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

Keeping your personal information

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

Our retention period for adult residential records:

We will retain your residential record for 5 years after you leave our services, in line with CQC guidance.

To find out more information about CQC governance go to: <http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-17-good-governance>

Our retention period for residential images:

Resident records that may include images that evidence your progress and achievement will need to be retained in line with Ofsted and CQC requirements as outlined above.

Images that are not directly related to your resident record file will only be retained while you attend our residential services (unless you have given explicit consent to continue to use your images for a longer period).

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our residents. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar
- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

ⁱ *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*