



DATA PROTECTION

This Data Protection Policy is the overarching policy for data security and protection for Mobile Physio.

The purpose of the Data Protection Policy is to support the 10 Data Security Standards, the General Data Protection Regulation (2016), the Data Protection Act (2018), the common law duty of confidentiality and all other relevant national legislation. We recognise data protection as a fundamental right and embrace the principles of data protection by design and by default.

This policy covers our data protection principles and commitment to common law and legislative compliance, procedures for data protection by design and by default.

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

Principles

We will be open and transparent with service users and those who lawfully act on their behalf in relation to their care and treatment. We will adhere to our duty of candour responsibilities as outlined in the Health and Social Care Act 2012.

We will establish and maintain policies to ensure compliance with the Data Protection Act 2018, Human Rights Act 1998, the common law duty of confidentiality, the General Data Protection Regulation and all other relevant legislation.

We will establish and maintain policies for the controlled and appropriate sharing of service user and staff information with other agencies, taking account all relevant legislation and individual consent.

Where consent is required for the processing of personal data, we will ensure that informed and explicit consent will be obtained and documented in clear, accessible language and in an appropriate format. The individual can withdraw consent at any time through processes which have been explained to them and which are outlined in our Record Keeping Policy. We ensure that it is as easy to withdraw consent as to give consent.

We will undertake annual audits of our requirements with legal requirements.

We acknowledge our accountability in ensuring that personal data shall be: processed lawfully, fairly, and in a transparent manner; collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed; accurate and kept up to date; kept in a form which permits identification data subjects for no longer than is necessary for the purposes for which the personal data are processed; processed in a manner that ensures appropriate security of the personal data.

We uphold the personal data rights outlined in the GDPR: the right to be informed; the right of access; the right to rectification; the right to erasure; the right to restrict processing; the right to data portability; the right to object; rights in relation to automated decision making and profiling.

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We have a designated Data Protection Officer who reports of the Chair of Trustees. We will support the Data Protection Officer with the necessary resources to carry out their tasks and ensure that they can maintain expertise. We guarantee that the Data Protection Officer will not be pressured on how to carry out their tasks, and that they are protected from disciplinary action when carrying out the tasks associated with their role.

Underpinning Policies and Procedures

This policy is underpinned by the following:

Data Quality Policy – outlines procedures to ensure the accuracy of record and the correction of errors.

Record Keeping Policy – details transparency procedures, the management of records from creation to disposal (inclusive of retention and disposal procedures), information handling procedures, procedures for subject access requests, rights to erasure, right to restrict processing, right to object and withdrawal of consent to share.

Data Security Policy – outlines procedures for the ensuring the security of data including the reporting of any data security breach.

Business Continuity Plan – outlines the procedures in the event of a security failure or disaster affecting digital systems or mass loss of hardcopy information necessary to the day to day running of our organisation.

Data Protection by Design and by Default

We shall implement appropriate organisational and technical measures to uphold the principles outlined above. We will integrate necessary safeguards to any data processing to meet regulatory requirements and to protect individual's rights. This implementation will consider the nature, scope, purpose and context of any processing and the risks to the rights and freedoms of individuals caused by the processing.

We shall uphold the principles of data protection by design and by default from the beginning of any data processing and during the planning and implementation of any new data process.

Prior to starting any new data processing, we will assess whether we should complete a Data Protection Impact Assessment (DPIA) using the ICO's screening checklist.

All new systems used for data processing will have data protection built in from the beginning of the system change.

All existing data processing has been recorded on our Record of Processing Activities and is reviewed annually.

We ensure that, by default, personal data is only processed when necessary for specific purposes and that individuals are therefore protected against privacy risks.

In all processing of personal data, we use the least amount of identifiable data necessary to complete the work it is required for, and we only keep the information for as long as it is required for the purposes of processing or any other legal requirement to retain it.

Where possible we will use pseudonymised data to protect the privacy and confidentiality of our staff and those we support.

Responsibilities

Our designated Data Protection Officer is Debbie Rose. This role is assisted by the Physiotherapy Manager, Katy Vaughan. The key responsibilities of the lead are: to ensure the rights of individuals in terms of their personal data are upheld in all instances and that data collection, sharing and storage is in line with Caldicott Principles; to define our data protection policy and procedures and all related policies and processes and to ensure that sufficient resources are provided to support the policy requirements; to complete the Data Security and Protection Toolkit (DSPT) annually and to maintain compliance with the DSPT; to monitor information handling to ensure compliance with law, guidance and the organisation's procedures and liaising with the trustees to fulfil this work.

Reference: Quality Assurance Standards for Physiotherapy Service Delivery, Section 6,
CSP 2017

Record Keeping Guidance, CSP, 2016

Standards of Proficiency for Physiotherapists, HCPC, 2013

Data Protection Act, 2018

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