



Review Sheet



Last Reviewed
03 Aug '20



Last Amended
03 Aug '20



Next Planned Review in 12 months, or
sooner as required.

Business impact



MEDIUM IMPACT

Changes are important, but urgent implementation is not required, incorporate into your existing workflow.

Reason for this review

updated forms added

Were changes made?

Yes

Summary:

This policy provides details about fair processing notices and how these should be used by a service. The template fair processing notices have been reviewed and relocated to the 'Forms' section of the GDPR suite within the QCS management system. The policy has been updated to this effect and references checked to ensure they remain current.

Relevant legislation:

- General Data Protection Regulation 2016
- Data Protection Act 2018

Underpinning knowledge - What have we used to ensure that the policy is current:

- Author: ICO, made available by UK Government, (2018), *Guide to the General Data Protection Regulation*. [Online] Available from: <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation> [Accessed: 3/8/2020]
- Author: Information Commissioner's Office (ICO, (2018), *Right to be informed*. [Online] Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/> [Accessed: 3/8/2020]
- Author: The European Parliament and the Council of The European Union, (2018), *General Data Protection Regulation*. [Online] Available from: <https://gdpr-info.eu/> [Accessed: 3/8/2020]

Suggested action:

- Encourage sharing the policy through the use of the QCS App
- Ensure the policy is discussed in planned supervision sessions with relevant staff
- Ensure relevant staff are aware of the content of the whole policy

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.

**Exclusive Secure Care**

Eckington Business Centre, 62 Market Street, Sheffield, Sheffield, S21 4JH

**1. Purpose**

1.1 The purpose of this policy is to provide Exclusive Secure Care with two template fair processing notices - one for use with employees and one for use with external Data Subjects, including Service Users. This policy also explains why fair processing notices are required and the purpose of a fair processing notice.

1.2 By using the template fair processing notices provided within the 'Forms' section of the GDPR suite, Exclusive Secure Care will meet one of the key requirements of GDPR in terms of the provision of information to a Data Subject.

1.3 To support Exclusive Secure Care in meeting the following Key Lines of Enquiry:

Key Question**Key Lines of Enquiry**

WELL-LED

W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.4 To meet the legal requirements of the regulated activities that Exclusive Secure Care is registered to provide:

- | General Data Protection Regulation 2016
- | Data Protection Act 2018

**2. Scope**

2.1 The following roles may be affected by this policy:

- | All staff

2.2 The following Service Users may be affected by this policy:

- | Service Users

2.3 The following stakeholders may be affected by this policy:

- | Family
- | Advocates
- | Representatives
- | Commissioners
- | External health professionals
- | Local Authority
- | NHS

**3. Objectives**

3.1 To enable Exclusive Secure Care to circulate fair processing notices to its Data Subjects to ensure compliance with one of the key elements of GDPR.

3.2 To ensure that all Data Subjects understand the ways in which their personal data is processed by Exclusive Secure Care.

**4. Policy**

4.1 Exclusive Secure Care understands that GDPR requires organisations to provide certain information to all Data Subjects about how Exclusive Secure Care processes personal data.

4.2 Exclusive Secure Care has determined that the simplest and most effective way to provide the required information is by issuing fair processing notices.

4.3 Exclusive Secure Care understands that the processing of personal data it carries out in respect of its staff and employees will differ from the processing of personal data it carries out in respect of external clients, contacts and Service Users. Exclusive Secure Care will, therefore, produce and circulate at least two fair processing notices, one to employees and another to external contacts and Service Users.

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**5. Procedure**

5.1 Exclusive Secure Care will review the template fair processing notices located in the 'Forms' section of the GDPR suite within the QCS management system and adapt them before circulating them to the relevant Data Subjects.

Exclusive Secure Care will ensure that all aspects of the fair processing notices are relevant and reflect the ways in which Exclusive Secure Care processes personal data. If Exclusive Secure Care has any concerns or queries in relation to the fair processing notices, it will seek legal advice.

5.2 Exclusive Secure Care will consider whether it would benefit from producing more than two types of fair processing notice. For example, Exclusive Secure Care may deem it necessary to modify the fair processing notice provided to Service Users so that they can be used with other external contacts and suppliers.

5.3 Exclusive Secure Care may be of the opinion that the personal data it processes in respect of various types of Data Subjects differs to the extent that an additional fair processing notice is required. Exclusive Secure Care acknowledges that it may be able to use the template fair processing notices provided within the 'Forms' section of the GDPR suite within the QCS management system as a template for a further fair processing notice, but Exclusive Secure Care will seek legal advice if necessary.

5.4 Exclusive Secure Care understands that the fair processing notices cover the processing of personal data that has been obtained other than through its website. Collection of personal data via the website will be governed by the Website Privacy and Cookies Policy and Procedure of Exclusive Secure Care.

**6. Definitions****6.1 Data Subject**

- | The individual about whom Exclusive Secure Care has collected personal data

6.2 Data Protection Act 2018

- | The Data Protection Act 2018 is a United Kingdom Act of Parliament that updates data protection laws in the UK. It sits alongside the General Data Protection Regulation and implements the EU's Law Enforcement Directive

6.3 GDPR

- | General Data Protection Regulation (GDPR) (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union

6.4 Personal Data

- | Any information about a living person including but not limited to names, email addresses, postal addresses, job roles, photographs, CCTV and special categories of data, as defined below

6.5 Process or Processing

- | Doing anything with personal data, including but not limited to collecting, storing, holding, using, amending or transferring it. Exclusive Secure Care does not need to be doing anything actively with personal data - at the point Exclusive Secure Care collects it, it is processing it

6.6 Special Categories of Data

- | Has an equivalent meaning to "Sensitive Personal Data" under the Data Protection Act 2018. Special categories of data include but are not limited to medical and health records (including information collected as a result of providing health care services) and information about a person's religious beliefs, ethnic origin and race, sexual orientation and political views

**Key Facts - Professionals**

Professionals providing this service should be aware of the following:

- | The fair processing notices set out the ways in which Exclusive Secure Care processes personal data

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**Key Facts - People affected by the service**

People affected by this service should be aware of the following:

- | The fair processing notice sets out the ways in which Exclusive Secure Care processes personal data provided to it

**Further Reading**

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Please find the forms listed below in the 'Forms' section of the GDPR suite, within the QCS Management system:

- | *Fair Processing Notice Template (Employees)*
- | *Fair Processing Notice Template (External)*

**Outstanding Practice**

To be 'outstanding' in this policy area you could provide evidence that:

- | The wide understanding of the policy is enabled by proactive use of the QCS App
- | Exclusive Secure Care has modified the template fair processing notices to ensure that they include all information relevant to the processing of personal data by Exclusive Secure Care
- | Exclusive Secure Care confirms satisfaction with all parties regarding fair processing
- | There is evidence of a high level of awareness regarding fair processing and Exclusive Secure Care shares understanding and knowledge with others

**Forms**

Currently there is no form attached to this policy.