

**Privacy Notice for Carer's, Next of Kin, Nearest Relative and other 3<sup>rd</sup> Parties.**

This Privacy Notice is to provide information on how the Cygnet Group, will collect, store and process information that relates to you. You are receiving this notice because someone you have a close personal relationship with has been referred to or is receiving care and/or treatment from the Cygnet Group. The individual in our care is likely your family member or close friend and we have been informed that you should be involved and/or kept informed on some aspects of their care and treatment.

In the Privacy notice we will explain how we process information relating to you. We will also outline your rights around that and comment on whether you can access information about the individual in our care (the service user).

If you have any questions regarding this Privacy Notice and/ or the use of your personal data or would like to exercise any of your rights, please get in touch via the following:

Email us: [dataprotection@cygnethealth.co.uk](mailto:dataprotection@cygnethealth.co.uk)

Write to us: Data Protection Officer, Nepicar House, London Road, Wrotham Heath, Sevenoaks, TN15 7RS

**1. Who are we?**

Cygnet Group provide services across the UK for individuals with varying Mental Health and Social Care needs as well as providing Nursing home services. We employ roughly 12,000 staff and support around 3,000 individuals in our Health and Social Care Services.

We are registered as Data Controllers but due to the number of services we provide and facilities we work from we have several different Data Controller registrations with the ICO.

<b>Company Name</b>	<b>Companies House Number</b>	<b>ICO Registration Number</b>	<b>Nature of business</b>
Caireach Limited	05276348	ZA462583	Residential care facilities
Cygnet Behavioural Health Limited	03977299	ZA462355	Psychiatric healthcare facilities
Cygnet Learning Disabilities Limited	02111989	ZA126317	Residential care facilities
Cygnet (DH)Limited	08529052	ZA079627	Residential care facilities
Cygnet (OE) Limited	03872364	Z5406736	Residential care facilities
Cygnet Care Services Limited	02683377	Z5195051	Residential care facilities
Cygnet Clifton Limited	06486927	Z1842355	Residential care facilities
Cygnet Health Care Limited	2141256	Z466114X	Psychiatric and residential healthcare facilities

Cygnet Learning Disabilities Midlands Limited	02626319	ZA126691	Residential care facilities
Cygnet NW Limited	4059699	ZA462350	Psychiatric healthcare facilities
Cygnet Surrey Limited	4590303	ZA462348	Psychiatric healthcare facilities
Everycorner Limited	08501568	ZA462373	Residential care facilities
Isand (Domiciliary Care) Limited	07705437	ZA462577	Residential care facilities
Isand Limited	05276369	ZA462587	Residential care facilities
Relativeto Limited	08167401	ZA462580	Residential care facilities
Short Ground Limited	06846986	ZA462364	Residential care facilities

## **2. How do we collect information from/about you?**

We typically obtain personal information about you when the service user is referred to or admitted to one of our services. Information about you may be from sources including:

- You, the service user or another of their relations or contacts.
- Those involved in the service user's care and treatment, such as the NHS, local authorities, other health professionals, or other organisations that fund the service user's care and treatment.

Additional personal information may be obtained from these sources throughout any period of care and treatment for the service user within Cygnet Group.

Please note there may be a CCTV system at the Cygnet Group site where care is provided to the service user. The main purpose of CCTV is the safety and security of service users, staff and visitors, as well as for the prevention and detection of crime. Information about each CCTV system is prominently displayed. CCTV images are kept for between 30 and 90 days unless required for an investigation.

You may update your information with us at any time by contacting the service where the service user resides.

## **3. What type of information is collected from/about you?**

- Personal contact details such as name, title, address, telephone numbers, and email addresses.
- Your relationship to the service user such as Carer, Next of Kin, Litigation Friend etc.
- Emails exchanged and notes of telephone contact with you.
- More sensitive information about your health where that is relevant to the care and treatment of the service user. Such as medical problems which run in families or something we need to know to keep you safe when attending our services.
- If you attend our events, you may be filmed and/or photographed or we may have records of event bookings and/ or meetings that have taken place. If

you attend an event and do not wish to be filmed please make this known to us and we will do our best not to film you.

- CCTV images as noted above in section 2.

#### **4. Why is your information used and our Lawful Processing?**

We process your information for the following purposes if necessary:

- To provide and manage care and treatment for the individual in our care. Our lawful basis for this is public task – the performance of a task carried out in the public interest. Where your health data is collected, processing is necessary for preventative or occupational medicine, medical diagnosis, or health or social care under UK law or a contract with a health professional.
- To deliver a contractual service to you or do something you have asked us to do before entering into a contract (e.g. provide a quote).
- To send you information about events we hold whilst the service user is in our care. These events will focus on the wellbeing of service users and understanding mental health issues. Our lawful basis for this is our legitimate interests. Cygnet Group's vision is to provide high quality services making service users feel safe and supported. We seek the trust of our stakeholders to achieve this vision. Carers as relations and contacts of service users are important stakeholders. Sending you this information must be reasonable and you have an absolute right to object to receiving it.
- We may contact you to seek your views or comments on the services we provide. Sending you this information must be reasonable and you have an absolute right to object to receiving it.
- Something specific where we explain that we will only process based on your explicit consent e.g. we ask you if we may take a photograph to use in limited circumstances (see section 3).
- Notifying of any changes to the services we provide.
- To comply with a legal obligation (see also who has access to your information).
- To protect your vital interests or those of another person. This can only occur in an emergency situation that is a matter of life and death.
- Recording or images from an event that you have attended. (When we record images at an event this is clearly sign posted. If you have any objections to the recording please make this known at the event.)

#### **5. How long is your information kept for?**

We keep your information for no longer than is necessary for the purposes it was collected for. The length of time we keep your information for is determined upon our legal, contractual, and operational considerations. For example, we are obligated to maintain health and care records in line with the NHS and for service users with a Mental Illness this is for a period of 20 years after discharge. Another example would be where we are legally required to fulfil our statutory and

regulatory obligations such as Health & Safety Law, so if you were involved in an H&S incident we would retain the records for as long as guided by the relevant legislation.

We regularly review our retention periods and hold a Records Management Policy that governs this. Should you require any further information on our retention periods please feel free to contact [dataprotection@cygnethealth.co.uk](mailto:dataprotection@cygnethealth.co.uk)

## **6. Your Rights**

Under data protection laws in the UK, you have certain rights over the personal information that we hold about you. Here is a summary of the rights we think apply:

### **Right to be informed**

You have the right to be informed as to how we use your data and under what lawful basis we carry out any processing. This Privacy Notice sets this information out however if you would like further information or feel that your rights are not being respected please get in touch through any of the contact details listed in this notice.

### **Right of access**

You have a right to request access to a copy of personal information that we hold about you, along with an explanation on what we collect, why we use it, who we share it with, how long we keep it for and whenever it has been used for automated decision making. You can make a request for access free of charge and proof of identity is required. This is called a Subject Access Request. Please bear in mind where the data is about you and another individual (a 'third party') it may be unreasonable for us to share detail about the third party. This would be explained to you at the time of the request.

### **Right to rectification**

Inaccurate or incomplete information we hold about you can be corrected. The accuracy of your information is important to us. We are working on ways to make this easier for you to review and correct the information that we hold about you. We will also carry out periodic accuracy checks. If any of your information is out of date or if you are unsure of this, please get in touch through any of the contact details listed in this notice.

### **Right to erasure**

You may ask us to delete some or all of your information we hold about you. Sometimes where we have a legal obligation we cannot erase your personal data.

### **Right to restrict processing**

You have a right to restrict the processing of some or all of your personal information if there is a disagreement about its accuracy, or we are not lawfully allowed to use it.

### **Right to data portability**

You can ask us to provide you or a third party with some of the personal information that we hold about you in a structured, commonly used, electronic form so it can be easily transferred.

**Right to object**

You have the right to object to processing where we are using your personal information such as where it is based on legitimate interests or for direct marketing.

**Rights in relation to automated decision making and profiling**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. You have the right to question the outcome of automated decisions that may create legal effects or create a similar significant impact on you. We do not currently undertake automated decision making.

**7. Access to the records of the individual in our care.**

The service user has a right to request access to their own information - make a subject access request (SAR). In most situations if you want to make a SAR on behalf of the service user, we must be sure that they consent to Cygnet Group sharing their information with you. We have provided some information below on frequently asked questions when trying to access information that is not directly related to you.

Frequently Asked Question	Answer
<b>The service user is my child so why won't you let me access their information?</b>	Children have the same personal data rights as adults. If the service user is a child (i.e. they are under 18) and is competent to make their own SAR then we will not accept a SAR from you on their behalf unless the individual confirms their consent. Generally a child aged 12 or over may be mature enough to be competent but we consider individual circumstances.
<b>Don't I have a right to access the service user's information as their</b>	
<b>a) Spouse / Civil Partner?</b>	No. You are a third party and will be asked to show that you have the service user's consent to make a SAR on their behalf. Relatives of the service user will also be treated as third parties.
<b>a) Next of kin?</b>	No, the next of kin has no right to make a SAR on behalf of the service user. The next of kin has no rights under the Mental Health Act. So would need consent from the service user.
<b>b) Nearest relative?</b>	No. The nearest relative of the service user has some legal rights when they are detained under the Mental Health Act but generally it is up to the individual if their information is shared with their nearest relative. So we

	will not accept a SAR made on behalf of them by their nearest relative unless consent is freely given.
<b>What if the service user does not or cannot give their consent for me to access their information?</b>	<p>If the service user is competent and has mental capacity to refuse consent, then we will respect that decision.</p> <p>If the service user lacks mental capacity to give consent then we may accept a SAR from you on their behalf if you provide evidence of any of the following:</p> <ul style="list-style-type: none"> <li>• You hold a valid power of attorney e.g. the service user is an adult who made a lasting power of attorney in your favour prior to losing mental capacity.</li> <li>• You have been appointed as the service user's Deputy by the Court of Protection (England and Wales) or appointed to act for them under a Guardianship Order (Scotland)</li> <li>• You have been appointed by a Court as the service user's Litigation Friend.</li> </ul> <p>Any court appointed roles that apply we would require evidence of the court sealed document and ID documents for both you as requester and the service user.</p>
<b>What if the individual has died?</b>	<p>Data protection law only applies to living individuals but Cygnet has a duty to maintain confidentiality in relation to the service user's health record that carries on after death. You may be able to apply for access to the service user's health record under the Access to Health Records Act that applies to the health records of deceased individuals. Please email <a href="mailto:dataprotection@cygnethealth.co.uk">dataprotection@cygnethealth.co.uk</a> to ask for an application form.</p>

## **8. Keeping your information safe**

We store your information securely. We keep personal information for no longer than is necessary and then arrange secure destruction. Communication with you about the service user may be kept for the minimum period that we are required to keep their care records. That period may be defined in legislation or guided by, for example, the NHS data retention periods.

All data is held securely on information systems that are managed by Cygnet Group and access for staff is by using their own log in details and is auditable.

## **9. Who has access to your information?**

We will check that sharing is lawful and proportionate before we share it. Access will be on a "need to know" basis.

Sometimes other organisations involved in the care or safeguarding of the service user may need access to information about them that include your details. These

[www.cygnetgroup.com](http://www.cygnetgroup.com)

Organisations can include those responsible for funding the care of the service user or legal matters involving the service user. We must disclose records including your information if ordered to do so by a Court. We may share information with the Police. This could be for the prevention or detection of crime, or to protect vital interests.

We may share information with contractors who process data for us. We have written contracts with data processors under which they must have data security measures at least as good as ours. These data processors must follow Cygnet Group instructions and cannot use the information for their own purposes. Currently we are not using any data processors for Carer information.

### **10. Transferring your information outside of the United Kingdom**

When data is transferred outside of the UK, appropriate safeguards, and standard contractual clauses (SCC) are in place to ensure adequate levels of security and are in line with data protection laws. Your data is normally processed within the UK but may on occasion be processed outside of the UK. All processing is secure, and agreements exist between us and the data processors to safeguard and secure your information. Currently we are not processing any Carer data outside of the UK.

### **11. Changes to this notice**

Any changes we make to this notice will be reflected on this notice on our website with an update if the changes are significant. If we significantly change the way in which we process your data we may write to you.

### **12. Review of this notice**

We keep this notice under regular review this notice was last updated in November 2023.

### **13. What can you do if you are not happy with the way in which we process your data?**

If you are unhappy with the way in which we process your data firstly you should contact Cygnet Group's Data Protection Officer.

Michelle Crump Head of Information Management & Privacy –  
[michellecrump@cygnethealth.co.uk](mailto:michellecrump@cygnethealth.co.uk)

If you are still unhappy with any aspect of the way in which Cygnet Group are processing your data and you have failed to reach a satisfactory resolution you can contact the Information Commissioner's Office (ICO) to make a complaint. The ICO is the UK's independent body set up to uphold information rights.

They can be contacted by:

Telephone: 0303 123 1113

Write to the ICO: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

[www.cygnetgroup.com](http://www.cygnetgroup.com)

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Online: [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns)

If you are outside of the United Kingdom then you should contact your relevant Data Protection Supervisory Authority in the country you are in.

[www.cygnetgroup.com](http://www.cygnetgroup.com)

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