

July 2017

Data Protection Policy



Date Written	17.07.2017
Author(s)	Registered manager
Version	2.0
Date Signed Off	20/07/2017
Reviewed by	

Unit 1 Chandos House,
Hankridge Way,
Taunton,
Somerset
TA1 2LR

Review Data

Initial Production

Name	Role/Department	RACI	Date
Registered manager	Registered Manager	RA	17.07.2017
Registered manager	Registered Manager	RA	04.12.2017

R = Responsible for document production; A = Accountable; C = Consulted; I = Informed

Change History

Version	Date	Details of Change	Author
2.0	17.07.2017	Re-write and re-structure of original policy in line with most recent legislative updates.	Registered manager

Emergency Contact Details

Name	Email	Mobile
Registered manager	fran@livein.care	

CQC Fundamental Standards

Regulation Number	Regulation Details
Regulation 10: Dignity and respect	Clients must be treated with dignity and respect, including ensuring the privacy of the Client.
Regulation 17: Good governance	Both paper and electronic records can be held securely providing they meet the requirements of the Data Protection Act 1998.

Key Lines of Enquiry

KLOE	How this applies to Data Protection
Caring	To provide a caring service we must respect the confidentiality, privacy and dignity of Clients.
Well led	As a well led organisation, we ensure compliance with data protection legislation.

Related Documents

This policy should be read in conjunction with our:

- [Confidentiality Policy](#)
- [Dignity and Respect Policy](#)

Policy Statement

Policy Aims

- To ensure that Living Carers Ltd apply appropriate measures to comply with the eight principles of the Data Protection Act 1998 to meet our legal requirements.
- To inform staff on how data is protected within Living Carers Ltd, and what their responsibilities are when it comes to Data Protection.

Living Carers Ltd needs to collect and use certain types of information about employees, Clients, and those individuals who encounter Living Carers Ltd in the supply of homecare services. This personal information will be collected and dealt with appropriately whether is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the Data Protection Act 1998.

Personal Information is any data relating to a living individual, and under the Data Protection Act 1998 all Personal Information:

Must be processed fairly and lawfully;

Must be obtained for one or more specific and lawful purposes and only processed in a manner compatible with them;

Must be adequate, relevant and not excessive for the purposes defined;

Must be accurate and where necessary kept up to date;

Shall not be kept for longer than is necessary;

Must be processed in accordance with the data subject's rights;

Must be kept secure;

Must not be transferred outside the European economic area unless there is adequate protection for the rights of data subjects.

Data Controller

Living Carers Ltd is the Data Controller under the Act, which means that it determines what purposes held personal information will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Disclosure

Living Carers Ltd may share data with other agencies such as the local authority.

The Individual/Client will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Living Carers Ltd to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) **Carrying out a legal duty or as authorised by the Secretary of State**
- b) **Protecting vital interests of an Individual/Client or other person**
- c) **The Individual/Client has already made the information public**
- d) **Conducting any legal proceedings, obtaining legal advice or defending any legal rights**
- e) **Monitoring for equal opportunities purposes – i.e. race, disability or religion**
- f) **Providing a confidential service where the Individual/Client's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Clients to provide consent signatures.**

Living Carers Ltd regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Living Carers Ltd intends to ensure that personal information is treated lawfully and correctly.

To this end, Living Carers Ltd will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Our Commitment

Living Carers Ltd will:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken,
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

Data Collection

Informed consent is when

- An Individual/Client clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Living Carers Ltd will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Living Carers Ltd will ensure that the Individual/Client:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Individual/Client decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

Key Question: How will data be stored securely?

Information and records relating to Clients will be stored securely and will only be accessible to authorised staff.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is Living Carers Ltd responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data Access and Accuracy

All Individuals/Clients have the right to access the information Living Carers Ltd holds about them. Living Carers Ltd will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

Living Carers Ltd ensures that:

1. It has a Data Protection Officer with responsibility for ensuring compliance with Data Protection
2. Everyone processing personal information understands that they are responsible for following good data protection practice
3. Everyone processing personal information is appropriately trained
4. Everyone processing personal information is appropriately supervised
5. Anybody wanting to make enquiries about handling personal information knows what to do
6. It deals promptly and courteously with any enquiries about handling personal information
7. It describes clearly how it handles personal information
8. It will regularly review and audit the ways it holds, manage and use personal information
9. It regularly assesses and evaluates its methods and performance in relation to handling personal information
10. All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them
11. This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

Glossary of Terms

Data Controller – The person who decides what personal information Living Carers Ltd will hold and how it will be held or used.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person(s) responsible for ensuring that Living Carers Ltd follows its data protection policy and complies with the Data Protection Act 1998.

Individual/Client – The person whose personal information is being held or processed by Living Carers Ltd for example: a Client, an employee, or young person.

Explicit consent – is a freely given, specific and informed agreement by an Individual/Client in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of Living Carers Ltd, as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual Clients or employees within Living Carers Ltd.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

Key Points to Take Away

- Personal information will be collected and dealt with appropriately whether is collected on paper, stored in a computer database, or recorded on other material.
- Information and records relating to Clients will be stored securely and will only be accessible to authorised staff
- All Individuals/Clients have the right to access the information Living Carers Ltd holds about them

Policy Review

This policy will be reviewed by the Registered Manager at least annually to make any updates and amendments necessary to ensure the policy conforms to current legislation, reflects current practice and expectations.

Authorisation and Signature

This Policy is the official and authorised version agreed by the Directors of Living Carers Ltd. All employees are expected to work in accordance with this policy and failure to comply with this policy could result in disciplinary action.

Registered Manager

04.12.2017