

Hallmark Care Homes Amendment to the Privacy Policy for residents In effect from 02 July 2020

This notice is an amendment to the Hallmark Care Homes Privacy Policy for residents, issued on 01 April 2020 (version 2). The content of this document is in addition to the information included in the previously issued Policy.

This amendment is being made, in light of the ongoing COVID-19 outbreak affecting the UK.

1. The data being processed

From 02 July 2020, each home in England will be taking part in the 'Whole Home' testing programme, organised by the Department of Health and Social Care. This involves each resident being tested for COVID-19, on a regular basis. The result of these tests will be sent to each home's General Manager, who will then inform each resident of their result. Personal data, involving name, address and date of birth will be shared with the Department of Health and Social Care.

2. The lawful basis for the processing

We are processing this data under the lawful basis of consent. Each resident will be asked to complete a 'COVID-19 Testing Consent form'. Residents are not obliged to consent and can refuse to take part in the testing programme, without any fear of recrimination. Residents can also choose to withdraw their consent, at a later stage if they choose. Again, withdrawing consent can be done without any fear of recrimination. Should a resident wish to withdraw consent previously granted, they need to inform either a care team member, or the home's General Manager.

Where a resident does not have capacity to consent, the team in the home will undertake a best interest decision. Best interest decisions will involve the resident's family and anyone who holds Lasting Power of Attorney for Health and Welfare (if applicable). This will determine whether taking part in the testing programme, is in that resident's best interests. If this is deemed to be the case, the personal data mentioned previously, will be processed under the lawful basis of legitimate interest.

3. The retention period for the personal data

We will hold on to this data for a period of 6 months following the official end of the COVID-19 outbreak.

4. The contact details of our data protection officer

Our Data Protection Officer is Nick Banister-Dudley who can be contacted via the Central Support office, by phone on 01277 844829 or by email on dpo@hallmarkcarehomes.co.uk. If you have any specific concerns relating to the COVID-19 outbreak please speak to the team in the home, in the first instance. Alternatively, if you have any queries regarding our management of COVID-19 you can email Coronahelpline@hallmarkcarehomes.co.uk.

5. The rights available to individuals in respect of the processing

The GDPR provides you with the following rights:

- The right to be informed e.g. via Privacy notices such as this one.
- The right of access or your right to make a subject access request.
- The right to rectification or your right to have inaccurate personal data rectified.
- The right to erasure, also known as the right to be forgotten.
- The right to restrict processing or limit the way your data is processed.
- The right to data portability or the right for you to receive the data you have provided to us in an easy to use format or request that this is transmitted to another data controller.
- The right to object or your right to ask a controlled to stop processing your data.
- Rights in relation to automated decision making and profiling.

Please note that not all of these rights apply in all circumstances. Further information on your data rights can be found in our Individual Rights and Data Access policy. A copy is available on the [policies section](#) of our website, or you can request a printed copy from the General Manager. If you would like to exercise any of these rights, please contact the Data Protection Officer on dpo@hallmarkcarehomes.co.uk who will support you with this. For residents who lack capacity, requests under the GDPR can be made by their representatives.

6. The right to lodge a complaint with a supervisory authority

If you have contacted us but continue to have concerns about the use of your personal data, you can contact the Information Commissioner's Office (ICO). The ICO is the UK's independent body set up to uphold information rights.

The ICO can be contacted through their website: www.ico.org.uk, or via their helpline on 0303 123 1113.

Author

Nick Banister-Dudley
Head of Compliance and Data Protection Officer