



Personal Data Protection Policy

Revised March 2013

Contents Page

Purpose

This policy has been written to ensure that the processing of Personal Data in connection with employees and Service Users will comply with the UK Data Protection Act 1998, which implements within the UK the requirements of the EC Data Protection Directive (EC/95/46).

The basic requirement is that the processing, both automated and manual, shall comply with the following data protection principles which require that personal data shall:

- Be processed fairly and lawfully
- Be obtained only for specified and lawful purposes, and not be processed in any incompatible manner
- Be adequate, relevant and not excessive
- Be accurate and, where necessary, kept up to date
- Not be kept longer than necessary
- Shall be processed in accordance with the rights of Data Subjects
- Be protected by appropriate security measures
- Not be transferred outside the EEA unless adequate level of data protection exist

Rights of Access

- a. Service Users and employees have the right to be supplied with a copy of their personal data the home retains. All requests are to be made to the Home Owner who is the Data Protection Co-ordinator. In his/her absence the home's Manager is to be contacted.
- b. When requesting to view personal data, Service Users and employees are required to complete Form DP001
- c. An authorised representative may be allowed to view the data provided the Home Owner or Manager is satisfied that permission has been given i.e. signature on FORM DP001 and proof of identity seen.
- d. The home will respond to any request for personal data within 40 days.
- e. If a request is made more than once in any twelve-month period a nominal fee of £10 may be charged to cover administration costs.
- f. Viewing of the document/s will be in the presence of the Home Owner or Manager. This is for security reasons i.e. so that no material can be removed or destroyed.
- g. Service Users and employees are requested to inform the home of any changes in their circumstances that could affect the accuracy of the data.
- h. Every effort will be made to resolve any disagreement between the home and the data subject, but in situations where the matter cannot be resolved, the following procedures are to be followed:
 - Service Users are requested to use the home's formal complaints procedure.
 - Employees are requested to use the home's formal grievance procedure.

Personal Data Protection Policy

Retention of Records

Employment Records

Employment records covered by this policy shall be retained, after the actual date of employee leaving for the following period . 10 years, after that period the records will be destroyed

What may a personal employment record contain?

It may contain any information legitimately required for the purposes of:

- Statutory employment records, and / or
- Operational management and administration

These may include the following:

- Applications for vacancies and CVs
- Interview records
- References
- Medical reports
- Offers of employment
- Statutory statements of terms and conditions
- Disciplinary and grievance records
- Performance appraisals and similar reviews
- Notes of informal meetings and interviews
- Allowances and expenses
- Training details
- Salary, additional payments and bonuses etc
- Work permits
- Related correspondence
- Attendance records

These are examples only and there will be other legitimate entries that may be included.

What may not be included is information, data or other material that cannot legitimately be shown to be related directly or indirectly to the employment of the employee concerned.

Personal Data Protection Policy

Retention of Records

Service User Records

Service User records covered by this policy shall be retained, after the actual date of the Service User leaving for the following period . 20 years, after that period the records will be destroyed.

What may Service User records contain?

They may contain any information legitimately required for the purposes of:

- Statutory records required by legislation, regulations or at the request of the registration authority

- Operational management and administration that will enable the home to give quality care

These may include the following:

- Service User Agreement
- Service User Admission Record
- Service User Assessment Details
- Service User Care Plan
- Service User Property Register
- Service User Financial Account
- Service User Medical Records (Depending on Circumstances)
- Risk assessment forms associated with the Service User
- Service User Self Medication Assessment

These are examples only and there will be other legitimate entries that may be included.

What may not be included is information, data or other material that cannot legitimately be shown to be related directly or indirectly to affording the Service User quality care.

Personal Data Protection Policy

Record Review

To ensure accuracy of personal data all records will be reviewed once every 12 months. The home administrator is responsible for carrying out the above review.

Security

Information held on computer is password controlled. Only the Home Owner, Manager, and designated Senior Members of Staff are allowed access. Any information transferred to disc is held in a locked cabinet.

All information held on computer relating to Service Users or employees is backed-up regularly and a copy taken off site by the Home Manager. This is done for cover in case of a disaster.

No new computer or computer software may be used without the prior permission from the Home Owner or Manager.

Written employment information is filed in a locked cabinet in the main office. The Home Owner and Manager are the only staff allowed access to this information. Senior Members of Staff can request permission from the Home Owner or Manager for access to employee records, in such circumstances they must not be taken out of the main office or left open for other members of staff or visitors to view.

Written private Service User information i.e. Service User Agreement, financial records etc are filed in a locked cabinet in the main office, only the most senior members of staff are allowed access to this information. Documents used for the care of a Service User i.e. care plans, risk assessment forms, diet sheets will be accessible by all qualified care staff, trainees will be allowed access under the supervision of qualified staff.

Under no circumstance must any Service User or employee record be taken off the premises without the permission of the Home Manager, or in his/her absence the Home Owner.

