NursingDirect

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GENERAL PRIVACY NOTICE

TEMPORARY WORKER USE ONLY

WARNING:

If the document contains proprietary information, it may only be released to third parties after management has approved its release.

Unless otherwise marked, documents are uncontrolled; uncontrolled documents are not subject to update notifications.

The latest revision of this document can be found in the reference panel above. It can also be determined and double checked by checking the 'Master Document List' before using or sending.

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GENERAL PRIVACY NOTICE

INTRODUCTION

Welcome to Nursing Direct's Privacy Notice

NURSING DIRECT'S COMMITMENT TO PRIVACY

Nursing Direct respects your privacy and is committed to protecting your personal data. We will fully comply with our obligations under the General Data Protection Regulations which came into force on the 25th May 2018.

PURPOSE OF THIS PRIVACY NOTICE

This privacy notice will inform you as to how we look after your personal data collected when you visit our website, have used the OneTouch Health App or have otherwise provided to us off line in the course of our dealings with you. It also tells you about your privacy rights and how the law protects you.

Neither this website, nor our business operations generally, are intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice 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. For those that are employed by us or engaged by us under a consultancy agreement, we have an additional privacy notice which is particular to the personal data we collect and process in relation to such individuals. We will provide that privacy notice to those impacted individuals at appropriate times during our recruitment or engagement process. If you wish to access a copy of this specific privacy notice please contact us.

CONTROLLER

Nursing Direct Limited is the controller and responsible for your personal data (collectively referred to as "COMPANY", "we", "us" or "our" in this privacy notice).

CONTACT DETAILS

OUR FULL DETAILS ARE:

Full name of legal entity: Nursing Direct Limited
Email address: privacy@nursingdirect.com
Postal address: Galago House, 163 Brighton Rd, Coulsdon, Surrey CR5 2YH

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 NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

This version was last updated on the date set out in the footer of this document. Historic versions can be obtained by contacting us.

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.

THIRD-PARTY LINKS

Our website does not generally but 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 data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

1. 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 follows:

CLIENT SERVICES (WHETHER AS INDIVIDUAL CLIENTS SEEKING CARE SERVICES OR AUTHORITIES OR CARE TRUSTS SEEKING CARE SERVICES FOR THIRD PARTIES)

- **Identity Data** includes first name, maiden name, last name, title, possibly date of birth and gender.
- **Contact Data** includes billing address, work address, email address and telephone numbers.
- **Financial Data** includes invoice details and any other relevant finance information based on the nature of the services we are providing to you.
- **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.

NURSING AND OTHER MEDICAL PERSONNEL

- **Identity and Contact Data**, required to be provided both as part of the online registration to begin your application process and in your fuller application process
- **Right to Work Information** to demonstrate your ability to legally work in the UK.
- **Professional Conduct**
- **Work Experience Data** your competences, skills, experience and education, e.g. your CV or resume, previous employments, educational details and qualifications, third party references as well as more specific areas of experience in specific areas of nursing skills
- **Company Information** if you are operating through a limited company.

DOCUMENTS AS PART OF SCREENING PROCESS IN RELATION TO CARE PROFESSIONALS

- **DBS Certificate** to confirm criminal record status
- **Identity** - bank statement, copy of passport, utility bill
- **Right to Work** - copy of passport

SPECIAL CATEGORIES OF PERSONAL DATA

As part of our service we provide care packages to patients either upon private engagement by a patient directly (or by their family or an advocate), or alternatively at the request of a Clinical Commissioning Group (CCG). We will collect initial medical information as to the care requirements from a instructing CCG or from a family member. Thereafter we will collect, store and process data we have gathered ourselves relating to a patients medical condition and care requirements. This will also include details of your medical issues, care requirements and medication regime as well as details of your ethnic origins. It will also include your NHS number and your GP details.

Where applicable, it may be disclosed to any person or organisation who may be responsible for meeting your treatment and or care. It may also be provided to external service providers and regulatory bodies for the purpose of clinical audit to ensure the highest standards of care and record keeping are maintained.

Medical professionals working with us: We may share clinical information about you with our medical professionals as we think necessary for your treatment and care.

External practitioners: If we refer you externally for treatment or additional services, we may share with the person or organisation that we refer you to, the clinical and administrative information we consider necessary for that referral. It will always be clear when we do this.

Your GP: If the practitioners treating you believe it to be clinically advisable, we may also share information about your treatment with your GP.

The NHS: If you are required to attend hospital, we may share the details of your treatment with the part of the NHS, as necessary to perform further treatment and care.

Regulators: We may be requested, and in some cases required, to share certain information (including personal data and sensitive personal data) about you and your care with regulators.

GENERAL DATA COLLECTION

- **Marketing and Communications Data (if applicable)**, includes, any preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. 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 notice.

Other than as set out above we do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, other information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences unless it is explicitly required as part of a recruitment process for medical personnel. We have a separate privacy notice in relation to criminal conviction searches which will be provided to you at the relevant time, although a copy can be provided on request.

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 and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

2. 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 Identity, Contact, Marketing Data, Financial Data or, if appropriate, health data about a patient, by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
    - Ask us to provide care services directly for your own benefit or for a member of your family
    - Supplementary information you provide to us as part of our engagement with you, such as relating to your medical information, likes or dislikes and other preferences in order to better deliver your care services to you.
- **Information from CCGs or Authorities**. Where are instructed to provide care services to patients via CCG bodies or from local authorities we will be provided some initial information relating to a patient's care requirements as we begin our engagement with that patient. This will then typically be supplemented by information provided directly by the patient.
- **Third parties or publicly available sources**. We may receive personal data about you from various third parties as set out below:
    - **Patient Data** – If we instructed by a CCG some information about your care requirements and current health status may be provided by other medical practitioners, such as GPs or other medical professional who are involved in your care to enable us to then carry out our own assessments as to care needs.
    - **Nursing and Medical Staff Data** – We operate with our sister company, Nursdoc Limited who provide us details of potential nursing and medical staff to allow us to fulfil our care services.
    - Identity and Contact Data from publicly availably sources such as Companies House and credit agencies

3. 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 **perform the contract** we are about to enter into or have entered into with you, or on your behalf.
- 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 or regulatory obligation**.
- Where we need to do in order to protect your **vital interests** if we need to involve emergency care or support for you

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). Where we are engaged by a CCG to provide you, as a patient, with care services we believe there is a legitimate interest in receiving, processing and storing data relating to you as a patient, which will include Special Categories of Personal Data relating to your health and medical condition.

We provide details of how we process your medical information, including how it may be received from a CCG, and how we then store and process this information in our Service Users Guide. Additionally you can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a **legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

MARKETING

To the extent that we operate any marketing programmes, we will always seek your explicit consent. Any communication will always permit you to unsubscribe from further communications or you can do so at time by contacting us.

THIRD-PARTY MARKETING

We do not currently share your personal data with any external company for marketing purposes. If we were to do we would get your explicit consent before doing so.

COOKIES

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use please contact us.

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.

4. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes outlined in paragraph 3 above.

INTERNAL THIRD PARTIES INCLUDING

- **Engagement of Medical Personnel** – Candidate personal information as provided to us by our sister recruitment company, Nursdoc Limited will be shared with those within our business who are responsible for sourcing and identifying relevant care support. It will also be provided to those who are responsible for delivering our care packages and have requested such care personal. We will not share patient medical information with any third party searching for any relevant care personnel. If we share any medical information in order to assist in our personnel search processes this will always be done on an anonymised basis.
- **Medical and Care Information** – We will be required to share patient personal information

EXTERNAL THIRD PARTIES

- **Engagement of Medical Personnel** – We use the services of our sister company, NursDoc Limited to source relevant medical personnel to help us deliver care packages. However, as indicated above, we do not provide patient information to that company as part of their search services.
- **Medical and Care Information** – We may be required to provide details of your care information with contracted nursing and other medical professional staff that have been identified and engaged to provide care for one of the patients under our care.
- **Other Medical Professionals** – We may be required to share any care or health information with third parties who may need to have such information in order to deliver extended care to a patient, such as emergency care or hospitals to which you, as a patient may need to be admitted to.
- **Instructing CCGs or Local Authorities** – We may be required to provide certain information relating to your care to the CCG or Local Authority that is funding any care services.

In all cases we will ensure that there are appropriate limits or controls on the data that is transferred and that it is appropriate given the nature of our appointment.

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 notice.

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.

5. INTERNATIONAL TRANSFERS

We do not usually transfer your personal data outside the European Economic Area (**EEA**).

However we do operate in certain countries outside of the EEA and would be willing to discuss with our clients operating in other jurisdictions should they have need for our services there. If that is the case, we may need to transfer your data outside the European Economic Area (**EEA**).

In such event we will ensure that your personal data is protected by requiring all our group companies to follow the same rules when processing your personal data. These rules are called "binding corporate rules". For further details, see European Commission: Binding corporate rules.Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.

Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

6. 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.

In relation to any medical, care or health information we apply additional security measures to protect your data. We provide further information in relation to these measures in our Service Guide which is provided to all patients, whether care is being provided to them under a private agreement or via an engagement through a CCG body.

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.

7. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In relation to our recruitment business we will also consider to what extent we have been active with you as part of our recruitment services (such as discussing roles with you or placing you into interviews and/or when we last placed you into a role).

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

8. 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: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) 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; or (d) 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.

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 may 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 may 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.

ANNEX 1: ONE TOUCH HEALTH APP PRIVACY POLICY

https://www.onetouchhealth.net/privacy-policy/