

# Leaving Care Solutions Privacy Notice v1 July 2018



Leaving Care Solutions Limited is a private provider of supported accommodation services for young people leaving care (known as service users).

Our services are commissioned by government bodies and local authorities who provide us with referrals to provide young people with supported accommodation suitable for their level of need. We also provide additional needs-led outreach support for young people to assist them with achieving positive outcomes around gaining their own independence.

Our registered office is at Malvern View, Saxon Business Park, Hanbury Road, Bromsgrove, Worcestershire B60 4AD and further information on our services can be accessed at our website: [www.leavingcaresolutions.org](http://www.leavingcaresolutions.org)

As an organisation, we are registered with the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Depending on the factual situation, we may act as either a data controller or data processor in relation to the information of service users. This means that if we act as a data controller, we are responsible for deciding how we hold and use personal information about you. Alternatively, if we act as a data processor, we would process the data on behalf of the data controller (namely our customer).

For example, we may act as a data processor for personal information provided by our customers on the service users they refer to us. We may also act as a data controller for new information we gather about service users through the delivery of services. On occasions, we may act as a joint data controller with our customers in relation to the personal information of service users.

This document provides important information for situations in which we may act as a sole or joint data controller. In particular, this document sets out how we will use the personal information of service users, which includes young people leaving care. Any references in this document to 'you' and 'your personal information' should be construed as applying to each service user to whom we deliver support, namely you as an individual.

## **The types of information we hold about you**

The data we use will include personal characteristics such as your name, date of birth, age, contact details (including address, postcode, email address as well as home, work and mobile telephone numbers) and next of kin/emergency contact information. This information is usually provided by our customer at the point they refer you to us, as a requirement of the contract. This information enables our Placement Managers and Outreach Workers to maintain safe contact with you at all times in relation to the provision of supported accommodation.

Dependent on the services we have been contracted to deliver, we may also need to use the following additional data about you:

- We may use personal information on further needs such as: education, employment, care history, family, lifestyle, or social circumstances which are relevant to the service.
- We may also use the following special categories of more sensitive personal information about you such as: ethnic origin, religion, information about criminal convictions and offences, or health information which are relevant to the service.

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However we would only use such additional information if it was a contractual requirement or where our customer has requested it be used to either inform monitoring and reporting, or to directly tailor and support the services delivered to you. For example:

- Health information may be directly relevant to the type of accommodation provided to a young person.
- Employment information may be directly relevant to employability mentoring.

We will use additional personal information in the course of service-related activities throughout the period in which our organisation provides support to you.

The information provided by our customer and our service users helps us to support and meet our contractual responsibilities. For example, such information assists us in meeting individual needs. As part of our service delivery, we will also use information to help us offer an appropriate service to support your needs; gathering information on action plans we agree and work with you on, alongside outcome measures to evidence improvements you are seeing through our relationship with you.

## **The source of your personal information**

We will collate personal information from the following general sources:

- From you directly, and any information from connected service users and family members, as relevant to the services.
- Information generated about you when you use our services.
- From our customer who commissions our organisation to provide services to you.
- From business partners, such as sub-contractors or partnering agencies, who may be involved in delivering the services.

## **How we will use information about you**

We will use the personal information about you for various reasons which are detailed below.

1. To protect the vital interests of the service user(s):
  - a) To provide appropriate support and care to young people in line with contractual requirements set by our customers; or
  - b) To assess whether our services are making a difference to you.
2. As necessary for our own legitimate interests or those of other persons and organisations, e.g.:
  - a) To develop and improve our services and measure how well we are doing;
  - b) To report on our progress against our contractual requirements and expectations for our customers;
  - c) For good governance, accounting and managing and auditing our business operations; or
  - d) For research, analysis and developing statistics.
3. To comply with legal or regulatory requirements, e.g.:
  - a) To establish, exercise or defend any legal claims; or
  - b) To comply with safeguarding obligations.

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## **How we use particularly sensitive personal information**

We will use your particularly sensitive personal information in the following ways:

- To provide social care services;
- To protect the vital interests of a service user who is physically or legally incapable of providing consent;
- To establish, exercise or defend any legal claims; or
- To adhere to our obligations under social protection law.

## **If you fail to provide personal information**

If you fail to provide certain information when requested, we may be prevented from delivering services to protect the vital interests of you as the service user(s).

## **Change of purpose**

We will only use your personal information for the purposes for which we acquired it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information 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 information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **Automated decision-making**

We do not envisage that any decisions will be taken about you using automated means only. However, we will notify you in writing if this position changes.

## **Who we will share the data with**

We will share your personal information with third parties where required by law, where it is necessary to administer the relationship with you or where we have another legitimate interest in doing so. This includes the following:

- We are required through our commissioned contracts to pass on your personal information to our customer. This sharing assists with service delivery, performance management and contract monitoring.
- We will share your personal information with any sub-contractors or partner agencies involved in delivering the services. This includes local authority teams or other commissioned organisations contracted to work on the services alongside us. This sharing assists service delivery, performance management, contract monitoring and development of good practice.
- We may share your personal information with other entities in our group (for service delivery, as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data).
- We may share your personal information with our legal and other professional advisors, including our auditors.
- We may need to share your personal information in an emergency or to otherwise protect your vital interests.
- We may need to share your personal information to protect the security or integrity of our business operations.

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-We may need to share your personal information with market research organisations or other entities who help to improve our services (for example, by conducting research, analysis and developing statistics).

- We may need to share your personal information with other organisations who provide services to us such as back up and server hosting providers, IT software and maintenance providers, document storage providers and suppliers of other back office functions.

- We may share your personal information with other third parties, for example, in the context of the possible sale or restructuring of the business.

- We may also need to share your personal information with regulators, government bodies, statutory agencies, the police, courts or to otherwise comply with the law.

All our third party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **Data security**

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

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

## **Is your personal information transferred outside the UK?**

We are based in the UK and currently all our data centres are UK based (July 2018). However, there is the potential that your personal information may be transferred outside the European Economic Area. For example, if our location for hosting data changes or our software company is overseas, or if we start delivering services for an overseas customer.

If we do so, we will make sure that suitable safeguards are in place, for example, by using approved contractual agreements, unless certain exceptions apply.

## **How long do we hold your personal information?**

The following criteria are used to determine data retention periods for your personal information:

- Retention timescales set by customers – The length of time we hold your information can vary dependent on the contract terms and conditions under which we operate. If the contract with our customer requires us to hold the personal information for a defined period following contract closure, we will comply with this;

- Retention in case of claims – We will retain your personal information for as long as we provide services to you and then for as long as someone might legally bring a claim against us; and/or

- Retention in accordance with legal and regulatory requirements – We will retain your personal information after the delivery of service to you has ended, based on our legal and regulatory requirements.

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In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## Your duty to inform us of changes

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

## Your rights in connection with personal information

We have detailed below a list of the rights that all individuals have under data protection laws. They do not apply in all circumstances. If you wish to exercise any of these rights, we will explain at that time if it applies or not.

- The right **to be informed** about the processing of your personal information.
- The right to have your personal information **corrected if it is inaccurate** and to have **incomplete personal information completed**.
- The right **to object** to processing of your personal information.
- The right **to restrict processing** of your personal information.
- The right **to have your personal information erased** (the “right to be forgotten”).
- The right to **request access** to your personal information and to obtain information about how we process it.
- The right to **request the transfer of your personal information to another party** (“data portability”).

If you wish to exercise any of these rights, please contact [dpo@polariscommunity.co.uk](mailto:dpo@polariscommunity.co.uk) in writing stating clearly who you are and what you wish to happen.

You also have the right to make a complaint at any time to the ICO.

## Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO at the following address:

*Data Protection Officer*

*Polaris, Malvern View, Saxon Business Park, Hanbury Road, Stoke Prior, Bromsgrove, B60 4AD*