

TD Homecare Services Limited

3 Whittingham Place. The Avenue
Freshwater. Isle of Wight. PO40 9UR

General Data Protection Regulation (GDPR) Policy and Procedure

Policy Statement

The purpose of this policy is to ensure that TD Homecare Services Limited understands the key principles of the General Data Protection Regulation (GDPR).

Policy Aims

This policy sets out the steps that need to be taken by TD Homecare Services Limited to ensure that TD Homecare Services Limited handles, uses and processes personal data in a way that meets the requirements of GDPR. It should be read alongside the suite of TD Homecare Services Limited GDPR policies, procedures and guidance.

Policy Objectives

The objective of this policy is to ensure staff have a working knowledge into the principles and requirements of GDPR.

This policy will assist with defining accountability and establishing ways of working in terms of the use, storage, retention and security of personal data.

This policy will assist with understanding the obligations of TD Homecare Services Limited in respect of the rights of the staff and Service Users who have provided personal data and the steps TD Homecare Services Limited should take if it breaches GDPR.

This policy and procedure is aimed to support additional policies and procedures for handling and using personal data provided by both staff and Service Users.

GDPR Background

GDPR came into force on the 25 May 2018 and replaced the Data Protection Act 1998. GDPR provides greater protection to individuals and places greater obligations on organisations to ensure that any impact on the provision of care and services is minimised.

All staff need to ensure the ways in which they handle personal data meet the requirements of GDPR.

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General Data Protection Regulation (GDPR) Policy

TD Homecare Services Limited is required to take a proportionate and appropriate approach to GDPR compliance. TD Homecare Services Limited understands that not all organisations will need to take the same steps – it will depend on the volume and types of personal data processed by a particular organisation, as well as the processes already in place to protect personal data. We understand that if we process significant volumes of personal data, including special categories of data, or have unusual or complicated processes in place in terms of the way we handle personal data, we will consider obtaining legal advice specific to the processing we conduct and the steps we may need to take.

TD Homecare Services Limited endorses fully and adheres to the six principles of data protection, as set out in the Article 5 of the GDPR.

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

These principles must be followed at all times when processing or using personal information. Therefore, through appropriate management and strict application of criteria and controls, the organisation will:

- observe fully the conditions regarding the fair collection and use of information including the giving of consent
- meet its legal obligations to specify the purposes for which information is used
- collect and process appropriate information only to the extent that it is needed to fulfil our operational needs or to comply with any legal requirements
- ensure the quality of information used
- ensure that the information is held for no longer than is necessary
- ensure that the rights of people about whom information is held can be fully exercised under the GDPR (ie the right to be informed that processing is being undertaken, to access one's personal information; to prevent processing in certain circumstances, and to correct, rectify, block or erase information that is regarded as incorrect)
- take appropriate technical and organisational security measures to safeguard personal information
- publicise and abide by individuals' right to appeal or complain to the supervisory authority (the Information Commissioner's Office (ICO)) in the event that agreement cannot be reached in a dispute regarding data protection
- ensure that personal information is not transferred abroad without suitable safeguards.

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This policy does not form part of the formal contract of employment for staff, but it is a condition of employment that staff will abide by the rules and policies made by TD Homecare Services Limited from time to time. Any failure to follow the data protections policies and procedures may lead, therefore, to disciplinary proceedings.

The registered manager (Mrs Teresa Dawkins) will deal with day-to-day matters. The nominated individual (Mrs Anne Butts) will monitor GDPR aspects through the quality assurance processes. Any member of staff, or other individual who considers that the policy has not been followed in respect of personal data about himself or herself should raise the matter with the registered manager or nominated individual.

All staff are responsible for:

- checking that any information that they provide to the organisation in connection with their employment is accurate and up to date
- informing the organisation of any changes to information that they have provided, e.g. changes of address, either at the time of appointment or subsequently. The organisation cannot be held responsible for any errors unless the employee has informed it of such changes.

All staff are responsible for ensuring that:

- any personal data that they hold is kept securely
- personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Staff are responsible for keeping any personal information relating to service users safe when they are in the community.

Staff should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Personal information maintained in the main office should be kept in a locked filing cabinet, drawer, or safe. If it is computerised, it should be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Data is backed up on a regular basis and maintained securely.

Firewalls and virus checkers are kept up to date and running, and users are trained in virus avoidance and detection.

Computers are protected from physical harm, theft or damage, and from electrical surges using protective plugs.

TD Homecare Service Limited does not currently operate a website.

The GDPR sets a high standard for consent and requires a positive opt-in. Neither pre-ticked boxes nor any other method of default consent are allowed. As required by the GDPR, the organisation takes a "granular" approach ie it asks for separate consent for separate items and will not use vague or blanket requests for consent. As well as keeping evidence of any consent, the organisation ensures that people can easily withdraw consent (and tells them how this can be done).

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It should be noted, however, that consent is only one of the lawful bases on which data processing depends. In brief, the others include the following.

- **Contract:** if processing someone's personal data is necessary to fulfil the organisation's contractual obligations to them (eg to provide a quote).
- **Legal obligation:** if processing personal data is necessary to comply with a common law or statutory obligation.
- **Vital interests:** not one that will occur often as it refers to processing personal data to protect someone's life (and even then, it cannot be relied on with regard to health data or other special category data if the individual is capable of giving consent).
- **Legitimate interests:** the most flexible lawful basis for processing and one which applies when data is used in ways people would reasonably expect and which have a minimal privacy impact, or where there is a compelling justification for the processing.

Note that the GDPR provides for special protection for children's personal data and the organisation will comply with the requirement to obtain parental or guardian consent for any data processing activity involving anyone under the age of 16.

An employee may request details of personal information which the organisation holds about him or her under the GDPR. A small fee may be payable and will be based on the administrative cost of providing the information. If an employee would like a copy of the information held on him or her, they should write to [address]. The requested information will be provided within one month. If there is any reason for delay, that will be communicated within the four-week time period. A request which is manifestly unfounded or excessive may be refused. The person concerned will then be informed of their right to contest this decision with the supervisory authority (the ICO).

If an employee believes that any information held on him or her is incorrect or incomplete, then they should write to or email TD Homecare Services Limited as soon as possible, at the above address. The organisation will promptly correct any information found to be incorrect.

We understand, that in certain circumstances, if TD Homecare Services Limited breaches GDPR, we must notify the ICO and potentially any affected Data Subjects. There are strict timescales in place for making such notifications.

This policy sets out this organisation's commitment to protecting personal data and how that commitment is implemented in respect of the collection and use of personal data.

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General Data Protection Regulation (GDPR) Procedure

- All staff will be supported to understand issues related to GDPR.
- The registered manager be responsible for data protection and GDPR compliance
- The registered manager should ensure all staff understand the policies and procedures provided, including how to deal with a Subject Access Request and what to do if a member of staff breaches GDPR.
- The registered manager will ensure that staff are supported through supervision and mentoring in the principles of GDPR.
- TD Homecare Services Limited will ensure proper consent is obtained from each Service User in line with GDPR regulations.
- TD Homecare Services Limited will review the additional steps that should be taken to ensure consent is obtained from service users, responsible persons (parents if applicable), carers or other representatives where TD Homecare Services Limited works with children or those who lack capacity.
- TD Homecare Services Limited will ensure that processes and procedures are in place to respond to requests made by Data Subjects (including Subject Access Requests) and to deal appropriately with any breaches or potential breaches of GDPR.
- The registered manager will maintain a log of decisions taken and incidents that occur in respect of the personal data processed by TD Homecare Services Limited.
- TD Homecare Services Limited will conduct reviews of the personal data held by the service on a regular basis through the quality assurance processes.
- TD Homecare Services Limited will delete any personal data that TD Homecare Services Limited no longer needs, based on the results of the audit conducted, taking into account any relevant up to date guidance and good practice.
- TD Homecare Services Limited will, if necessary, put in place new measures or processes to ensure that personal data continues to be processed in line with GDPR.