

Record Management Policy

1. Introduction

- 1.1. This Record Management Policy is Manchester Care and Repair's policy regarding the safekeeping of all records from their creation to disposal – this includes our procedures for sharing information externally.

2. Purpose

- 2.1. This policy will ensure that both service user & staff records are properly created, accessible and available for use and that they are disposed of in a secure and timely fashion. It provides staff with guidance regarding individual responsibility for accuracy and appropriate storage of records.

- 2.2. This Record Keeping Policy covers:

- 2.2.1. Our record keeping procedure from creation to disposal;

- 2.2.2. Transparency procedures;

- 2.2.3. Our retention & disposal procedures;

- 2.2.4. Procedures for individual making requests about their data (GDPR individual data rights), subject access request and right to erasure ('Right to be forgotten') procedures

- 2.2.5. Our procedures when there is a withdrawal of consent to share.

3. Scope

- 3.1. This policy includes in its scope all data which we process either in hardcopy or digital copy; this includes special categories of data.
- 3.2. This policy applies to all staff, including temporary staff and contractors.

4. Record keeping procedures – creation and use of records

- 4.1. When we create records, we use standardised structures and layouts for the contents of records.
- 4.2. All records are kept in accessible but protected locations. The location of these records is documented in the Information Asset Register (IAR). The

security procedures around access to records are detailed in the Data and Network Security Policy.

- At any point in the lifespan of the record, the data subject has the right to request access to their data request that their record is corrected. These subject access procedures are detailed in [9].
- Request the erasure ('Right to be forgotten') of their record. These procedures are outlined in [10].

4.3. Records are only retained while they are necessary for the purposes for which they were originally collected. We will ensure that all records are retained and destroyed in-line with [6] Retention & Disposal Procedures.

4.4. At least annually we guarantee that we will audit our record keeping procedures to ensure that they are adequate and continue to keep our records to the highest standards.

5. Transparency procedures

5.1. Our privacy notice outlines to people why we hold their data, the lawful basis for doing so, and their rights in terms of how we process their data.

5.2. Our privacy notice is freely available to all individuals whose data we process and is part of our commitment to transparency and accountability. It satisfies the individual's right to be informed under GDPR.

5.3. This privacy notice is available on our website

<https://www.careandrepair-manchester.org.uk/privacy-policy/>.

Alternatively a paper copy can be requested from our office at any time.

5.4. All service users, or their legal representative if necessary, will be informed of their rights regarding their personal data when they consent to take a service from us. We will provide people with this information at the moment that we ask them to give us their personal data.

6. Retention schedule & disposal procedures

6.1. We will adhere to the retention timelines in our Data Protection handbook

6.2. At the end of their lifespan, the records will go through an appraisal process. This process will determine if there is a continuing legal basis for keeping the record. The Corporate Resources Manager will have final responsibility for determining whether the record will be destroyed or retained and will maintain a record of all retention or disposal decisions. All disposals will be handled by a confidential waste company and we will obtain secure waste disposal certificates for all disposals.

7. Information handling procedures

7.1. Information Handling Procedures ensure that personal information is protected and that it is not disclosed inappropriately, either by accident or design, whilst in use or when it is being transferred.

7.2. In line with legislation, personal information is not processed without a lawful basis being identified. The Record of Processing Activities (ROPA) records all processing of personal data and identifies the legal basis for it being processed.

7.3. Guidelines for staff on the secure use of personal information are outlined in the staff handbook and Confidentiality Policy.

7.4. We undertake that person identifiable information (either of employees or service users) can only be sent by hand, by post, by secure email or via other encrypted software.

8. Procedures for individual's making requests about their data

8.1. GDPR provides individuals with specific rights when it comes to their personal data. To exercise these rights an individual should contact the HR department and make a request in writing.

8.2. Requests must be passed on to the Data Protection Champion who will make the appropriate arrangements to comply to the request within 30 days.

8.3. If the request is manifestly unfounded or excessive we may either request a reasonable fee to cover our administrative costs or we may refuse to comply with the request. If we refuse to comply with a request we will inform the individual why we are not taking action, tell them about their right

to complain to the ICO, and tell them that they have the right to seek a judicial remedy.

8.4. In order to process any request, we will use reasonable means to verify the identity of the individual making the request so that no data is shared inappropriately.

9. Subject access request procedures

9.1. All individuals have the right to access their personal data which we process and store.

9.2. Confidential records of the deceased have the rights afforded to them by the Duty of Confidentiality and the Access to Health Records Act 1990. Should any person wish to request access for any records of the deceased they should contact the Data Protection Champion.

9.3. We will provide a copy of any information which it is lawful to provide free of charge.

9.4. We will provide copies of the information requested in a reasonable format – either in hard copy or digital.

10. Right to erasure procedures

10.1. All citizens have the right to request the erasure of their data which we control or process.

10.2. Citizens can request for their data to be erased in the following instances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed;
- When they withdraw consent;
- When they object to the processing and there is no overriding legitimate interest for continuing the processing;
- The personal data was unlawfully processed;
- The personal data must be erased in order to comply with a legal obligation;

10.3. We will not be able to honour any requests to have personal data erased when the data is being processed for the following reasons:

- to assess the working capacity of an employee;
- to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- The exercise or defence of legal claims.

11. Right to object procedures

All people have the right to object to us processing their data in the certain circumstances.

- They have an absolute right to object to us using their personal data for any direct marketing.
- Individuals can also object to us processing their data if we are doing it under Public Task or Legitimate Interests grounds. The individual should provide specific reasons which are based on their specific situation for why they object.

We cannot comply with the objection if we have compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual or if the processing is for the establishment, exercise or defence of legal claims. In this instance we will clearly document our decision, inform the individual and inform them of their right to go to the ICO, or to seek judicial recourse.

12. Withdrawal of consent procedures

12.1. All people have the right to withdraw their consent to have their personal information shared at any time.

12.2. If an individual withdraws their consent to share information we will discuss in full and explain how this decision may impact on their health and care outcomes.

12.3. In certain instances, where legislation or public good outweighs the individual's right to not consent to information sharing, we may not be able to honour any withdrawal of consent. This will be discussed in detail and will only occur if we can demonstrate compelling legitimate grounds for the

processing, which override the interests, rights and freedoms of the individual.

12.4. Any time in which consent is not given or is withdrawn the Data Protection Champion will keep a log of this and a note will be made on the individual's records.

13. Responsibilities

13.1. The Data Protection Champion is responsible for maintaining records around Subject Access, Rectification, Erasure and Withdrawal of Consent requests.

13.2. The Data Protection Champion is also responsible for maintaining staff training on record keeping and auditing staff knowledge annually.

13.3. The Data Protection Champion will report to the SIRO any Subject Access Requests or similar. .

14. Approval

14.1. This **draft** policy replaces our previous Record Management policy in line with the requirements of the NHS Data Protection and Security Toolkit. It has been approved by the undersigned and will be reviewed at least bi-annually.

Date prepared	By Whom	SMT Consultation	Dates Consultation with Staff	Date to be Approved by Board	Implementation Date	Review Date
28/09/20	AM	28/09/20	TBC	Presentation to Board on 3.11.20		Nov 22 or to reflect changes in legislation

Appendix: Data Subject Access Request Form

Please complete this form if you wish to request access to your personal data. You do not have to use this form, but it will help us to deal with your request as quickly and effectively as possible if you do.

You can also use this form if you are requesting access to personal data on behalf of someone else. In that case, we will need you to confirm you have that person's authority to ask for access to their data.

If you have any questions about this form or your request, please contact [*insert contact details*] to discuss it further.

1 About you

Please provide the following information. If you have an account number or other reference number, please provide it.

Full name	
Address	
Contact details	
National Insurance number	

For security reasons, we cannot respond to a request unless we have confirmed your identity. Please provide a *certified copy of your driving licence or passport, plus a utility bill or other proof of address.*

2 Whose personal data are you requesting?

Please provide the following information. If you are making this request on behalf of someone else, we will need this information before we can supply you with the data you are asking for.

Are you requesting access to your own personal data?	<input type="checkbox"/> Yes, please go to section 3 below. <input type="checkbox"/> No, please complete the rest of this section of the form.
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2.1 If you are not requesting access to your own personal data, please provide the following information about the person on whose behalf you are making this request:

Full name	
Address	
Contact details	

National Insurance number	
Age (if under 16)	

We cannot respond to your request until we also receive satisfactory confirmation of the identity of the person on whose behalf you are making this request. Please provide:

[Insert details of identity information required, e.g. a certified copy of their driving licence or passport, plus a utility bill or other proof of their address]

- 2.2 Please provide a copy of your legal authority to make this request. This might be a signed letter of authority from the person on whose behalf you are making this request, a power of attorney, or confirmation that you are their legal representative.

3 What data are you requesting?

Your rights to request access to personal data and other information are set out *[insert details, e.g. in our Privacy policy, available on our website]*. Please describe what personal data and other information you are requesting, in particular if you are asking for specific documents or information.

Description of the personal data and information requested including details of any specific documents or information you asking for (where relevant)	
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Please give as much detail as possible about where the data might be located and any other relevant information. You do not have to provide this information, but doing so will help us to deal with your request as quickly and effectively as possible.

Location of data, e.g. any particular departments or parts of the organisation you have dealt with (if known)	
Relevant time periods, e.g. when we are likely to have obtained your data (if known)	
Dates of any particular correspondence, meetings or telephone calls (if known)	
The name(s) of people you have dealt with within our organisation (if known)	
Any other relevant information you can think of that might help us respond to your request	

4 Signature

Please check the information you have provided and sign below.

Signed	
Date	

Please send this form and the documents we have asked you to provide to: Manchester Care and Repair, Unit 14 Empress Business Centre, 380 Chester Road, Manchester M16 9EA

If you are making this request by email, we will provide the information to you in an electronic format unless you ask us not to. If you wish to receive your information in a different format, e.g. hard copy please let us know in the box below.