



The Whiteley Homes
Trust

Privacy Notice for Villagers **of Whiteley Homes Trust**

Data Controller (“the Trust”):

Whiteley Homes Trust

Data Privacy Officer:

Stephanie Marks

Introduction

The Trust collects and processes personal information, or personal data, relating to its Villagers (or potential Villagers). This personal information may be held by the Trust on paper or in electronic format.

We are registered with the Information Commissioner’s Office (ICO) with registration number Z8923170.

The Trust is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018.

The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your relationship with the Trust. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all current and former villagers. It is non-contractual and does not form part of any employment contract, casual worker agreement, consultancy agreement or any other contract for services.

The Trust has appointed a Data Privacy Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how we handle your personal information, you can write to the DPO using the following methods:

The Data Privacy Officer
The Whiteley Homes Trust
Whiteley Village
Walton On Thames
Surrey KT12 4EH

Email: dpo@whitelevillage.org.uk

Data protection principles

Under the GDPR, there are six data protection principles that the Trust must comply with.



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These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form that permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

The Company is responsible for and must demonstrate compliance with these six principles.

What types of personal information do we collect about you?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed. There are also "special categories" of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information comprise information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

The Trust collects, uses and processes a range of personal information about you including:

- Contact details, including your name, address, telephone number and personal e-mail address
- Emergency contact details/next of kin
- Date and place of birth
- Gender
- Marital status and dependants
- National Insurance number
- UK residence status
- Details of property you own or have owned
- Other personal financial details and assets
- Employment details for yourself and your partner including salary details, entitlement to benefits and pension information
- Copy of driving licence and other background check documentation
- Details of your skills, qualifications, experience and work history
- Your bank account details, payroll records, tax code and tax status information
- Other details requested in The Whiteley Village Application Form, including convictions, evictions & neighbour disputes amongst others
- The date that you moved into and out of the village
- Location data

- Photographs
- CCTV Imagery

The Trust may also collect, use and process the following special categories of your personal information:

- Information about your health and mobility, including any medical conditions, medical reports and related correspondence
- Clinical information including GP details, previous medical records, hospital visits, medication and personal care details and all other medical information required to be able to provide the expected level of care
- Mental health information
- End of life wishes
- Information about your racial or ethnic origin, religious and philosophical beliefs
- Information about criminal convictions and offences

How do we collect your personal information?

The Trust may collect personal information about villagers in a variety of ways. It is collected during the application process, either directly from you or sometimes from a third party. External third parties can include references from previous landlords, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

We will also collect additional personal information throughout the time that you are living within Whiteley Village. This may be collected in the course of your normal activities. Whilst some of the personal information you provide to us is mandatory and/or is a statutory or contractual requirement, some of it you may be asked to provide to us on a voluntary basis. We will inform you whether you are required to provide certain personal information to us or if you have a choice in this.

Your personal information may be stored in different places within The Trust, including in your personal file whose location is dependent on which part of the village you live, in the accounts department and in other IT systems, such as the e-mail system.

Why and how do we use your personal information?

We will only use your personal information when the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- We need to do so to perform the contract for services we have entered into with you
- We need to comply with a legal obligation
- It is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests.

We may also occasionally use your personal information where we need to protect your vital



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interests, or someone else's vital interests.

We need all the types of personal information listed under *"What types of personal information do we collect about you?"* primarily to enable us to perform our contract with you and to enable us to comply with our legal obligations. In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override our interests. Our legitimate interests include: performing or exercising our obligations or rights under the direct relationship that exists between the Trust and you as a villager living at Whiteley Village. We also have a responsibility to ensure the smooth running of The Trust; ensuring the security and effective operation of our systems and network; protecting our confidential information; and conducting due diligence. We believe that you have a reasonable expectation, as a villager living in Whiteley Village, that we will process your personal information.

The purposes for which we are processing, or will process, your personal information are to:

- Enable us to maintain accurate and up-to-date villager records and contact details (including details of whom to contact in the event of an emergency)
- Run the application processes and assess your suitability for living in Whiteley Village based upon the criteria laid down in the will of William Whiteley
- Comply with statutory and/or regulatory requirements and obligations,
- Comply with the duty to make reasonable adjustments for disabled villagers and with other disability discrimination obligations
- Maintain an accurate record of your residency within Whiteley Village
- Administer the license to occupy (tenancy agreement) we have entered into with you
- Make decisions about costs that we charge you
- Ensure compliance with your statutory and contractual rights
- Ensure you receive the correct benefits and pension entitlements, including liaising with any external benefit providers
- Meet our obligations under health and safety laws
- Meet our obligations as a retirement village and care centre for the elderly
- Operate and maintain a record of tenancy breach procedures
- Prevent fraud
- Ensure adherence to the Trust rules, policies and procedures
- Monitor equal opportunities
- Enable us to establish, exercise or defend possible legal claims

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

What if you fail to provide personal information?

If you fail to provide certain personal information when requested or required, we may not be able to perform the contract we have entered into with you, or we may be prevented from



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complying with our legal obligations. You may also be unable to exercise your statutory or contractual rights.

Why and how do we use your sensitive personal information?

We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law or social security law and in line with our data protection policy. Information about health or medical conditions or medical diagnosis may also be processed for the purposes of assessing the suitability for living at Whiteley, provided this is done under the responsibility of a medical professional subject to the obligation of professional confidentiality, e.g. a doctor, and again in line with our data protection policy.

We may also process these special categories of personal information, and information about any criminal convictions and offences, where we have your explicit written consent. In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, these special categories of your personal information, and information about any criminal convictions and offences, are to:

- Assess your suitability for living at Whiteley Village
- Comply with statutory and/or regulatory requirements and obligations.
- Comply with the duty to make reasonable adjustments for disabled villagers and other disability discrimination obligations
- Administer the license we have entered into with you
- Ensure compliance with your statutory and contractual rights
- Meet our obligations under health and safety laws
- Make decisions about continued residency at Whiteley Village
- Operate and maintain a record of eviction procedures
- Ensure adherence to the Trust rules, policies and procedures
- Meet our obligations as a retirement village and care centre for the elderly
- Monitor equal opportunities

Where the Trust processes other special categories of personal information, i.e. information about your racial or ethnic origin, religious and philosophical beliefs, this is done only for the purpose of equal opportunities monitoring and in line with our data protection policy. Personal information that the Trust uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.



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We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

Change of purpose

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

Who has access to your personal information?

Your personal information may be shared internally within the Trust, including with the Trustees, members of the Care Staff, Volunteers, the accounts department and managers and any other departments in which the information is necessary for the performance of their roles.

The Trust may also share your personal information with third-party service providers (and their designated agents), including:

- External organisations for the purposes of conducting background checks, including but not limited to previous landlords.
- The Local Council, Adult Social Care, CQC and other government agencies as required to by UK law
- Local Healthcare providers including GP Surgeries, Hospitals and Pharmacies
- Benefits providers and benefits administration
- Professional advisers, such as lawyers and accountants
- Appello, a technology enabled care and lifestyle safety service provider
- Any other 3rd party companies that enables The Trust to meet its obligations to the Villagers and its Staff and play a part in the smooth running of Whiteley Village as a retirement village and care centre for the elderly

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We may share your personal information with third parties where it is necessary to administer the contract we have entered into with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

How does the Trust protect your personal information?

The Trust has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed



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in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, volunteers, agents, contractors and other third parties who have a business or support function need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from our Data Privacy Officer.

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

The Trust also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

For how long does the Trust keep your personal information?

The Trust will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

If an applicant is unsuccessful in their application to Whiteley Village the information collected during the process will be retained for reference against a future application. This information will be kept in the Admissions Office for two years and then destroyed.

The Trust will generally hold your personal information for the duration of your residence at Whiteley Village.

If you leave Whiteley Village we will generally hold your personal information for seven years, but this is subject to: (a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal information for up to seven years to protect against legal risk, e.g. if they could be relevant to a possible legal claim in a tribunal, County Court or High Court. Other information may however be held for longer in accordance with The Whiteley Home Trust Data Retention Policy.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

Your rights in connection with your personal information

It is important that the personal information we hold about you is accurate and up to date.



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Please keep us informed if your personal information changes. The Trust cannot be held responsible for any errors in your personal information in this regard unless you have notified the Trust of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- Request access to your personal information - this is usually known as making a Subject Access Request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- Request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- Request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- Restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- Object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- Data portability - this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact our Data Privacy Officer. We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our Data Privacy Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the Trust has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.



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Transferring personal information outside the European Economic Area

The Trust will not transfer your personal information to countries outside the European Economic Area.

Automated decision making

Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention.

We do not envisage that any decisions will be taken about you based solely on automated decision making, including profiling. However, we will notify you in writing if this position changes.

Changes to this privacy notice

The Trust reserves the right to update or amend this privacy notice at any time, including where the Trust intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact our Data Privacy Officer using the information provided on page one of this document.