

## BELAMIE GABLES

### GDPR / Data Protection Policy

The home recognises that the General Data Protection Regulations 2018 (GDPR) are important in protecting the rights of individuals in respect to any personal information that is kept about them, whether on computer or in manual filing systems. The aim of this policy is to ensure the Home complies with this legislation and understands fully its obligations under the GDPR.

**GRACE JASTRZEBSKA** (Registered Manager) is the Data Controller. She is the Confidentiality lead and Security (SIRO) Risk lead within the home, sometimes known as the Caldicott guardian.

The home also acknowledges that from a regulatory perspective, and for the confidence of our service users, a Data Protection Policy will ensure that personal information given to us will be treated appropriately.

This policy acknowledges the right of access for individuals to information held about them and the right to stop or prevent processing likely to cause damage or distress, the right to compensation for unlawful processing, the right to data portability, and the right to be forgotten. These rights apply to all data.

The home is registered with the Information Commissioner. **ADAM HEEROO** is the Data Protection Officer and our registration number is **ZA301901**. These pages show the information we are legally entitled to process and who we can share this information with. The Home's Registration Pages on the Information Commissioner's Website can be found using the following link.: <https://ico.org.uk/esdwebpages/search>

The Registration Form is displayed in the front entrance.

There are six Principles of Data Protection contained in the GDPR that can be referred to by anyone who has a role to play in the management of personal information at Belamie Gables. These are summarised below:

1. Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay.

**5.** Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

**6.** Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Employees will be informed about data protection issues and their individual rights as part of their induction processes.

Compliance with this policy is a condition of employment with the Home and any deliberate breach of the policy may result in disciplinary action, which for serious or deliberate breaches may include dismissal. Knowingly breaching the provisions of the GDPR may also lead to legal action being taken against the Home and individuals.

Any contractors carrying work for the Home will be briefed on the importance of data protection at the outset, for example as it relates to safeguarding sensitive personal information on a customer.

All data/information processed by the Home is covered by this policy.

A list of data protection definitions referred to in the Regulations and this policy document is attached as **Appendix 1**.

### **Key Operational Framework**

Processing of personal data will be carried out where the data subject has given positive consent or there is a statutory requirement for that data to be given.

The request for consent must be presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language.

Individuals have the right to withdraw their consent at any time. The withdrawal of consent will not affect the lawfulness of data processed before it is withdrawn. Prior to giving consent, the individual must be informed of this right to withdraw consent. Withdrawing consent must be as easy as giving consent.

The processing of special categories of personal data will only be carried out with the individual's explicit consent. Special categories of personal data are defined at **Appendix 1**.

Data which has been provided to The home, in confidence, by a third party such as employment references reference cannot normally be disclosed to the data subject, unless the author of the data (third party) can remain anonymous, agrees to its release later or it is reasonable to comply with the access request without the originator's consent.

Where personal information is held by the Home on our service users, applicants, employees and other individuals, these people have the right to access the information, unless it is exempt under the General Data Protection Regulations. Where a request for information is received (this must be in writing, including email correspondence), Belamie Gables, will respond to the request within week depending on urgency. Where a request is made by electronic means, the information supplied shall be provided in electronic form, unless otherwise requested. No charge will be made for requests for information. However, the Home reserves the right to make a charge of up to £10 for administrative costs for duplicate copies.

A copy of this policy will be included in the Induction Policies Reading.

This policy has been developed and implemented to ensure the Home's compliance with the principles of the GDPR as these apply to the day to day activities of the care Home.

### **Responsibilities**

The Director of the Home Adam Heeroo is Data Protection Officer. Jade Absolom, the Registered Manager, is the Data Controller.

### **Security of Data**

All employees are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third party.

All personal data should be accessible only to those who need to use it. All personal data must be kept:

- In a lockable room with controlled access.
- In a locked drawer or filing cabinet.
- If data is electronic then it should be stored on Network servers and not on local systems and have suitable security access levels applied, determined and monitored.

Care should be taken of portable IT equipment, memory sticks etc which should be password protected to prevent unauthorised access. Where highly sensitive data is by necessity stored on memory sticks, these must be protected by Advanced Encryption Standard encryption and passwords strictly controlled by the Information Security Owner.

Personal data held on removable media such as CD must be disposed safely. Care should be taken to ensure that PC monitor Screen is not visible except to authorised employees and that computer passwords are kept confidential. PC, Mobile Phones, Laptop and other mobile devices should not be left unattended without password protected screen savers and manual records should not be left where they can be accessed by unauthorised personnel.

Employees are to operate a “clear desk” policy when finishing work each day. No confidential papers should be left on desks under any circumstances, nor should any personal information of service users or employees be displayed on notice boards within offices and care homes.

Care must be taken to ensure that appropriate security measures are in place for the deletion or disposal of personal data. Manual records should be disposed of as “confidential waste”. All disposal of IT equipment will be managed by the Manager and in accordance with the Waste Electrical & Electronic Equipment (WEEE) directives.

This policy also applies to employees who process personal data outside The home’s premises, such as when working from home. Off-site processing presents a potentially greater risk of loss, theft, damage to personal data. Employees should take care when processing personal data at home or in other locations. Any loss of data from either The home premises or off site must be reported to the Manager and the Owners immediately.

The Home discourages the retention of personal data for any longer than necessary. Considerable amounts of data are collected, and some data will be kept for longer periods than others, however every effort should be made to review the need to keep it and safely dispose of data as soon as possible. **See Appendix 2 – Retention of Records.**

The Home keeps a list of all suppliers and their contact details that handle information of The home’s Staff and Service users. **See Appendix 3 – Supplier List.**

- The Home Manager will regularly review the data that need to be disposed of in accordance with this policy.
- Personal data will be disposed in a way that protects the rights and privacy of data subjects (e.g. disposal as confidential waste).
- Monitoring and Review
- Any breaches of this policy or associated procedures will be reported to the Manager and owners.

*This policy will be reviewed at least annually, or earlier as required.*

Signed:



**Last review date: 02.07.2021**

Author: A HEEROO (Director)

Implementation date: 28.10.2019

**Next review date: 01.07.2022**

## **APPENDIX 1**

### **Data Protection Definitions Used in This Policy**

- Data Controller – a person or organisation who decides how personal data is to be processed and for what purpose. The home is the data controller, not individual employees.
- Data Processor – an organisation or person who processes personal data for and on behalf of a controller.
- Data Subject – data subject means an individual (not an organisation), who is the subject of personal data such as a service user or employee.
- Data (including manual data/relevant filing system) – information which: a) is being processed by means of equipment operating automatically

Examples of manual data that may qualify as structured manual files:

- Employee Files – applications forms, appraisal forms, disciplinary records, sickness records, supervision notes etc.
- Service users records –referral forms, medical information, contact details etc.
- Home Records – application forms, files, accounts etc.
- Contact Record – lists of names and addresses, contact numbers etc.
- Personal Data – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- Processing – any operation or set of operations which is performed on personal data or on sets of personal data, whether by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### **Special categories of personal data include the following:**

- Racial and ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for uniquely identifying a natural person, mental or physical health
- Data concerning health or data concerning an individual sex life or sexual orientation

The Home Manager is the Data Controller for the purposes of the General Data Protection Regulations and all subsequent applicable data protection legislation.

The information you provide will be treated in confidence and in compliance with all relevant data protection legislation.

We may pass the information to other agencies or organisations as required by law and in accordance with our Registration with the Information Commissioner. As the Data Subject you have the right to access the information we hold on you. If you wish to exercise this right, please contact our Manager in writing or via email with the details of your request.

Fair Processing Notices and Data Sharing Agreements will also be included in the Home's Statement of Purpose to comply with the GDPR and any subsequent domestic Data Protection laws.

**Appendix 2 – Retention of Records**

Current residents and Staff files are held with the following security measures:

- Digitally with encryption and password access and/or
- Locked away in filing cabinets/cupboards

**Record Retention periods**

1	Discharged or deceased residents	3 years from leaving or date of death
2	All Care Home Residents' Records	3 Years
3	Employment Files and payroll	3 Years
4	DBS Record	3 Years
5	Accounts & Bank Statements	6 Years
6	Staff Training, Holiday Records & Minutes of meetings	2 Years