



THE MERCHANT TAYLORS' BOONE'S CHARITY
Registered Office: Merchant Taylors' Hall, 30 Threadneedle Street
London EC2R 8JB Registered Charity No. 214262

PRIVACY NOTICE FOR APPLICANTS FOR ALMSHOUSE ACCOMMODATION AND RESIDENTS

OVERVIEW

The Charity is committed to safeguarding the privacy of applicants for almshouse accommodation. The Charity will only use the information that we collect about you lawfully and in accordance with the Data Protection Act 2018 (the "Act").

Personal Data and Processing

Broadly, personal data means any information about a living individual, provided that the Charity is able to identify that the information is specifically about that person as opposed to anyone else. For example, your personal data includes your name and your email address. Information about you would cease to be your personal data if the Charity removed the elements which enabled the Charity to know that it was specifically about you.

Broadly, 'processing' personal data means storing or using it in any way, for example having it in a database or viewing it on a screen.

Data Subjects and Data Controller

The Data Subjects in relation to whom the Charity processes personal data are applicants for the Charity's accommodation and residents of the Charity's accommodation ('you'), their next of kin and in addition any friends or family members to the extent that the applicant, resident, friends or family members in question have provided such information ('your family').

The Merchant Taylors' Boone's Charity ('the Charity') is the Data Controller.

Data Processor

The Charity's staff are employed by a subsidiary company of the Merchant Taylors' Company, called Bradestrete Services Limited ('BSL'). The Charity shares your and your family's data with BSL and BSL is a Data Processor of that data.

Why the Charity processes Personal Data

The Charity processes your and your family's personal data to carry out its charitable purposes as set out in its constitution, which are:

- the relief of poverty by the provision of almshouse accommodation for beneficiaries
- such charitable purposes for the benefit of the residents as the trustees decide.

When carrying out these charitable purposes, the Charity Trustee is required by law to act in the best interests of the Charity at all times. This obligation itself may also require the Charity to process your and your family's data.

Due to the above purposes and obligation, the Charity Trustee has a duty to ensure that the Charity offers almshouse accommodation only to an applicant:

- Who best fits the beneficiary criteria out of all the applicants at the time (for example, as to age and financial need)
- Who is capable of independent living
- Where there are no reasonable grounds to suspect they might prejudice the flourishing of the almshouse community or the Charity itself
- Whose appointment would not in any other way cause the Charity Trustee to breach its duty to act in the best interests of the Charity.

Lawful Bases of Processing Personal Data

The lawful basis on which the Charity processes your and your family's data is that it is necessary in the Charity's legitimate interests, with no disproportionate adverse impact on you or your family. The legitimate interests in question are the purposes, obligation and duties explained in the previous section ('Why the Charity processes Personal Data').

Please see pages 4-7 of this notice for extra conditions the Charity relies on when processing data about your health, religious beliefs and any 'unspent' criminal convictions.

Categories of Personal Data Processed

The main categories of personal data which the Charity processes in relation to residents and applicants include but are not limited to:

- Full name and address, phone numbers and email address
- Date of birth
- Gender
- Marital status
- Name and address of GP
- Name, address and contact details of 1st next of kin and 2nd next of kin
- Name and address of location where your Will is kept (if you have one)
- Details of your funeral planning arrangements and pre-paid plan (if you have one)
- Details of bank account (for processing debits for accommodation charges collection) and Housing Benefit/Universal Credit reference number
- Records relating to your payment history of accommodation charges and any other sums owed to the Charity
- NI number
- All personal data in your application form for accommodation and supporting documents such as references, and copies of documents such as your passport which the Charity made to comply with the law when offering you accommodation. Your application form includes information about your health, religious beliefs and any 'unspent' criminal convictions.
- Information about your health, both as supplied by you during the application process (for example, on your form) or as provided by your medical advisors (eg, your GP) pursuant to the authority you give them to disclose medical information to the Charity. This authority is part of the application form.

The Charity may also process the following information about applicants and residents if known to the Charity:

- Details of current medical conditions and past operations / hospital admissions / previous conditions

- Details of current medication including dosage amount
- Details of allergies to medicine, e.g. antibiotics

Minutes of meetings and records of decisions may include your name and other information about you, if it was essential that the Charity Trustee or staff knew which specific resident was being discussed.

The Charity processes your family's personal data only to the extent that it holds any information about them which either you or your family have given to the Charity. In most cases this is only their contact details.

Sensitive Personal Data

'Sensitive personal data' means personal data about a person's:

- health
- religion
- political opinions
- trade union membership
- sex life
- sexual orientation
- genetics
- biometrics.

Please see the remainder of this Privacy Notice for special provisions about this, and about 'unspent' criminal convictions.

Your religious beliefs

With your consent, the Charity keeps a record of your religious beliefs in order to be able to:

- Share them with medical personnel if you are unable to communicate effectively by yourself. For example, you might wish to be visited by a hospital chaplain from your religious tradition.
- Share them with those involved in arranging your funeral, if they are unable to obtain that information from another source.

Criminal convictions

Every resident's Letter of Appointment contains an ongoing obligation on you to declare any 'unspent' criminal convictions to the Charity. Your application form also asked for this information. (A criminal conviction is 'unspent' if a court has convicted you of a criminal offence, and you have not yet reached the point where you are legally entitled to keep silent about the conviction.)

With your consent, the Charity will hold and otherwise process information about any 'unspent' criminal convictions you have, in order to assess whether you present an unacceptable level of risk to the other residents or to the Charity itself.

Please note that if you withdraw your consent, you will be required to move out of accommodation provided by the Charity and/or your application for accommodation will be refused without further consideration, because the Charity Trustee will no longer be able to comply with its legal obligation to act in the best interests of the Charity.

Your health

The Charity holds the minimum information necessary about your health, to be able to support you to the extent consistent with the principle that almshouse accommodation is for people capable of independent living. In particular, the Charity needs to be able to deal with the following issues in your interests and in the interests of the Charity.

The Charity has to be able to satisfy one of a number of specific conditions in order to process data about your health. This notice explains which specific condition is relevant to each of the following issues.

Assessing your application for almshouse accommodation

The Charity needs to assess whether you are capable of independent living and how long you are likely to remain capable of independent living, in order to evaluate your application and to enable the Charity to comply with its obligations under the Disability Discrimination Act.

The specific condition permitting this is that you have given your consent.

Serious health problems of residents

A member of the Charity's staff may need to speak to the Community Alarm Service team (currently Linkline) and/or summon medical services if you have a health emergency and are unable to communicate effectively. Staff need to be able to share

information about your existing medical conditions and about the circumstances of your health emergency.

The specific condition permitting this is:

- you have given your consent, or
- even without your consent, it is necessary in your vital interests and you are physically or legally incapable of giving consent.

The Charity's 'good neighbour' role to residents

The Charity's staff need to record and share information about your health in order to play a 'good neighbour' role while you are ill, if you are a resident. For example, you might appreciate the on-site member of staff checking whether you are alright by a daily phone call to you while you are ill.

The specific condition permitting this is your consent. Please note that if we do not have your consent to process health information for this purpose, the Charity's staff will not be able to perform this 'good neighbour' role for you.

General suitability of residents' dwellings

The Charity needs to have appropriate information about your health, and share it with contractors and other relevant professionals, in order to be able to maintain your dwelling properly to the extent required by law. For example, from time to time the Charity may need to consider whether there are reasonable adaptations to be made to your dwelling in the light of your health (and consistent with the principle that almshouse accommodation is for people who are capable of independent living).

The specific condition permitting this is your consent.

Please note that if you withdraw your consent, you may be required to move out of accommodation provided by the Charity, because the Charity might no longer have the necessary information to maintain your dwelling properly.

Safeguarding

Sadly, but thankfully rarely, a resident may start neglecting their physical or mental health, or neglecting their dwelling in a way likely to create a risk to health, or the Charity reasonably anticipates that their dwelling is likely to become unsuitable for them due to their physical or mental health. However, the resident is unable to recognise or unwilling to accept that fact.

The Charity needs to process data about the resident's health, including obtaining it from and/or sharing it as appropriate with relevant professionals such as medical

personnel and Social Services, in order to ensure that the neglect and risk to health ends. This might include arranging for the resident to move to accommodation where the resident can receive appropriate support for their needs. If so, the Charity would also need to share the health information with prospective accommodation providers.

The specific condition permitting this is:

- you have given your consent, or
- the 'safeguarding' condition¹ if the Charity does not have your consent.

The 'safeguarding' condition is as follows:

- the processing is necessary to protect you from neglect or to protect your physical, mental or emotional well-being, and you are at risk, and the processing is necessary for reasons of substantial public interest,

AND

- you cannot give your consent, or
- in the circumstances the Charity cannot reasonably be expected to obtain your consent, or
- the processing has to be carried out without your consent, because obtaining it would prejudice the provision of the protection.

You are deemed to be 'at risk' for these purposes if:

- the Charity has reasonable cause to suspect that you have needs for care or support, and
- you are at risk of neglect or physical, mental or emotional harm, or are actually experiencing it, and
- as a result of those needs, you are unable to protect yourself against such neglect or harm or the risk of it.

Discharge from hospital

If you are in hospital, the hospital discharge team, the Charity and possibly other professionals such as social workers and other accommodation providers will need to discuss whether you are still capable of independent living and therefore whether it is safe to discharge you back to accommodation provided by the Charity.

The specific condition permitting this is:

- you have given your consent, or
- the 'safeguarding' condition explained above.

Adaptations to your dwelling suggested by the Local Authority

Local Authority staff such as Occupational Therapists may suggest adaptations to your dwelling. The Charity's staff may need to refer to details about your health in order to discuss these suggestions with the Local Authority.

Sale or Passing of Personal Data to Third Parties

The Company will not sell your or your family's personal data to any commercial or charitable organization.

The Charity's staff are employed by a subsidiary company of the Merchant Taylors' Company, called Bradestrete Services Limited ('BSL'). In that sense, the Charity shares your personal data with BSL.

The Charity may share your personal data with the following other people in order to evaluate your application properly in the light of the Charity Trustee's duty to act in the best interests of the Charity:

- your referees and medical advisors
- your current and immediately previous accommodation providers
- any statutory agencies
- any parties whom the Charity believes it necessary to consult in order to evaluate your creditworthiness.

Transfer of Personal Data Outside the EEA (European Economic Area)

Personal data will only be transferred outside the EEA or other areas of adequacy determined by the EU to the extent that the Charity uses cloud-based software where, as a standard precaution against cyber-attack, the cloud provider stores data on multiple servers, some of which may be located outside these areas.

Retention of Personal Data

Successful applicants for accommodation

Subject to the next paragraph, the Charity will retain your personal data until three years after you have ceased to be a resident, or until the end of your life (whichever is earlier). After your death, that information will cease to be personal data because it will no longer relate to a living individual. In that circumstance, the Charity reserves

the right to retain the data for as long as the Charity sees fit, for example in order to resolve queries about your funeral arrangements or for the Charity's archives.

The Charity will retain:

- information about your health for as long as the Charity considers necessary to deal with the issue in connection with which the Charity holds that information
- personal data about any 'unspent' criminal convictions until those convictions become 'spent'.

Unsuccessful applicants

MTBC reserves the right to keep a record of all personal data obtained through the application process for 3 years, as a reasonable precaution against individuals re-applying but making false declarations of fact about their circumstances in an attempt to increase their prospects of success.

Data Subject's Rights

Right of Access

You are entitled to access your personal data by making a Subject Access Request (SAR), so that you are aware of and can verify the lawfulness of the processing. You have the right to obtain :

- confirmation that your data is being processed
- access to a copy of your personal data, and
- other supplementary information that corresponds to the information in this privacy notice.

To make a SAR, please make your request by email to data@merchant-taylors.co.uk with the words 'MTBC Subject Access Request' in the subject bar.

This information will be provided without charge and within one month. If an extension is required or requests are considered manifestly unfounded or excessive, in particular because they are repetitive, the Charity may charge a reasonable fee taking into account the administrative costs of providing the information, or refuse to respond. The reasons for this will be formally notified to you and your rights to appeal to the UK Information Commissioner's Office (ICO) will be highlighted.

The Charity will normally use an electronic format to release information in response to a SAR.

To protect your personal data, the Charity will seek to verify your identity before releasing any information in response to a SAR about you. In most cases, verifying identity is likely to be simple, but will probably involve additional steps if a SAR is made by a family member, or a former resident, or a relative or personal representative of a deceased resident.

Right of Rectification

You are entitled to have personal data rectified if it is inaccurate or incomplete. The Charity will respond within one month of your request to rectify your data. In the unlikely event of the Charity not taking action to fulfil a request for rectification, the Charity will inform you of your rights (if any) to complain or seek judicial remedy.

Right of Erasure

You may request the deletion or removal of personal data under the Right of Erasure. The Right of Erasure does not provide an absolute 'right to be forgotten'. Rather, it is a right to have personal data erased and to prevent processing in the following specific circumstances:

- where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- when you withdraw consent for data where your consent was our legal basis for processing it
- when you object to the processing and there is no overriding legitimate interest for continuing the processing
- the personal data was unlawfully processed
- the personal data has to be erased in order to comply with a legal obligation
- the personal data is processed in relation to the offer of information society services to a child. (The Charity does not offer such services.)

Right to Restrict Processing

Under the Act, you have a right to 'block' or suppress processing of personal data. The restriction of processing under the GDPR is similar. When processing is restricted, the Charity is permitted to store the personal data, but not to process it further. In this event, the Charity will explain to you exactly what personal data is held and why.

Please note the Charity would challenge your exercise of this right by making a compelling case why it needed to continue processing the data. This is because the Charity Trustee cannot comply with its legal obligation to act in the best interests of the Charity, if it is unable to process your data.

Right to Data Portability

You may request to obtain and reuse your personal data for your own purposes across different services, subject to the caveat below. This allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The Right to Data Portability only applies:

- to personal data you have provided
- where the processing is based on your consent or is for the performance of a contract and
- when processing is carried out by automated means. (The caveat is that the Charity considers that it does not carry out any processing by automated means.)

In these circumstances the Charity will provide a copy of your data in CSV or PDF format free of charge, without undue delay and within one month. If there is a delay, you will be informed.

Right to Object

You have the right to object, on grounds relating to your particular situation, to:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority
- direct marketing
- processing for purposes of scientific/historical research and statistics.

Automated Decision-Making and Profiling

The Charity does not carry out any:

- automated individual decision-making about Data Subjects (ie, making a decision about you solely by automated means without any human involvement), or
- profiling of Data Subjects (ie, automated processing of personal data to evaluate certain things about you).

Changes to this Privacy Notice

The Charity keeps its privacy policies under regular review and this may result in issuing updated versions of this notice, which the Charity will normally do on the webpage about the Charity on the website of the Merchant Taylors' Company (www.merchant-taylors.co.uk). This notice was last updated on **16 August 2019**.

Queries about your Data

If you have a query or concern about the Charity's processing of your personal data, please:

- email data@merchant-taylors.co.uk, or
- write to 'The Clerk (Data Protection MTBC)', The Merchant Taylors' Boone's Charity, Merchant Taylors' Hall, 30 Threadneedle Street, London EC2R 8JB.

DISCLAIMER: The information in this Privacy Notice is for general guidance on your rights and responsibilities and is not legal advice. Please contact a lawyer if you need legal advice.