

# Optalis Privacy Statement

Optalis takes the privacy of the people it supports, the people it employs, and the people who represent them, very seriously. For simplicity and transparency, where this statement refers to ‘we’, ‘our’, or ‘us’, this means Optalis Ltd. Where this statement refers to ‘you’, this will be either a person Optalis supports or employs and/or a person representing them.

We are committed to complying with the Data Protection Act 2018, the UK General Data Protection Regulation, and the EU General Data Protection Regulation (EU) 2016/679 (where applicable). These are referred to in this statement as the ‘**Data Protection Legislation**’.

We are committed to maintaining the accuracy, confidentiality, and security of your personal information. This privacy statement has been put in place to demonstrate that we process your data in a lawful, fair, and transparent manner. The statement also informs you of your rights under data protection legislation. It is important that you understand what personal information we collect from or about you, how we use it and to whom it is disclosed.

For the purpose of the Data Protection Legislation, the data controller is:

**Optalis Ltd**  
**Trinity Court**  
**Molly Millars Lane**  
**Wokingham, Berkshire**  
**RG41 2PY**

ICO Registration Number: **Z2720565**

Our Data Protection Officer can be contacted on [DPA@optalis.co.uk](mailto:DPA@optalis.co.uk) or by writing to the address above.

This Statement may change at any time so please review it from time to time.

**Optalis, August 2021**

To make it easier for you to review those parts of the Privacy Statement which apply to you, we have divided up the document into sections.

## [Section 1: General](#)

## [Section 2: For our customers](#)

## [Section 3: For our employees, Board members and other associates](#)

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### **Section 1: General**

Laws apply to Optalis’ use of anyone’s personal information and everyone has rights regarding how their personal information is handled. We have published this Statement to tell you:

- What information we may collect about you
- How we store your personal information
- What we use your personal information for
- Who (if anyone) we may pass it on to and how they use it, and
- Your rights as an individual

In this Privacy Statement, when we use the following words or abbreviations, they will have the following meanings:

Word or abbreviation	Meaning
Board member / members	Member/s of the Optalis Board of Directors
Customer	An individual who is a recipient of Optalis services
Employee or employees	Any or all people employed whether full time or part time, permanent, temporary or fixed term contract.
Intranet	The internal Optalis information system
Member or members	Member/s of any group member boards, committees or panels (e.g. Care Quality Forum) and includes (but is not limited to) other people that may from time to time be involved with the operation of the organisation such as consultants, volunteers, people on work placements, interns etc.
Personal data or personal information	Information from which the identity of a living individual may be determined. Examples of Personal Data include (but are not limited to) first and last name, home or other physical address, email address, phone number, work history and other contact information.
Sensitive or special category personal data or information	This is defined as personal data consisting of information about one or more of: <ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> <li>• Political opinion</li> <li>• Religious or philosophical beliefs</li> <li>• Trade union membership</li> <li>• Genetic or biometric data</li> <li>• Physical or mental health or condition</li> <li>• Sex life or sexual orientation</li> <li>• Criminal convictions and offences as well as alleged offences</li> </ul>
Visitor	An individual visiting our website
Website	<a href="http://www.optalis.org">www.optalis.org</a>

### 1.1 Your rights under Data Protection Legislation

Optalis will ensure that you can exercise your rights under data protection legislation. These rights are:

- The right to information – under this right we must provide information to you and demonstrate that we collect and process your personal data fairly. We do this mainly through this Optalis Privacy Statement
- Right to access – you have the right to obtain confirmation that your data is being processed; access to your personal data; and other information
- The right to rectification – you have the right to have information about you corrected and / or to challenge us about the accuracy of the information we hold
- Right to erasure – the right to erasure (also known as the right to be forgotten) states that the you can have personal data erased under a number of specific circumstances (for example when we no longer have a legitimate reason for holding your information)

- Right to restrict processing – you are allowed, under certain specific circumstances, to prevent us from conducting specific processing of your data (for example if you believe information we hold about you is not correct)
- Right to data portability – you can request a copy of the information you have provided to us in a useful electronic format that another organisation could use
- Right to object – you can object to us processing your data if we cannot demonstrate legitimate grounds for that processing
- Right to withdraw consent – you have the right in certain circumstances to withdraw your consent for us to process your personal information (for example for marketing purposes)
- Right to appropriate decision making – you have the right not to be subject to a decision based solely on automated processing; Optalis do not use this form of automated processing
- Right to notification - it is our duty to notify any third parties that may process our data if you exercise your rights to rectify, restrict or erase your data
- Right to make a complaint to the Information Commissioner’s Office (ICO)

If you wish to exercise any of your rights, please contact the Data Protection Officer using the details above.

### **1.2 How long do we keep your personal information?**

We retain your information only as long as we need it (including, for the purpose of meeting any legal, accounting, or other reporting requirements or obligations). We base our record keeping on the Optalis Retention Schedule. If you have a specific query regarding how long we retain your information please contact the Data Protection Officer using the details above.

Once we no longer need your information it is securely destroyed.

### **1.3 Keeping your personal information up to date**

It is important that the information contained in our records is both accurate and current. If your personal information changes while you access our services or are employed by us, please let us know.

### **1.4 Consent**

Where we have requested your specific consent for processing your information (for marketing for example), you have the right to withdraw that consent at any time by contacting us using the details above. You may unsubscribe from marketing emails by following the instructions given at the bottom of the email.

### **1.5 Complaints**

If you are dissatisfied with the way we have handled your personal data you should contact the Data Protection Officer using the details above so that we can investigate in the first instance. Following our response to you, if you are still dissatisfied then you have the right to complain to the Information commissioner’s Office (ICO).

### **1.6 Social media**

We may get your information from social media, whether on our own accounts or elsewhere. Where you use our website or social media you grant us an irrevocable, royalty-free, non-exclusive licence, and give us your consent, to copy, use and reproduce any of your contributions for any purpose.

Where you make a contribution to any social media (whether on our own accounts or elsewhere) we may use that information for any of the purposes stated in this Privacy Statement.

Where a contribution to any social media (whether on our own accounts or elsewhere) constitutes a breach of Optalis' terms and conditions, agreements, or laws that apply, we may take the following actions:

- Take disciplinary action if you are an employee
- Start legal proceedings against you for reimbursement of all costs on an indemnity basis (including, but not limited to, reasonable administrative and legal costs) resulting from the breach
- Take further legal action against you (including, but not limited to, proceedings for a breach of any contract you may have with us)
- Report you and disclose such information to law enforcement authorities in any jurisdiction as we reasonably feel is necessary
- Report you and disclose such information to any local government or statutory body in the United Kingdom as we reasonably feel is necessary
- Report you and disclose such information as we reasonably feel is necessary to the account administrator and/or take action against you through the account administrator's procedures to enforce the policies and terms and conditions that apply between you and the account administrator and/or between you and us

The responses described in this Privacy Statement are not limited, and we may take any other action we reasonably deem appropriate and we are not obliged to take any action.

## Section 2: For our customers

### 2.1 Why do we collect information from you?

We need to collect a range of information about you so that we can provide you with our services in a safe and effective manner. We must collect certain information about you to comply with relevant laws such as the Care Act 2014. The information we collect will vary according to the service you are accessing. By 'our services' we mean one or more of the services listed here: <http://www.optalis.org/about-us/what-we-provide>

### 2.2 Information we may collect from you

We may collect the following personal information about you in person, online, in writing or over the phone:

- Your name and contact details for use across Optalis and by our suppliers and partners
- Detailed personal information (including sensitive personal information) such as age, sex, date of birth, ethnicity, particular needs or preferences so that we can understand you and your needs and provide you with the appropriate services
- Your care needs, so we can ensure our services suit you
- Where relevant, bank details and direct debit information to make payments such as service charges (we only exchange details with the account holder and the third party who manages our Direct Debits)

NB If you pay us using a payment card Optalis do not store the details for your added security (and we only exchange the details with the person we believe to be the card holder or permitted third parties)

- Benefit information to verify your circumstances
- Income and earning information related to employment services we provide
- Information that you provide during the referral process
- Information that you provide to other members of staff
- Feedback from our contractors, about their appointments with you
- Voice and video recordings for safety, crime reduction and quality management

#### *To enhance your experience with Optalis*

- You can give us details of your friends, relatives or neighbours who you trust to contact us on your behalf, e.g. to arrange one of our services for you

- You can give our details to anyone to whom you have given a Power of Attorney so they can contact us on your behalf
- With your consent, we can use your name, photo, video or story for marketing materials, advertising or press releases or use by the media
- We will use any compliments or complaints about our service or other individuals, or accidents or incidents, to improve Optalis' services

*If you ask for additional services*

- If you ask us for other care and support requirements we will hold detailed information about your needs and your family's / carer's needs
- We will hold records of payments for the services
- If you use any of our training and/or employment services we will ask about your employment and learning history
- If you access any of our other involvement and support projects we will ask you for personal information relevant to those projects

*In addition*

- We may hold information about your history. For example, regarding offences, if we need it to look after our colleagues, business or anyone else
- We may receive financial management information about the accounts we manage
- We may get the information, or related information, from you or our partner organisations (see below), other people, our colleagues or public information sources including the Disclosure and Barring Service (formerly the Criminal Records Bureau).
- We may also record factual information whenever you contact us or use our services, and about other actions

The legal bases we rely on for using personal information in these ways are as follows:

- Processing is necessary for the performance of a contract;
- Processing is necessary for the compliance with a legal obligation;
- Processing is necessary to protect someone's life (vital interest);
- Processing is necessary for us to perform a task in the public interest or for our official functions (public task);
- Processing is necessary for our legitimate interests; or
- Consent has been obtained

## **2.2 Where we store your personal information**

We are committed to holding your personal information securely. This means only those of our staff, partners and contractors that need to see it have access.

If we can store your personal information solely on computers we will, however there will be cases where we have paper copies instead, or as well.

Our computer systems are at local authority offices, but we do use mobile devices if they are secure and under our control.

Occasionally our processors or sub-processors may process information outside the European Economic Area (EEA). Where this happens, we will ensure that the processor is compliant with the Data Protection Legislation including transfer agreements that incorporate approved model clauses.

## **2.3 What we use your personal information for**

- As above, and generally for providing our services for you

- Keeping in touch with our customers, understanding your needs and preferences, inviting you to events, offering and booking appointments with you and seeking your opinion on our services.
- Telling you about changes to Optalis and its services
- Meeting your service needs and requirements including (but not limited to) ensuring you have access to the right equipment while accessing our services, that we can manage any medication requirements and fulfilling any dietary requirements
- Managing payments from you to your or on your account, and for accounting purposes
- Providing additional services, where available, at your request including skills training, adaptations and every day support services
- Prevention, detection and prosecution of crime
- Quality management
- Informing our staff, contractors or others (as appropriate) about past incidents (for example, anti-social behaviour), for their protection, in line with our policies
- Meeting our legal obligations including to our funders or regulators
- Where we or your other suppliers exercise legal rights, including under contract with you
- Other purposes. We may anonymise your information so that it cannot be linked to you. In that case we may use the data for any purpose

#### **2.4 Who do we share your information with?**

Normally, only Optalis will be able to access your personal information. However there may be times when we share your details with others, and we will comply with Data Protection Legislation when disclosing this information.

Where it is required or necessary, we may share information with:

- Commissioners and commissioning organisations who are purchasing services from us on your behalf
- Our suppliers who enable us to provide our services to you, or who provide services on our behalf including (but not limited to)
  - Contractors. For example, IT providers who own or manage the computers, phones, or systems we use
  - Banks. For example, to carry out payments through a secure system
  - Companies that assist us in printing and mailing out our letters, leaflets and newsletters
  - Additional staff resources, such as consultants or agency staff
  - Our professional advisors and providers of financial services
- Our partner organisations whose purposes dovetail with ours including (but not limited to)
  - Training providers or learning institutions
  - Other care providers
  - External assistance where you have agreed to the referral, for example to do with money problems or domestic abuse
  - Local authorities and government departments who provide relevant services for you, including benefits
  - The police, fire services, health authorities or medical staff who provide services for you
- Others who may request information from us for their own purposes
  - For crime prevention or detection, risk assessment, resolution of complaints or other issues
  - Local authorities, safeguarding boards, regulators, government departments and other public authorities
  - The police, fire service, health authorities or medical practitioners

We may sometimes be obliged to disclose your personal data by law such as by a regulator with appropriate power (for example the Care Quality Commission) or court order. Information held by public bodies can also be subject to Freedom of Information legislation.

We do not give anyone else access to your information, in return for payment, for their marketing or commercial purposes.

We will not share your personal information with anyone who claims to represent you unless we are satisfied that you have appointed them or they act in some recognised official capacity. There may be a delay in us dealing with

requests whilst we confirm your or your representative's identity, or check that we have your approval to deal with them.

### **Section 3: For our employees, Board members and other associates**

#### **3.1 Information we may collect from you**

We may collect the following personal information about you:

*When you first come into contact with us*

- Your name and contact details for use across Optalis and by our partners
- Sensitive personal information such as age, sex, date of birth, ethnicity, particular needs or preferences so that we can meet your needs and those of employment legislation

*For employment and/or board/committee/panel membership purposes*

- Attendance, equality and diversity, disciplinary, pension, benefits, references, employee services, training, welfare and sickness absence and any other information necessary to fulfil obligations of both employer and employee (or board/committee/panel member) as given by law and/or contract of employment and/or contract of engagement
- Next of kin information so that we have contact details in case of emergency
- Bank details to make salary and any other payments to you
- National Insurance (NI) details to fulfil obligations relating to tax and NI payments and deductions
- Information that you provide through the application process
- Information that you provide to other employees of Optalis group of companies
- Coaching and roadmap information
- Photographs, voice and/or video recordings, written stories etc. to be used for example in ID cards, for company promotion and publicity, and for safety, crime reduction and quality management

*If you ask for additional Optalis services*

- If you ask us for care and support requirements, we will hold detailed information about your needs and your family's needs (where appropriate)
- We will hold records of any payments for services where a charge may be made, for example a cycle to work scheme

*In addition*

- We may hold information about your history such as credit or offences, if we need it to look after our colleagues, organisation or anyone else
- We may obtain the information, or related information, from you or our partner organisations (see below), our colleagues or public information sources including credit reference agencies or the Disclosure and Barring Service (formerly the Criminal Records Bureau).
- We may also record factual information from time to time, and any action we take, so we have a record of what happened.

The legal bases we rely on for using personal information in these ways are as follows:

- Processing is necessary for the performance of a contract;
- Processing is necessary for the compliance with a legal obligation;
- Processing is necessary to protect someone's life (vital interest);
- Processing is necessary for our legitimate interests; or
- Consent has been obtained

Failure to provide the personal information requested may result in us being unable to fulfil our obligations to you. For example, if you failed to provide your bank details we would be unable to pay you.

### **3.2 Where we store your personal information**

We are committed to holding your personal information securely. This means only those of our staff, partners and contractors that need to see it have access.

If we can store your personal information solely on computers we will, however there will be cases where we have paper copies instead, or as well.

Our computer systems are at local authority offices, but we do use mobile devices if they are secure and under our control.

Occasionally our processors or sub-processors may process information outside the European Economic Area (EEA). Where this happens, we will ensure that the processor is compliant with the Data Protection Legislation including transfer agreements that incorporate approved model clauses.

### **3.3 What we use your personal information for**

- As above, and generally for providing our services for you
- Data sharing between departments within Optalis
- Keeping in touch with our employees, understanding your needs and preferences, inviting you to events and offering and booking appointments with you
- Telling you about changes to Optalis and its services
- Meeting your employment needs and requirements
- Managing payments to you and for accounting purposes
- Providing additional services, where available, at your request including skills training, adaptations and every day support services
- Prevention, detection, and prosecution of crime
- Quality management
- Meeting our legal obligations including those of Her Majesty's Revenue and Customs (HMRC) and other regulators
- Other purposes – we may anonymise your information so that it cannot be linked to you. In this case we may use the data for any purpose

### **3.4 Who do we share your information with?**

Normally only Optalis will be able to access your personal information, however there may be times when we disclose your details to others, and we will comply with data protection legislation when disclosing this information.

Where it is required or necessary, we may share information with:

- Organisations that are within the Optalis group of companies
- Our suppliers who enable us to provide our services to you, or who provide services on our behalf:
- Banks, for example to carry out payments through a secure system
- Companies that assist us in mailing out our letters, leaflets and newsletters
- Driver management service providers
- Health service providers
- Lone worker protection service providers
- Vehicle tracking service providers
- IT providers who own or manage the computers, phones or systems we use
- Lease car providers
- Our professional advisors and providers of financial services
- Payroll service providers
- Pension service providers
- Shopping discount providers



- Our partner organisations whose purposes dovetail with ours
- Training providers or learning institutions
- Local authorities and government departments who provide relevant services
- The police, fire services, health authorities or medical staff who provide services
- Others who may request information from us for their own purposes:
- Utility companies
- Debt collection agencies acting for others
- For crime prevention or detection, risk assessment, resolution of complaints or other issues
- Local authorities, safeguarding boards, regulators, government departments and other public authorities, such as for preventing payment errors or fraud
- The police, fire service, health authorities or medical practitioners.

We may sometimes be obliged to disclose your personal data by law such as by a regulator with appropriate power (such as the Care Quality Commission), or by court order. Information held by public bodies can be subject to Freedom of Information legislation.

We do not sell your information to others for marketing or commercial purposes.

We will not share your personal information with anyone who claims to represent you unless we are satisfied that you have appointed them, or they act in some recognised official capacity. There may be a delay with us dealing with such requests whilst we confirm identity or check that we have your approval to deal with them.

## **Section 4: For job applicants**

### **4.1 Information we may collect from you**

We may collect the following personal information about you:

*When you first come into contact with us*

- Your name and contact details for use across Optalis and by our partners
- Sensitive personal information such as age, sex, date of birth, ethnicity, particular needs or preferences so that we can meet your needs and those of employment legislation
- Your application details in order to process your application for employment

*If you ask for additional Optalis services*

- If you ask us for care and support requirements, we will hold detailed information about your needs (where appropriate)

*In addition*

- If you make a complaint we will keep the details separate from our other information about you
- We may obtain the information, or related information, from you or our partner organisations (see below), our colleagues or public information sources including the Disclosure and Barring Service (formerly the Criminal Records Bureau)
- We may also record factual information, interview details, and interview responses so we have a record of what happened

The legal bases we rely on for using personal information in these ways are as follows:

- Processing is necessary for the performance of a contract;
- Processing is necessary for the compliance with a legal obligation;
- Processing is necessary for our legitimate interests; or
- Consent has been obtained

## **4.2 Where we store your personal information**

We are committed to holding your personal information securely. This means only those of our staff, partners and contractors that need to see it have access.

If we can store your personal information solely on computers we will, however there will be cases where we have paper copies instead, or as well.

Our computer systems are at local authority offices, but we do use mobile devices if they are secure and under our control.

Occasionally our processors or sub-processors may process information outside the European Economic Area (EEA). Where this happens, we will ensure that the processor is compliant with the Data Protection Legislation including transfer agreements that incorporate approved model clauses.

## **4.3 What we use your personal information for**

- As above, and generally for providing our services for you
- Data sharing between organisations that are within the Optalis group of companies
- Keeping in touch with our applicants, understanding your needs and preferences and inviting you to interview
- Providing additional services, where available, at your request including adaptations and interview support services
- Prevention, detection, and prosecution of crime
- Quality management
- Meeting our legal obligations including those of Her Majesty's Revenue and Customs (HMRC) and other regulators
- Other purposes – we may anonymise your information so that it cannot be linked to you. In this case we may use the data for any purpose

## **4.4 Who do we share your information with?**

Normally only Optalis will be able to access your personal information, however there may be times when we disclose your details to others, and we will comply with Data Protection Legislation when disclosing this information. Where it is required or necessary, we may share information with:

- Organisations that are within the Optalis group of companies
- Our suppliers who enable us to provide our services to you, or who provide services on our behalf:
- Companies that assist us in recruitment
- Driver management service providers
- Health service providers
- Our professional and / or legal advisors
- For crime prevention or detection, risk assessment, resolution of complaints or other issues
- Local authorities, safeguarding boards, regulators, government departments and other public authorities, such as for preventing payment errors or fraud
- The police, fire service, health authorities or medical practitioners

We may sometimes be obliged to disclose your personal data by law such as by a regulator with appropriate power (such as the Homes and Community Agency), or by court order.

We do not sell your information to others for marketing or commercial purposes.

We will not share your personal information with anyone who claims to represent you unless we are satisfied that you have appointed them, or they act in some recognised official capacity. There may be a delay with us dealing with such requests whilst we confirm identity or check that we have your approval to deal with them.