Introduction

Welcome to Acuity Care Limited's ("**Acuity**") privacy policy.

Acuity respects your privacy and is committed to protecting your personal data. This privacy policy sets out the personal data that we collect about you when providing our services, engaging with you, when you complete a form on our website or when you use our website. It also sets out your privacy rights and how the law protects you.

1 Important Information and Who We Are

Purpose of this privacy policy

This privacy policy aims to give you information on how Acuity collects and processes your personal data through your use of this website, when we engage with you or provide services to you. This Privacy Policy does not set out how we collect the data of our employees or contractors. If you are an employee of Acuity or one of our contractors, please see our Employee Privacy Notice.

As we set out below, if you are a client of ours, we may receive personal data about you from NHS Clinical Commissioning Groups who may share that data with us so that we can provide our services to you.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

Controller

Acuity Care Ltd is the controller and responsible for your personal data (collectively referred to as "Acuity", "we", "us" or "our" in this privacy policy).

If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

Contact details

If you have any questions about this privacy policy or our privacy practices, please contact our DPO in the following ways:

Name: Phil Everitt

Email address: phil.everitt@acuitycaregroup.com

Postal address: First Floor Suite, Shire Hall, High Pavement, Nottingham, NG1 1HN

Telephone number: 0115 857 2928

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (*www.ico.org.uk*). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. This version was last updated on 21 August 2020.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

2 The Data We Collect About You

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).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- Identity Data includes first name, maiden name, last name, date of birth, gender, marital status, title.

- Contact Data includes billing address, delivery address, email address and telephone numbers, contact numbers and details of your next of kin and/or emergency contacts.

- Special Category Data - if you are a client using our services then we may collect data concerning your health including information about the nature of care that may be required from us and including details of your current or former physical or mental health (including information about healthcare you have received directly from us, or other healthcare providers, such as GP's, hospitals (private or NHS), clinical commissioner groups or other, private, healthcare organisations, including your clinic and hospital visits and medicines administered and taken by you, your nationality, race and/or ethnicity, your religion, any genetic data or biometric data relating to you.

- Financial Data includes bank account and payment card details, we may collect from you if you are paying for our services.

- Transaction Data - if you pay for services we will record details about payments to and from you.

- Technical includes information about how you use our website and services.

- Marketing and Communications Data includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We will tell you if providing some personal data is optional, including if we ask for your consent to process it. In all other cases, we need you to provide your personal data so we can provide our care services to you and receive payment for these services.

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, or we need it to provide our services to you and you fail to provide that data when requested, we may not be able to provide the services to you. We will notify you if this is the case at the time.

3 How Is Your Personal Data Collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your personal data by filling in forms to register as one of our clients or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you meet with one of our carers face to face for a consultation or when you:
    - request our services;
    - complete forms on our website;
    - if you're a client, provide information which our employees request from you, and complete relevant care records about the services we have provided;
    - request marketing to be sent to you;
    - give us feedback or contact us about our services.
- **From other healthcare organisations.** We may receive personal data about you from other healthcare organisations who have been involved in your care or treatment previously (or who are still involved). This may include, receiving Special Category Data about you from your GP, Clinical

Care Commissioners or other healthcare professionals, the NHS, or any other healthcare organisations or professionals.

- **From our website.** If you visit our website, the website may automatically collect Technical Data which includes your internet protocol address.

4 How We Use Your Personal Data

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

- Where we need to provide care services to you

- Where we need to perform the contract we are about to enter into or have entered into with you to be able to provide our care services.

- 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.

- Where we need to comply with a legal obligation which means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Due to the nature of the healthcare services we provide, we will process Special Category Data about you. We are required to have a lawful basis and an additional legal justification for this processing, we have indicated where this is applicable in the tables below. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the tables below.

(i) **NHS and other health care organisations:**

Purpose/Activity	**Type of data**	**Lawful basis for processing including basis of legitimate interest**
To register you as a new client and establish an initial client record (including details of	(a) Identity (b) Contact	Performance of a contract - to enter into a contract with you for the provision of health and social care services to you and the individual client

individual clients who will receive our services).	(c) Financial (d) Marketing and Communications	
To process and deliver our services to you including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us (c) Managing our client records (including information about individual clients) (d) Fulfilling our safeguarding and reporting obligations	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you and managing payments under the contract with you for the provisions of health and social services. (b) Necessary for our legitimate interests (to recover debts due to us) (c) Legal obligation (to comply with our safeguarding, record keeping and reporting obligations)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation to keep you updated of changes to our terms (c) Necessary for our legitimate interests (to keep our records updated and to study how you use our products/services)
To make suggestions and recommendations to you about services that we offer that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Marketing and Communications	Necessary for our legitimate interests (to develop our services and grow our business)
To administer and protect our business, retaining client data, maintain	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud

accountancy records, analysing financial records, receiving professional advice and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(c) Technical	and in the context of a business reorganisation or group restructuring exercise). (b) Necessary to comply with our legal obligations.

(ii) **Clients and their families:**

Purpose/Activity	**Type of data**	**Lawful basis for processing including basis of legitimate interest**	**Lawful Basis for special category personal data**
To register you as a new client and to establish an initial client record	(a) Identity – including the names, addresses and email addresses of you, your family, next of kin and /or emergency contacts and/or power of attorneys (b) Contact – including contact details of you, your family, next of kin and/or emergency contacts and/or power of attorneys (c) Special Category – including data concerning your health	(a) Legitimate interests - to provide health and social care services to you or your family (b) Consent (where we provide health and social care to a child, to the extent necessary we will seek consent of a parent/guardian or next of kin to administer our health and social care services and to process and collect the child's personal data prior to commencing the services). (c) Legal obligation (to comply with our safeguarding, record keeping and reporting obligations)	Processing is necessary for the provision of health and social care and treatment.

To process and deliver our care services to you including: (a) To support and provide our health and social care services to you (b) Manage payments, fees and charges (where we provide our services to you through a personal health budget) (c) Collect and recover money owed to us (where we provide our services to you through a personal health budget) (d) Manage our client records and keep these records up to date (e) To be able to fulfil our safeguarding and reporting obligations	(a) Identity (b) Special category (c) Contact (d) Transaction (e) Marketing and Communications (f) Financial data – where we provide our services to you through a personal health budget	(a) Necessary for our legitimate interests - to provide health and social care services to you or your family (b) Performance of a contract with you to manage payments under the contract with you for the provisions of health and social services (where we provide services to you through a personal health budget). (c) Legal obligation (to comply with our safeguarding, record keeping and reporting obligations including where the processing is necessary to protect an individual from harm) (d) Consent (where we provide health and social care to a child, to the extent necessary, we will obtain consent of a parent/ guardian or next of kin to administer our health and social care services and to process and collect the child's personal data prior to commencing the services)	Processing is necessary for the provision of health and social care or treatment. It is necessary for us to establish, exercise or defend our legal rights.
To communicate with any other individual to update them about	(a) Identity (b) Contact	Necessary for providing health care services to you and necessary for the purposes of	Processing is necessary for the provision of health and social care or treatment.

your care (such as your emergency contact) and updating other healthcare professionals about your care.	(c) Special Category	carrying out a task in the public interest. Necessary for our legitimate interests in ensuring other health care professionals who treat you, or who are involved in your care (such as the NHS and Clinical Commissioner Groups) have full details of your treatment.	
To manage our relationship with you which will include notifying you about changes to our terms or privacy policy	(a) Identity (b) Contact	(a) Performance of a contract with you (where we have entered into a contract with you directly for a personal health budget) (b) Necessary to comply with a legal obligation to keep our clients and clients updated on changes to our terms and the way your personal data is processed through the privacy policy	Special Category Data about you will not be used in these circumstances.
To administer and protect our business, retaining client data, maintain accountancy records, analysing financial records, receiving professional advice and this website (including troubleshooting, data analysis, testing, system maintenance,	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with our legal obligations.	Special Category Data about you will not be used in these circumstances.

support, reporting and hosting of data)			
To use data analytics to improve our website, services, marketing, customer relationships and experiences	Technical	Necessary for our legitimate interests (to define types of customers for our services, to keep our website updated and relevant, to develop our business)	Special Category Data about you will not be used in these circumstances.

(iii) **For anyone who uses our website.**

Purpose/Activity	**Type of data**	**Lawful basis for processing including basis of legitimate interest**
To respond to an enquiry, you submit through our website	(a) Identity (b) Contact	Necessary for our legitimate interests (to respond to all new requests for further information made through our website)
To administer and protect our business and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

We may use your Identity, Contact and Technical data to form a view on what services and/or information we think you may want or need from us. This is how we decide which services may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us (whether through the form on our website or by contacting us) or received services from us and you have not opted out of receiving marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you and/or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, product/service experience or other transactions.

Change of purpose

We will only use your personal data 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5 Disclosures of Your Personal Data

We may share your personal data with the parties and purposes as set out below:

- Healthcare professionals or healthcare organisations such as your GP, the NHS or any other healthcare organisations or professionals who are involved in your care including any Clinical Commissioning Groups who we are engaged by to provide care services to you. Where we share your personal data with the NHS / Clinical Commissioning Groups, we use the forms of communication for the sharing of that personal data recommended by the NHS.

- Organisations paying for the health and social care that we provide to you including Clinical Commissioning Groups.

- If we have any concerns that you may be vulnerable or 'at risk' to yourself or others, then we have safeguarding and reporting duties to fulfil. We may share your personal data with relevant local authorities or safeguarding teams and the specialist members of those teams which come from local authorities, NHS organisations, other healthcare professionals or the police.

- Someone acting on your behalf who you have asked us to communicate with (such as your emergency contact or next of kin and/or power of attorney).

- Where the individual we are providing care to is a minor, we will share their personal data with their parent or guardian.

We may also share your personal data with certain third parties who are **not** involved with your care but are necessary for the performance of the services we provide, such as:

- Professional advisers including lawyers, bankers, auditors and insurers who provide banking, legal, insurance and accounting services.
- Specific third parties who provide IT services to us.
- HM Revenue & Customs (HMRC), regulators and other authorities based in the UK who require reporting of processing activities in certain circumstances.
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6 International Transfers

We do not transfer your personal data outside the United Kingdom.

7 Data Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8 Data Retention

How long will you use my personal data for?

By law we have to keep information about you (including Contact, Identity, Financial and, Special Category and Transaction Data) for the period set out in line with Records Management Code of Practice for Health and Social Care 2016 which incorporates the Caldicott principles which for care records with standard retention periods is (i) 8-years for individuals of adult age and (ii) until the individual is 25 years of age where the individual is a child.

In some circumstances you can ask us to delete your data: see ***your legal rights*** below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

9 Third-party links

This website may include links to third-party websites, plug-ins and applications, from time to time. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. Please note that these websites and any services that may be accessible through them have their own privacy policies and that we do not accept any responsibility or liability for these policies or for any personal data that may be collected through these websites or services,. Please check these policies before you submit any personal data to these websites or use these services.

10 Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

- Request erasure of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- Object to processing of your personal data 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

    i. If you want us to establish the data's accuracy.

    ii. Where our use of the data is unlawful but you do not want us to erase it.

    iii. Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.

iv. You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us on the contact details set out at the beginning of this privacy policy.

No fee usually required

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

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 your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Last updated 06/09/2023

by P.Everitt, Group IT Manager and DPO