

GENERAL DATA PROTECTION

2020-21



Vista Care Solutions Ltd trading as Sunlight Care Newham. Registered in England. Company No: 11353031.
Registered Office: 3-9 Balaam Street, London, E13 8EB

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1. Purpose and Scope

1.1 The purpose of this policy is to outline how Sunlight care seeks to protect personal data and ensure that staff understand the rules governing their use of personal data to which they have access in the course of their work.

1.2 The General Data Protection Regulations (GDPR) protects employees against the misuse of personal data and may cover both manual and electronic records.

All records whether they be held electronically or physically fall within scope of the Regulations.

The Regulations require that any personal data held should:

- be fairly and lawfully processed
- be processed for limited purposes and not in any manner incompatible with those purposes
- be adequate, relevant and not excessive
- be accurate
- not be kept for longer than is necessary
- be processed in accordance with individuals' rights
- be secure; and
- not be transferred to countries without adequate protection

The Regulations also give employees certain rights. For employment purposes, the most important right is the right to access personal data held about the employee.

2. Introduction

2.1 Sunlight care has a legal obligation to comply with all appropriate legislation in respect of data, information and information technology (IT) security. It also has a duty to comply with guidance issued by the Department of Health and guidance issued by professional bodies. Sunlight care is registered with the Information Commissioners Office.

2.2 Sunlight care holds personal data about employees, candidates, residents, suppliers and other individuals for a variety of business purposes.

2.3 All legislation relevant to an individual's right to confidentiality and the ways that can be achieved and maintained is paramount to Sunlight care. This relates to roles and duties that are reliant upon computer systems such as payroll processing, application tracking, resident administration, purchasing, invoicing and care planning. Recent legislation also regulates the use of manual records relating to residents, staff and others whom information may be held by Sunlight care.

3. Responsibilities

3.1 Sunlight care recognises its overall responsibility for ensuring that it complies with its legal obligations.

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The data controller is the Manager who has the following responsibilities:

- reviewing data protection and related policies
- regular risk assessment of data protection procedures
- advising staff on data protection issues
- handling subject access requests

4. Legislation

4.1 Information should only be disclosed and collected on a need to know basis

- only the minimum amount of personal data should be collected and processed for a specific purpose;
- the extent of processing should be limited to that necessary for each purpose;
- personal data should be stored for no longer than necessary; and access to the data should be restricted to that necessary for each purpose;
- personal data should be stored for no longer than necessary; and access to the data should be restricted to that necessary for each purpose;
- information must be freely given informed, specific and explicit

4.2 Printouts and paper records must be treated carefully and disposed of in a secure manner; staff must not disclose or have access to information outside their line of duty. Any unauthorised disclosure of information by a member of staff will be considered a disciplinary offence.

4.3 The regulation also requires Sunlight care to register its data holdings with the ICO, identifying the purposes for holding the data, how it is used and to whom it may be disclosed. Sunlight care registers this information with the ICO on an annual basis.

4.4 Sunlight care also complies with the principles of good practice known as the Data Protection Principles.

4.5 All applications and databases in use within Sunlight care, holding personal data have appropriate security measures in place and will remain confidential, integral and resilient.

4.6 Under GDPR, individuals have the right to obtain:

- confirmation that their data is being processed
- access to their personal data and
- other supplementary information

4.7 Under the GDPR, there are restrictions on international transfers of personal data. Personal data must not be transferred anywhere outside the UK without first consulting the Data Protection Officer. Sunlight care does not currently transfer any data outside the UK as standard.

5. Data Protection Principles

5.1 The Lawfulness, Fairness and Transparency Principle

Personal Data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

5.2 Fair Obtaining Consent

There is a requirement to make the general public, who may use the services of Sunlight care, aware of why Sunlight care needs information about them, how this is used and to whom it may be disclosed.

5.3 Sunlight care has identified three data groups: Candidates, Staff, Residents, Potential Residents and Resident's next of kin.

5.4 Candidates there are procedures to notify recruitment candidates of the reasons why their information is required, how it will be used and stored, to whom it may be disclosed to and how long it will be stored for. This occurs when a candidate initially completes an application for a job position.

5.5 Staff there are procedures to notify staff, temporary employees (volunteers) etc. of the reasons why their information is required, how it will be used and stored, and to whom it may be disclosed. This occurs during induction and when new employees are issued their contract of employment.

5.6 Residents will be made aware of this requirement by the use of the resident guide, Statement of Purpose, on survey forms and verbally by health care professionals providing care and treatment. In addition, on admission to Sunlight care they will be issued with a notice detailing the reasons why their information is required, how it will be used and stored and to whom it will be disclosed.

6. The Purpose Limitation Principle

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes, further processing for archiving purposes, shall not be considered to be incompatible with the initial purposes.

6.1 Sunlight care's data is only collected and stored when absolutely necessary and all data subjects will be fully informed of the purpose for collecting and storing their data, this data will not be kept for longer than necessary.

7. The Data Minimisation Principle

Personal data should be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

7.1 Sunlight care will only process personal data necessary for one of the following reasons:

- compliance with legal obligations;
- the performance of a contract;
- the purposes of the legitimate interests of Care Home or a third party;

Or

- for the performance of a task carried out in the public interest.

7.2 Information collected from individuals will be complete and justified as being required for the purpose it is being requested.

7.3 Sunlight care will ensure any use of personal data is justified and only ever processed under one of the specified legal reasons for processing as detailed in the General Data Protection Regulation. All staff who are responsible for processing personal data will be aware of the conditions for processing and fully trained in dealing with personal data.

8. The Accuracy Principle

Personal data shall be accurate and where necessary, kept up to date, every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

8.1 Users of software will be responsible for the quality, accuracy, timeliness, and completeness, of the data they use. This will be achieved by carrying out their own data quality checks.

8.2 All information held on residents will be regularly checked for accuracy and to ensure that it is kept up to date. Residents and resident's representatives will be asked to validate the information held. Data will be updated within 24 hrs of receiving written correspondence confirming a change in detail.

9. The Storage Limitation Principle

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 personal data are processed.

9.1 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.

10. The Integrity and Confidentiality Principle Personal

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

10.1 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.

10.2 All information relating to identifiable individuals are kept secure at all times. Sunlight care will ensure there are adequate procedures in place to protect against unauthorised processing of information and against accidental loss, destruction and damage to this information.

10.3 Measures are taken by the Company to ensure that:

- All software and data is removed from redundant hardware and media storage (eg drives, USB sticks, disks) before the hardware is removed from Sunlight care.
- Confidential paper waste is shredded or is collected and held in a secure area prior to shredding or incineration.
- Confidentiality standards are maintained for all information relating to residents and employees, and this information is disposed of in a secure manner.
- All employees are made aware of how easy it is to breach confidentiality by incorrect use of waste paper, by using examples of real life situations during training sessions.
- Staff are informed how to dispose of persona- identified waste products.

11. Subject Access Requests

- 11.1 Any member of staff, or resident, or resident's representative who wishes to make a request to review their data will be required to put their request in writing. Access requests will be processed within one month.

12. Data Breach Process

- 12.1 All members of staff have an obligation to report actual or potential data protection compliance failures. This allows Sunlight care to:
- Investigate the failure and take remedial steps if necessary
 - Review the policies and procedures
 - Notify relevant parties
 - Maintain a register of compliance failures
- 12.2 The report will include full and accurate details of the incident, when the breach occurred, dates and time, who is reporting it, who the data relates to, the nature of the information and how many individuals are involved.
- 12.3 Any serious breach of personal data will be reported to the Information Commissioners Office ICO and the individuals involved within 72 hours of discovering the breach.
- 12.4 Notification to the individual will include a description of how and when the breach occurred, and the data involved. Specific and clear advice will be given on what they can do to protect themselves and include what action has already been taken to mitigate the risks.
- 12.5 Significant breaches of this policy will be dealt with applying Sunlight care's disciplinary procedures.

13. Staff Training

Regular staff training will be carried out to ensure that all staff maintain awareness of confidentiality and security issues. New employees receive training on this policy as part of induction.

14. Policy review

This policy will be reviewed on an annual basis or as soon as is reasonably practical after the Data Protection legislation is amended if sooner.