

# THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED

## General Data Protection Regulations (GDPR) Policy

---

### Purpose

This policy sets out how we comply with our data protection obligations and seek to protect personal information relating to our workforce and residents. Its purpose is also to ensure that staff understand and comply with the rules governing the collection, use and deletion of personal information to which they may have access in the course of their work.

We are committed to complying with our data protection obligations, and to being concise, clear and transparent about how we obtain and use personal information relating to our workforce, and how (and when) we delete that information once it is no longer required.

### Scope

This policy covers all aspects of information obtained and held by The Darby and Joan Organisation including (but not limited to):

- Service user and employees' details, medical history & NOK details
- Personal information provided by clients & families in order that we can deliver our care and support duties
- Employee details to enable a contract of employment to be issued.

Jackie Lim, our Care Home Manager the Data Protection Officer (DPO) and is responsible for data protection.

Our GDPR Policy and Procedure identifies the rights of individuals as follows:

- Right to be informed
- Right of access
- Right to rectification (immediately any discrepancy is identified)
- Right to erasure portability
- Right to restrict processing
- Right to data portability
- Right to object
- Rights in relation to automated decision making & profiling

# **THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED**

We may collect information or data about residents in various ways in order to develop a support and care plan to allow the team at St Martins to meet their needs safely.

The main circumstances we do so are noted below:

The information obtained from either residents, relatives, lasting power of attorney appointees or advocates is used in the formulation of the care plan. All appropriate parties will be encouraged to read the care plan to ensure the information is accurate and correctly documented. These details are stored in a file at the Home. Any updates to the support and care plan will be documented after approval of the details by relatives. At the end of each visit and at the time of medication administration the care team will complete notes summarising the duties completed and medication administered.

## **General Data Protection Regulations**

Darby and Joan Organisation employ the services of bespoke employment law, HR and Health and Safety support to ensure that the organisation complies with its employment and service regulations including compliance with GDPR.

## **Rights of access**

We have to request approval for St Martins to maintain these personal records. You have a right to access your personal data (residents / staff / contractors) but we can refuse access to data if we feel your request is unreasonable, repetitive or excessive.

## **Resident information processed:**

- Weight
- Height
- Fall records
- Accident and incident reporting relating to individuals
- Hospital admission records
- Medication administering and documentation
- Daily recorded information
- Pressure ulcer information

The purpose of resident data processing is for quality assurance and health and wellbeing monitoring.

# **THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED**

## **Employee information processed:**

- Name and date of birth
- Current and previous addresses relating to the last 7 years
- National Insurance number
- Email address
- Attachment of earnings information
- Criminal record history (the employee must consent to this application and understand that this consent can be withdrawn at any time, but, employment will not be supported without this regulatory check being carried out).

It is important to note that our website does not collect details of IP addresses and which version of the web browser used to review our website, however we may use photographs of some of our residents in our marketing material. This is only with written consent which is retained on file when residents join our home. We retain a photograph of residents within their client file for identification purposes.

Jackie Lim our care home manager is ultimately responsible for managing staff and resident information and keeping the information secure. Our administration staff member does have access to staff information and our Trustees have access to staff salary information. All employee files are kept locked in secure cupboards. The purpose of employee data processing is for payroll, wage calculation, DBS completion for regulatory and safeguarding purposes.

## **Right to data portability**

Staff have the right to get their personal data from the charity in a way that is accessible and machine-readable. They also have the right to request that the charity transfers their data to another organisation. Please note that we store a copy of staff and resident data relating to the time services were provided according to our Retention of Records/Recordkeeping policy/procedure.

## **General Data Protection Regulations Retention periods of records obtained (Employees)**

We collect employee information such as address, contact details, next of kin and any details of any physical concerns that may affect their health and/or wellbeing whilst at work

The personal data we maintain is kept to a minimum subject to CQC and data retention requirements as follows

# THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED

Staff employment service records	6 years following date of last entry/leave date. Following this only name and employment dates will be held for reference purposes
Duty rosters	4 years after the year to which they relate
Financial Data including all Purchase records/payments/bank statements/Payroll	7 years from end of the last company financial year they relate to
Final annual accounts	30 years

## General Data Protection Regulations Retention periods of records obtained (Residents)

We collect resident information and data and keep them in line with GDPR regulations as follows:

<u>Type of record</u>	<u>Timescales for retention of records</u>
Social Care records relating to adults	3 years from date of last entry
Next of Kin Details relating to Residents	3 years from date of last entry
Diary & Communication Books	3 years
Risk assessments	Keep latest risk assessment until a new one replaces it
General operating policies and procedures	Keep the current version and the previous version for three years
Records of incidents, events or occurrences that require notification to the Care Quality Commission	3 years
Records concerning the use of restraint, the deprivation of liberty or detention under the Mental Health act	3 years

## General Data Protection Regulations Retention periods of records obtained (Premises)

# **THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED**

We also keep data relating to the premises and regular checks and audits undertaken to keep residents and staff safe.

Records concerning maintenance of the premises	5 years
Records concerning maintenance of equipment	5 years
Records concerning electrical/Gas testing	5 years
Records concerning fire safety	5 years
Records concerning water safety	5 years

## **Confidentiality**

This is when a person gains access to information they shouldn't have. This might be malicious i.e. a hacker, or it might be a simple mistake i.e. sending an email to the wrong person;

## **Integrity**

We need to know that information is accurate and that it was created by the right person.

## **Availability**

For data to be useful we need to be able to access it. If it isn't available, this is also a breach, e.g. there is a care record which is needed to provide care for someone, this is kept locked in an office, if the keys go missing and no one can access that record then this is a data breach.

## **Procedure for a data breach**

If a breach has occurred, there are four important elements to any breach management plan:

1. Containment and recovery
2. Assessment of ongoing risk
3. Notification of breach
4. Evaluation and response

# **THE SOUTHEND ON SEA DARBY & JOAN ORGANISATION LIMITED**

If a resident or a member of staff believes a crime has been committed, someone has been injured or an intruder is on sight, they must notify a senior or the care home manager who will notify the necessary authorities. An Incident report will be completed as soon after the incident as possible to enable accurate recall of events. This needs to be given to the Data Protection Officer, Jackie Lim.

If you have identified a potential security breach inform the Data Protection Officer, Jackie Lim, who will notify the necessary authorities.

This policy is reviewed annually.