



Privacy Notice

Introduction

This is Empanda Care & Support Ltd CIC's Privacy Notice.

As part of the services we offer, we are required to process personal data about our staff, our service users and, in some instances, the friends or relatives of our service users and staff. "Processing" can mean collecting, recording, organising, storing, sharing or destroying data.

We are committed to being transparent about why we need your personal data and what we do with it. This information is set out in this privacy notice. It also explains your rights when it comes to your data.

If you have any concerns or questions please contact us:

Email us: **info@empanda.org.uk**
Telephone us: **01603 552102**
Write to us at: Empanda Care & Support Ltd CIC
Saracens House
25 St Margaret's Green
Ipswich
Suffolk
IP4 2BN

Service Users

What data do we have?

So that we can provide a safe and professional service, we need to keep certain records about you. We will process the following types of data:

- Your basic details and contact information e.g. your name, address, date of birth and next of kin.
- Your financial details e.g. details of how you pay us for your care or your funding arrangements.

We may also record the following data, which is classified as "special category":

- Health and social care data about you, which might include both your physical and mental health data.
- We may also record data about your race, ethnic origin, sexual orientation or religion.

Why do we have this data?

We need this data so that we can provide high-quality care and support. By law, we need to have a lawful basis for processing your personal data.

We process your data because:

- We have a legal obligation to do so – generally under the Health and Social Care Act 2022 or Mental Capacity Act 2005.

We process your special category data because:

- It is necessary due to social security and social protection law (generally, this would be in safeguarding instances).
- It is necessary for us to provide and manage social care services.
- We are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent at any time.

The NHS National Data Opt-Out

The national data opt-out is a service that allows service users to opt out of their confidential patient (service user) information being used for research and planning.

At this time, we do not share any data for planning or research purposes for which the national data opt-out would apply. We review all of the confidential service user information we process on an annual basis to see if this is used for research and planning purposes. If it is, then individuals can decide to stop their information being shared for this purpose. You can find out more information at <https://www.nhs.uk/your-nhs-data-matters/>.

Where do we process your data?

So that we can provide you with high quality care and support, we need specific data. This is collected from or shared with:

1. You or your legal representative(s).
2. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms, via apps and SMS.

Third parties are organisations we might lawfully share your data with. These include:

- Other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, clinical commissioning groups, and other health and care professionals.
- The Local Authority.
- Your family or friends – with your permission.
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC.
- The police or other law enforcement agencies if we have to by law or court order.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We only permit our third party service providers to process your personal information for specified purposes and in accordance with our instructions.

Staff

What data do we have?

So that we can provide a safe and professional service, we need to keep certain records about you. We will record the following types of data:

- Your basic details and contact information e.g. your name, address, date of birth, telephone numbers, email address, National Insurance number, in case of emergency contact and next of kin.
- Your financial details e.g. details so that we can pay you, insurance, pension and tax details.
- Your training records.

We also record the following data which is classified as “special category”:

- Health and social care data about you, which might include both your physical and mental health data – we will only collect this if it is necessary for us to know as your employer, e.g. fit notes or in order for you to claim statutory maternity/paternity pay
- We may also, with your permission, record data about your race, ethnic origin, sexual orientation or religion.

As part of your application you may – depending on your job role – be required to undergo a Disclosure and Barring Service (DBS) check (Criminal Record Check). We do not keep this data once we’ve seen it, but may retain the DBS issue number.

Why do we have this data?

We require this data so that we can contact you, pay you and make sure you receive the training and support you need to perform your job. By law, we need to have a lawful basis for processing your personal data.

We process your data because:

- We have a legal obligation under UK employment law.
- We are required to do so in our performance of a public task.
- We have a legitimate interest in processing your data – for example, we provide data about your training to Skills for Care’s National Minimum Data Set, this allows Skills for Care to produce reports about workforce planning.
- We are required to provide data to our regulator, the Care Quality Commission (CQC), as part of our public interest obligations.

We process your special category data because:

- It is necessary for us to process requests for sick pay or maternity pay.

If we request your criminal records data it is because we have a legal obligation to do this due to the type of work you do. This is set out in the Data Protection Act 2018 and the Rehabilitation of Offenders

Act 1974 (Exceptions) Order 1975. In some cases, we may keep a record of your criminal records information (if any) for risk assessment purposes.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

Where do we process your data?

As your employer, we need specific data. This is collected from or shared with:

1. You or your legal representative(s);
2. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms.

Third parties are organisations we have a legal reason to share your data with. These include:

- Her Majesty's Revenue and Customs (HMRC).
- Our pension and healthcare schemes (The People's Pension and HSF Health Plan).
- Our external payroll provider; (CBR Solutions Ltd).
- Organisations we have a legal obligation to share information with i.e. for safeguarding, the CQC.
- The police or other law enforcement agencies if we have to by law or court order.
- The DBS Service via Community Action Suffolk.

Friends/Relatives

What data do we have?

As part of our work providing high-quality care and support, it might be necessary that we hold the following information on you:

- Your basic details and contact information e.g. your name and address, telephone and email address.

Why do we have this data?

By law, we need to have a lawful basis for processing your personal data.

We process your data because we have a legitimate business interest in holding information about the individuals who use our service and keeping emergency contact details for our staff. The information we hold could, depending on individual circumstances, include next of kin and lasting power of attorney information.

We may also process your data with your consent. If we need to ask for your permission, we will offer you a clear choice and ask that you confirm to us that you consent. We will also explain clearly to you what we need the data for and how you can withdraw your consent.

Where do we process your data?

So that we can provide high quality care and support, we need specific data. This is collected from or shared with:

1. You or your legal representative(s)
2. Third parties.

We do this face to face, via phone, via email, via our website, via post, via application forms, via apps and SMS.

Third parties are organisations we have a legal reason to share your data with. These may include:

- Other parts of the health and care system such as local hospitals, the GP, the pharmacy, social workers, and other health and care professionals;
- The Local Authority;
- The police or other law enforcement agencies if we have to by law or court order.

Our Website

Our website may include links to third party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share information about you. We do not control these third-party websites and are not responsible for their privacy notices. When you leave our website, we encourage you to read the privacy notice of every website you visit.

Your rights

The data that we keep about you is your data and we ensure that we keep it confidential and that it is used appropriately. You have the following rights when it comes to your data:

1. You have the right to request a copy of all of the data we keep about you.
2. To receive from us the personal information we hold about you which you have provided to us in a reasonable format specified by you, including for the purposes of you transmitting that personal information to another data controller.
3. You have the right to ask us to correct any data we have which you believe to be inaccurate or incomplete. You can also request that we restrict all processing of your data while we consider your rectification request.
4. You have the right to ask that we erase any of your personal data which is no longer necessary for the purpose we originally collected it for. We retain our data in line with our Data Retention Policy.
5. You may also request that we restrict processing if we no longer require your personal data for the purpose we originally collected it for, but you do not wish for it to be erased.

6. You can ask for your data to be erased if we have asked for your consent to process your data. You can withdraw consent at any time – please contact us to do so.
7. If we are processing your data as part of our legitimate interests as an organisation or in order to complete a task in the public interest, you have the right to object to that processing. We will restrict all processing of this data while we look into your objection.


You may need to provide adequate information for our staff to be able to identify you, for example, a passport or driver’s licence. This is to make sure that data is not shared with the wrong person inappropriately. We will always respond to your request as soon as possible and at the latest within one month.

If you should have any reason to complain about how we have dealt with your request, please contact:

Information Commissioner’s Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

<https://ico.org.uk/global/contact-us/>

Privacy Notice approved by:

Name:	Clare Carr	Position:	Chair
Signature:		Date:	20/10/22