

Weston Hospicecare Privacy Notice

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Introduction

This Privacy Notice explains how, why and for what purposes Weston Hospicecare collects personal information (also called personal data, these terms being considered interchangeable), the legal basis for doing so, how it is used, with whom it is shared, for how long it is retained, how it is safeguarded, and clearly explains the rights of individuals to retain oversight and control of their personal information.

As further explained below, Weston Hospicecare is classified as a data controller because we determine the purposes and means for the processing of personal data. Although deemed a data controller, we are also involved in data processing due to the way in which we collect, retain, use, and where necessary share personal data.

Our Privacy Notice is relevant to everyone who comes into contact with the hospice: staff, volunteers, applicants, patients/service users and their families, supporters, donors, shop customers, etc... To find out more about our Privacy Notice, please read the relevant sections below, and in particular the section headed "What are your rights?" which describes how you can maintain control over your personal data.

Hospice employees should read this document in conjunction with our Employee Privacy Notice which is issued to all staff and provides further details about the collection and processing of staff personal information.

Who are we?

We are a hospice based at Uphill in Weston-super-Mare, providing a range of palliative and end-of-life care services to the communities of Weston-super-Mare and surrounding towns and villages within North Somerset and Sedgemoor, covering an area of approx. 450 square kilometres and a population of approx. 170,000 people.

Our Clinical services include a 10-bed in-patient unit, a team of hospice community nurse specialists caring for patients at home, day hospice services (for out-patients), a family support

team providing practical assistance, bereavement support and spiritual care to the family setting, physiotherapy and occupational therapy, and complementary therapies.

The hospice is funded via a minority (20%) NHS grant, with the majority of our income achieved via our network of retail shops, our charitable fundraising activities and financial support from the communities we serve. We employ around 145 full-time and part-time staff, and we have an active volunteer base of around 600 volunteers.

Weston Hospicecare is a UK company, limited by guarantee, and registered with the Charity Commission of England and Wales under number 900328. We are registered with, and inspected by, the Care Quality Commission. We are registered with the Fundraising Regulator and subject to its code of fundraising practice. The Hospice is registered with the Information Commissioner's Office (ICO) as a Data Controller with registration number Z5035102, and as such we comply with the Data Protection Act (2018) and the General Data Protection Regulations (EU: 2016/679). Our Lottery is licenced by North Somerset Council and regulated by the Gambling Commission.

Why do we collect personal information about you?

We collect, hold and use your personal information to enable us to run our Hospice effectively, and to interact with you appropriately, including:

- Personal information about patients and next of kin to enable us to give you the correct care and treatment, and to be able to contact you and your loved ones.
- Personal information about our staff, volunteers and applicants for roles, to communicate effectively and to carry out administration and our duties as an employer, as necessary for your role.
- Personal information about our donors and supporters so that we can coordinate and acknowledge your support for us, to understand you better, and to send you relevant news and information about our work, fundraising activities and events.
- Personal information about our shop customers when they are able to gift aid the sale proceeds of their donations to the Hospice.
- Technical data about visitors to our website to ensure the content of our website is presented in the most suitable format for you and your computer.

Information is held either digitally on computer and disk storage, or as hardcopy paper records, or both.

What personal information do we need to collect about you and how do we obtain it?

The personal information we collect, hold and use is always kept to the minimum data necessary to achieve the specific purpose required, and therefore varies depending on why you are providing it.

Personal information may be collected verbally whether by telephone or face-to-face, electronically such as via online forms or by email, or on paper such as forms you complete and submit or letters.

Examples of the types of information we may collect from you are listed below, noting that for most purposes the personal information collected would be just a small subset of these:

- Name
- Address(es)
- Date of birth
- NHS number & hospital number if applicable
- Medical records
- Telephone number(s)
- Email address(es)
- Next of kin details
- Records of your communications with us
- Donation and gift aid information
- Bank details, when you set up a standing order or direct debit
- Card payment details (for donations, lottery membership, event entry, or a merchandise purchase – card details are held only for a single transaction, and are subsequently deleted)
- Information you elect to provide onto our website (such as date of birth or reason for donating)
- Confirmation of your health status for so-called 'extreme' sports activities
- Any other information you choose to share with us (such as your relationship to other supporters or patients).

Personal information may come to us directly or indirectly:

Directly

Personal information comes to us directly when for example you:

- Are referred to us as a patient or other service user, either from you, from your family, or from another health care professional involved in your care.
- Make a donation
- Register for an event
- Join our lottery
- Sign up to Gift Aid when donating goods to one of our shops
- Register as a Hospice volunteer
- Apply for employment
- Share your story with us we will collect details that enable us to process or administer our relationship with you.

Indirectly

Personal information comes to us indirectly when for example you:

- Use online fundraising sites such as JustGiving – only if you agree to them sending us your details.
- Register for an event, or sign up for a newsletter, via our website or CRM event pages – the details you submit are collected on our behalf by our website or CRM provider.
- Set up a standing order or direct debit – your bank will send us enough details to be able to process and administer your donations.
- Agree to let a friend or colleague give us your details when registering for an event.

- Use our website:
 - Cookies on our website work to gather data about your time spent on our website to make your browsing experience more efficient and enjoyable. Cookies are small text files containing basic information about a particular website and user. If you would like to disable cookies, you can change your browser settings to reject cookies – for more information visit www.aboutcookies.org
 - When you use our website, tools like Google Analytics collect information such as your IP address, the browser you use (e.g. Internet Explorer, Google Chrome, etc...), domain names, time of day you accessed the website, and referring website addresses. This information helps improve our online services, assures security and helps protect against fraud. It also assists with diagnosing online problems with our website.
 - Please note our website may contain links to other websites which are not controlled by us. We are only responsible for our own website security and privacy policies as described herein, therefore we recommend you check the privacy notice/statement of any other websites that you may visit.

What do we do with your personal information?

After collection, how we use your personal information depends greatly on the purpose for which you provided it. Examples of how your personal information may be used, grouped by categories, are provided below:

Patients, service users and next of kin

- To provide our patients and service users with quality care via our medical and clinical teams.

Staff, volunteers and employment applicants

- To administer your employment or voluntary work where you become an employee or volunteer.
- To process your application for a job or volunteer role with us.

Donors & supporters

- To keep a record of donations you make to Weston Hospicecare, actions you take, and our communications with you.
- To process credit and debit card donations you make.
- To process standing order or direct debit payments you make.
- To claim gift aid on your donations.
- To process your lottery draw entries.
- To support community-based fundraising you might be taking part in.
- To send you marketing information about our work and fundraising activities.
- To create an individual profile for you (including analysing demographic and geographic information) so that we can enhance your experience and relationship with us, understand and respect your preferences, and provide information and details of relevant offers and opportunities where you have agreed to receive them (occasionally we may engage third party organisations such as fundraising agencies to assist us).

Event participants

- To process your entry for Weston Hospicecare events, manage your participation and communicate with you about it.

Retail/shop supporters

- To process your purchase of merchandise from our online shop.
- To benefit from Gift Aid in the case of UK taxpayers donating goods for sale and agreeing to Gift Aid.

All persons

- To ensure we do not send unwanted information if you've informed us you don't wish to be contacted; our communications with you, provided you have given consent or we have legitimate interests to do so, will be tailored to match the contact preferences you have chosen. We will always provide an opportunity to 'opt out' in our communications to you, and you are free to change your contact preferences at any time. Please refer below to "What are your rights?" for more information.
- To comply with applicable law and regulations.
- To detect and reduce fraud and credit risk.
- To seek your opinion about our activities so that we can improve the products and services we offer.
- To comply with our obligations in accordance with the Fundraising Regulator's Code of Practice.

What is our legal basis for processing your personal information?

There are two principle legal bases for our processing of your personal information:

1. You have given your consent for us to do so.
2. It is within our legitimate interest to do so.

Consent

Consent means that you have clearly and specifically provided your permission for the Hospice to contact you in a certain way, or ways, and have provided your personal information to us on a positive opt-in basis.

Note: some services in the Hospice provide an option to communicate with supporters via email. Please be aware that the hospice cannot guarantee the security of information contained within emails whilst in transit, and by consenting to this means of communication you are accepting this risk.

Legitimate interests

Legitimate interests means we have a reasonable and compelling justification to process personal information in the pursuit of our charitable objectives, thereby enabling us to run our charity effectively, but only where your personal data is used in ways you might reasonably expect and any impact on your privacy is minimal and predictable, and where those objectives cannot realistically be achieved through other means than processing of personal information.

The legitimate interests may be our own interests, a third party's interests, or indeed your own interests.

When relying on legitimate interests as the legal basis for processing your personal data we make sure to consider and balance any potential impact on you (both positive and negative), and your rights and interests under data protection laws. Our legitimate interests do not automatically override yours and we will not use your information for activities where our interests are

overridden by the impact on you, unless we have your consent or are otherwise required or permitted by law to do so.

Who do we share your personal information with, and why?

Weston Hospicecare promises never to share your personal data with any third party for their own marketing purposes, and never to sell your personal data.

We may need to share your information with selected service providers who help us to deliver against our fundraising activities and appeals – such providers are classified as ‘data processors’ who will only act under our specific instructions, are subject to pre-contract due diligence and contractual obligations containing strict data protection clauses. We do not allow these organisations to use your data for their own purposes or to disclose it to third parties, and we will take all reasonable care to ensure that they keep your data secure.

We are required to share our employees’ personal data with supporting organisations such as our employee pension providers and occupational health advisors, as well as HMRC and the Office for National Statistics. Hospice staff are referred to our Employee Privacy Notice for more information.

Very occasionally, the Hospice may be required by law to share personal data with privileged organisations such as the Police, regulatory bodies and legal advisors, or where urgent matters of care and/or safeguarding override other interests. In such cases we will always act proportionately and with maximum discretion.

Sharing of personal data for clinical care

In accordance with NHS guidance, the Hospice has an appointed Caldicott Guardian (CG); this is a senior member of our clinical staff who is registered as our CG, attends specific training annually, responsible for maintaining patient confidentiality and enabling appropriate sharing of clinical data with other health and social care providers involved in the care and support of our patients and service users.

Members of the Hospice team looking after you may need to share your personal information with each other and with other healthcare professionals such as nurses, doctors, therapists, pharmacists, clerical support staff, and medical students/trainees.

Please also refer to the information leaflet entitled “How do we use your information?” which is provided to new patients upon referral to the Hospice.

How do we maintain your records?

Personal information is stored both in paper (hardcopy) and electronic (computer disk) forms.

Patient and service users’ personal information is held for specified periods of time as set out in the NHS Records Management Code of Practice for Health and Social Care, and National Archives Requirements. In addition, everyone working for the NHS (and at independent H&SC organisations which are wholly or partly commissioned by the NHS and regulated by the Care Quality Commission) must comply with the Common Law Duty of Confidentiality and related national and professional standards and requirements. Accordingly, we have a duty of care to:

- Maintain full and accurate records of the information we hold.
- Keep records confidential and secure.
- Provide information in a format that is accessible to you.

We take the security of your personal information seriously. Information technology safeguards such as firewalls, anti-virus software and encryption are employed to keep digital data safe and protected against unauthorised disclosure access and damage. Related Hospice policies and procedures maintain security of hard copy documents, and regulate access to digital documents via individual login credentials, password controls and hierarchy of permissions.

Retention of personal information

We will keep your personal data only as long as necessary for the purpose it was collected, and to comply with relevant legislation.

Destruction of personal data which has expired or for which we no longer have a compelling justification to retain, is achieved via shredding of paper documents by an accredited waste destruction company, and by wiping of data disks prior to secure disposal in the case of digital documents.

What are your rights?

If we need to use your information for any reasons other than those described within this Privacy Notice, we will first consult you and ask for your explicit consent.

The Data Protection Act (2018) and related legislation gives you certain rights, including the right to:

- Request access to the personal data we hold about you. This is most usually achieved by completing a SAR (subject access request) form which we will provide to you upon request, but must otherwise be received digitally or in writing, and proof of identity is required. There will be no fee for subject access requests, unless a particular request is “manifestly unfounded or excessive”. The Hospice will make every effort to reply as quickly as possible and within 21 days. Requests to access the personal data of another person require both proof of identity and proof of authority.
- Request the correction or updating of inaccurate or incomplete personal information contained in our records, subject to certain safeguards. We do encourage you to update us as promptly as possible if your personal details change, however please note that we use data services periodically to update us on people who have moved home or who have died so as to ensure your records are as accurate and as current as possible. Requests to correct/update the personal data of another person require both proof of identity and proof of authority.
- Request that your information be deleted or removed where there is no need for us to continue processing it, and where the minimum retention time required by law has passed. This is also known as the “right to erasure” or the “right to be forgotten”.
- Ask us to limit or restrict the use of your personal information, where appropriate.
- Ask us to copy or transfer your personal information from or to another organisation in a safe and secure way, without impacting the quality of the data, provided we are reasonably able to do so. This is also known as the “right to data portability”.

- Object to how your personal information is used. Unless there are overriding safety or safeguarding issues, such an objection will usually result in an immediate suspension of the processing of your data until such time as it is mutually agreed that processing can continue, or will otherwise trigger a complaint – see below.
- Challenge any decisions made without human intervention (automated decision making).
- Require us to update/amend your contact preferences.
- Raise a complaint – refer details below.
- In cases where you want us to disclose, delete or amend personal information relating to a person who has died, for example your deceased next of kin, the relevant legislation governing such a request is different, and the Hospice will cooperate and assist you to make your application in the appropriate way.

How to raise a complaint

To raise a complaint about how we have handled any aspect of your personal data, please contact one of the Hospice's Information Governance (IG) Lead persons:

- For patients and service users: please contact our Clinical IG Lead/Caldicott Guardian (details below).
- For all other persons: please contact the Hospice IG Lead (details below).

How can you contact us?

The appropriate contact persons and details are provided in the table below:

Category	Department	Person, address & contacts
Patients & service users & Clinical complaints	Clinical IG Lead / Caldicott Guardia	Director of Patient Services, Weston Hospicecare, 28 Thornbury Road, Uphill, Weston-super-Mare, BS23 4Y Tel. 01934-423900 Email: MedSecs-Admin@westonhospicecare.org.uk
Staff & applicants for employment	Human Resource	HR Manager, Weston Hospicecare, 28 Thornbury Road, Uphill, Weston-super-Mare, BS23 4Y Tel. 01934-423900 Email: hr.admin@westonhospicecare.org.uk
Volunteers	Volunteer Department	Training & Volunteer Manager, Weston Hospicecare, 28 Thornbury Road, Uphill, Weston-super-Mare, BS23 4Y Tel. 01934-423900 Email: volunteer@westonhospicecare.org.uk
Supporters, donors event participants	Fundraising Department	Supporter Care Team, Weston Hospicecare, 28 Thornbury Road, Uphill, Weston-super-Mare, BS23 4Y Tel. 01934-423900 Email: supporter.care@westonhospicecare.org.uk
Complaints (non-Clinical)	Hospice IG Lead	Chief Executive, Weston Hospicecare, 28 Thornbury Road, Uphill, Weston-super-Mare, BS23 4Y Tel. 01934-423900 C/o Email: louisa.clark@westonhospicecare.org.uk

How can you contact the Information Commissioners Office?

The Information Commissioner's Office (ICO) is the body that regulates the Hospice under prevailing data protection legislation.

For definitive advice on all matters pertaining to information governance and your personal data, please refer to the ICO. In particular, if you have made a complaint against the Hospice and you are not satisfied with our response or the way in which your complaint is being handled, please refer the matter to the ICO.

Information Commissioner's Office,
Wycliffe House, Water Lane,
Wilmslow, Cheshire,
SK9 5AF.

Tel: 0303-1231113 (local rate) or 01625-545745 (if you prefer to use a national rate number)

Fax: 01625-524510

Email: casework@ico.org.uk

Website: <https://ico.org.uk/>

Supplementary information: Covid-19 and your personal data

This supplementary information describes how we may use your personal data to protect you and others during the Covid-19 outbreak.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on the gov.uk website.

During this period of emergency, opt-outs will not generally apply to the data used to support the Covid-19 outbreak, due to the public interest in sharing information. This includes National Data Opt-outs. However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Subject Access requests and new opt-out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information, including health and care records, with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals, care homes, district nurses and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period of emergency we may offer you a consultation via telephone or videoconferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal and confidential patient information will be safeguarded in the same way as it would with any other consultation. We may also be required to share personal and confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak.

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as data provided by patients themselves. All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

As the Covid-19 outbreak develops we may amend this supplementary information at any time so please review it frequently. The date at the top of this page will be amended each time this notice is updated.

*** End of document ***