

# Privacy Notice

Last updated August 2019

We are committed to protecting your privacy when dealing with your personal information. This privacy notice provides details about the information we collect about you, how we use it and how we protect it. It also provides information about your rights. For more information on this, please read the 'Your rights' section below. For more information about our Privacy Policy and our Information Governance Procedures please email [gdpr@fairliehouse.com](mailto:gdpr@fairliehouse.com)

We registered with the Information Commissioners Office, registration number ZA090402, (Fairlie House) and ZA090410, (Highfield House).

## Scope of our Privacy Notice

This privacy notice applies to anyone who interacts with us about our products and services ('you', 'your'), in any way (for example, by email, through our website, or by phone). We will give you further privacy information if necessary for specific contact methods or in relation to specific products or services.

This privacy notice applies to you if you ask us about or use our products and services. It describes how we handle your information, regardless of the way you contact us (for example, by email, through our website, by phone, and so on). We will provide you with further information or notices if necessary, depending on the way we interact with each other.

We collect personal information from you and from third parties (anyone acting on your behalf, for example, CCGs, health-care providers and so on). Please see below for more information.

**Where you provide us with information about other people, you must make sure that they have seen a copy of this privacy notice and are comfortable with you giving us their information.**

## How we collect information from you

We collect personal information from you:

- through your contact with us, including by phone (we may record or monitor phone calls to make sure we are keeping to legal rules, codes of practice and internal policies, and for quality assurance purposes), by email, through our websites, by post, by filling in application or other forms, by entering competitions, through social media or face-to-face

We also collect information from other people and organisations.

For all our customers, we may collect information from:

- a family member, or someone else acting on your behalf;
- doctors, other clinicians and health-care professionals, hospitals, clinics and other health-care providers;
- any service providers who work with us in relation to your product or service, if we don't provide it to you direct, such as providing you with treatment or health assessments;
- organisations, such as CACI or Binleys, who carry out customer-satisfaction surveys or market
- sources which are available to the public, such as the edited electoral register or social media

## Categories of Information

We process two categories of personal information about you:

standard personal information (for example, information we use to contact you, identify you or manage our relationship with you); and

special categories of information (for example, health information, information about your race, ethnic origin and religion that allows us to tailor your care, and information about crime in connection with checks against fraud or anti-money-laundering registers).

### Standard personal information includes:

- contact information, such as your name, address, email address and phone numbers;
- the country you live in, your age, your date of birth and national identifiers (such as your National Insurance number, NHS number or passport number);
- information about your employment;
- details of any contact we have had with you, such as any complaints or incidents;
- financial details, such as details about your payments and your bank details;
- the results of any credit or any anti-fraud checks we have made on you;
- information about how you use our products and services and
- information about how you use our website, or other technology, including IP addresses or other device information (please see our **Cookies Policy** for more details).

### Special category information includes:

- information about your physical or mental health, including genetic information or biometric information (we may get this information from application forms you have filled in, from notes

and reports about your health and any treatment and care you have received or need, or it may be recorded in details of contact we have had with you such as information about complaints or incidents, and referrals from your funding CCG)

- information about your race, ethnic origin and religion (we may get this information from your medical or care-home preferences to allow us to provide care that is tailored to your needs); and
- information about any criminal convictions and offences (we may get this information when carrying out anti-fraud or anti-money-laundering checks, or other background screening activity).

## What we use your personal information for

We process your personal information for the purposes set out in this privacy notice. We have also set out some legal reasons why we may process your personal information (these depend on what category of personal information we are processing). We normally process standard personal information if this is necessary to provide the services set out in a contract, it is in our or a third party's legitimate interests or it is required or allowed by any law that applies. Please see below for more information about this and the reasons why we may need to process special category information.

By law, we must have a lawful reason for processing your personal information. We process standard personal information about you if this is:

- **necessary to provide the services set out in a contract** – if we have a contract with you, we will process your personal information in order to fulfil that contract (that is, to provide you and your dependants with our products and services);
- **in our or a third party's legitimate interests** – details of those legitimate interests are set out in more detail in the 'Legitimate Interest' section below.
- **required or allowed by law.**

### We process special category information about you because:

- **it is necessary for the purposes of preventive or occupational medicine**, to assess whether you are able to work, medical diagnosis, to provide health or social care or treatment, or to manage health-care or social-care systems (including to monitor whether we are meeting expectations relating to our clinical and non-clinical performance);
- **it is necessary to establish, make or defend legal claims** (for example, claims against us for insurance);

- **it is necessary for the purposes of preventing or detecting an unlawful act** in circumstances where we must carry out checks without your permission so as not to affect the outcome of those checks (for example, anti-fraud and anti-money-laundering checks or to check other unlawful behaviour, or carry out investigations with other insurers and third parties for the purpose of detecting fraud);
- **it is necessary for a purpose designed to protect the public against dishonesty, malpractice or other seriously improper behaviour** (for example, investigations in response to a safeguarding concern, a member's complaint or a regulator (such as the Care Quality Commission or the General Medical Council) telling us about an issue);
- **it is in the public interest, in line with any laws that apply;**
- **it is information that you have made public; or**
- **we have your permission.** As is best practice, we will only ask you for permission to process your personal information if there is no other legal reason to process it. If we need to ask for your permission, we will make it clear that this is what we are asking for, and ask you to confirm your choice to give us that permission. If we cannot provide a product or service without your permission we will make this clear when we ask for your permission. If you later withdraw your permission, we will no longer be able to provide you with a product or service that relies on having your permission.

## Legitimate Interest

We process your personal information for a number of legitimate interests, including managing all aspects of our relationship with you, for marketing, and to help us improve our services and products.

Legitimate interest is one of the legal reasons why we may process your personal information. Taking into account your interests, rights and freedoms, legitimate interests which allow us to process your personal information include:

- to manage our relationship with you, our business and third parties who provide products or services for us;
- to keep our records up to date and to provide you with marketing as allowed by law;
- to develop and carry out marketing activities and to show you information that is of interest to you, based on our understanding of your preferences (we combine information you give us with information we receive about you from third parties to help us understand you better);
- for statistical research and analysis so that we can monitor and improve products, services, websites, or develop new ones;
- to contact you about market research we are carrying out;

- to monitor how well we are meeting our clinical and non-clinical performance;
- to enforce or apply our website terms of use, our policy terms and conditions or other contracts, or to protect our (or our customers' or other people's) rights, property or safety;
- to exercise our rights, to defend ourselves from claims and to keep to laws and regulations that apply to us and the third parties we work with.

## Marketing and Preferences

We may use your personal information to send you marketing by post, by phone, through social media, and by email. We can only use your personal information to send you marketing material if we have your permission or a legitimate interest as described above.

If you don't want to receive marketing emails from us, you can click on the 'unsubscribe' link that appears in all marketing emails we send. Otherwise, you can always contact us to update your contact preferences.

You have the right to object to direct marketing and profiling (the automated processing of your information to help us evaluate certain things about you, for example, your personal preferences and your interests) relating to direct marketing.

We **do not use** automation to provide you with marketing information nor do we use technology to provide you with automatic responses or decisions (automated decisions).

## Sharing your information

We share your information within the Fairlie Healthcare group of companies, with relevant funders arranging services on your behalf, with people acting on your behalf and with others who help us provide services to you or who we need information from to allow us to handle or confirm claims or entitlements (for example, professional associations). We also share your information in line with the law. We sometimes need to share your information with other people or organisations for the purposes set out in this privacy notice.

### **For all our customers, we share your information with:**

- other members of the Fairlie Healthcare group of companies;
- doctors, clinicians and other health-care professionals, hospitals, clinics and other health-care providers;
- suppliers who help deliver products or services on our behalf;

- people or organisations we have to, or are allowed to, share your personal information with by law (for example, for fraud-prevention or safeguarding purposes, including with the Care Quality Commission);
- the police and other law-enforcement agencies to help them perform their duties, or with others if we have to do this by law or under a court order;
- those paying for the products or services we provide to you, including public-sector commissioners;
- government authorities and agencies, including the Health Protection Agency (for infectious diseases such as TB and meningitis)

If we share your personal information, we will make sure appropriate protection is in place to protect your personal information in line with data-protection laws.

### **Transferring Information outside of the European Economic Area (EEA)**

We do not transfer your personal information to countries outside the EEA (the EU member states plus Norway, Liechtenstein and Iceland) for the purposes set out in this privacy notice. Not all countries outside the EEA have data-protection laws that are similar to those in the EEA and if so, the European Commission may not consider those countries as providing an adequate level of data protection.

### **How long we keep your personal information**

- We keep your personal information in line with set periods calculated using the following criteria:
- How long you have been a customer with us, the types of products or services you have with us, and when you will stop being our customer.
- How long it is reasonable to keep records to show we have met the obligations we have to you and by law.
- Any time limits for making a claim.
- Any periods for keeping information which are set by law or recommended by regulators, professional bodies or associations.
- Any relevant proceedings that apply.

If you would like more information about how long we will keep your information for, please contact us at [gdpr@fairliehouse.com](mailto:gdpr@fairliehouse.com)

## Your Rights

You have the right to access your information and to ask us to correct any mistakes and delete and restrict the use of your information. You also have the right to object to us using your information, to ask us to transfer information you have provided, to withdraw permission you have given us to use your information and to ask us not to use automated decision-making which will affect you.

**You have the following rights (certain exceptions apply).**

**Right of access:** you have the right to make a request for details of your personal information and a copy of that personal information

**Right to rectification:** you have the right to have inaccurate information about you corrected or removed

**Right to erasure ('right to be forgotten'):** you have the right to have certain personal information about you deleted from our records

**Right to restriction of processing:** you have the right to ask us to use your personal information for restricted purposes only

**Right to object:** you have the right to object to us processing (including profiling) your personal information in cases where our processing is based on a task carried out in the public interest or where we have let you know it is necessary to process your information for our or a third party's legitimate interests. You can object to us using your information for direct marketing and profiling purposes in relation to direct marketing.

**Right to data portability:** you have the right to ask us to transfer the personal information you have given us to you or to someone else in a format that can be read by computer.

**Right to withdraw consent:** you have the right to withdraw any permission you have given us to handle your personal information. If you withdraw your permission, this will not affect the lawfulness of how we used your personal information before you withdrew permission, and we will let you know if we will no longer be able to provide you with your chosen product or service.

Please note: Other than your right to object to us using your information for direct marketing (and profiling for the purposes of direct marketing), your rights are not absolute. This means they

do not always apply in all cases, and we will let you know in our correspondence with you how we will be able to meet your request relating to your rights.

If you make a request, we will ask you to confirm your identity if we need to, and to provide information that helps us to understand your request better. If we do not meet your request, we will explain why.

In order to exercise your rights please contact [gdpr@fairliehouse.com](mailto:gdpr@fairliehouse.com)

## Data Protection Contacts

If you have any questions, comments, complaints or suggestions relating to this notice, or any other concerns about the way in which we process information about you, please contact our Data Protection Officer and Privacy Team at [gdpr@fairliehouse.com](mailto:gdpr@fairliehouse.com)

You also have a right to make a complaint to your local privacy supervisory authority. Our main establishment is in the UK, where the local supervisory authority is the Information Commissioner:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire, United Kingdom

SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745 (national rate)