

	EnViva Complex Care Policies and Procedures		
	<b>TITLE: DATA SECURITY &amp; RETENTION POLICY</b>		
Ref Number:PP/CO3	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO3.1

### 1. References:

- General Data Protection Regulation 2016
- Data Protection Bill 2017
- Security Breach Notification Information – ICO 2018
- Data Protection Policy
- Information Sharing Policy
- Information Governance Policy
- Information Technology Policy
- Data Security & Protection Toolkit – NHS Digital
- Data Security & Protection Requirements - Department of Health & Social Care and NHS England, 2018
- An Employer’s Guide to Right to Work Checks – Home Office, 2018

### 2. Scope:

- All Staff
- All Service Users
- Stakeholders

### 3. Policy Statement:

The purpose of this policy is to ensure that EnViva Complex Care Limited and all its staff understand the principles set out in GDPR in relation to data retention and data security.

By reviewing this policy, EnViva Complex Care Limited will be able to consider appropriate retention periods for the personal data it processes.

This policy will enable EnViva Complex Care Limited and all staff working at EnViva Complex Care Limited to review the policies and procedures they have in place to ensure that personal data they process is kept secure and properly protected from unlawful or unauthorised processing and accidental loss, destruction or damage.

To support EnViva Complex Care Limited in meeting the legal requirements of the regulated activities that EnViva Complex Care Limited is registered to provide, General Data Protection Regulation 2016 and Data Protection Bill 2017.

	EnViva Complex Care Policies and Procedures		
	<b>TITLE: DATA SECURITY &amp; RETENTION POLICY</b>		
Ref Number:PP/CO3	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO3.1

#### 4. Overview:

4.1 The objective of this policy is to enable EnViva Complex Care Limited to determine whether its data retention and data security policies are GDPR compliant and, if not, to update them prior to 25 May 2018.

4.2 This policy will assist with defining accountability and establishing ways of working in terms of the use, storage, retention and security of personal data.

#### 5. Policy:

5.1 As a general principle, EnViva Complex Care Limited will not keep (or otherwise process) any personal data for longer than is necessary. If EnViva Complex Care Limited no longer requires the personal data once it has finished using it for the purposes for which it was obtained, it will delete the personal data.

5.2 EnViva Complex Care Limited may have legitimate business reasons to retain the personal data for a longer period. This may include, for example, retaining personnel records in case a claim arises relating to personal injury caused by EnViva Complex Care Limited that does not become apparent until a future date. EnViva Complex Care Limited should consider the likelihood of this arising when it determines its retention periods – the extent to which medical treatment is provided by EnViva Complex Care Limited will, for example, affect the likelihood of EnViva Complex Care Limited needing to rely on records at a later date.

5.3 EnViva Complex Care Limited may be required to retain personal data for a specified period of time to comply with legal or statutory requirements. These may include, for example, requirements imposed by HMRC in respect of financial documents, or guidance issued by the Home Office in respect of the retention of right to work documentation.

5.4 EnViva Complex Care Limited understands that claims may be made under a contract for 7 years from the date of termination of the contract, and that claims may be made under a contract for a period of 12 years from the date of termination of the contract. EnViva Complex Care Limited may therefore consider keeping contracts and contracts and documents and correspondence relevant to those contracts and contracts for the duration of the contract or contract plus 7 and 12 years respectively.

5.5 The period of time that is appropriate may depend on the likelihood of a claim arising in respect of that employee in the future. If, for example, EnViva Complex Care Limited is concerned that an employee may suffer personal injury as a result of its employment with EnViva Complex Care Limited, EnViva Complex Care Limited may choose to retain its HR records for a significant period of time. If any such claim is unlikely, EnViva Complex Care Limited may choose to retain its files for 7 (depending on whether the arrangement entered into between EnViva Complex Care Limited and the employee is a contract or a contract).

5.6 EnViva Complex Care Limited will consider for how long it is required to keep records relating to Service Users. EnViva Complex Care Limited may choose to retain personal data for at least 7

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	<b>TITLE: DATA SECURITY &amp; RETENTION POLICY</b>		
Ref Number:PP/CO3	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO3.1

years from the end of the provision of services to the Service User, in case a claim arises in respect of the services provided.

5.7 Irrespective of the retention periods chosen by EnViva Complex Care Limited, EnViva Complex Care Limited will ensure that all personal data is kept properly secure and protected for the period in which it is held by EnViva Complex Care Limited. This applies in particular to special categories of data.

5.8 EnViva Complex Care Limited will record all decisions taken in respect of the retention of personal data. EnViva Complex Care Limited recognises that if the ICO investigates EnViva Complex Care Limited's policies and procedures, a written record of the logic and reasoning behind the retention periods adopted by EnViva Complex Care Limited will assist EnViva Complex Care Limited's position.

5.9 EnViva Complex Care Limited will implement processes for effectively destroying and/or deleting personal data at the end of the relevant retention period. EnViva Complex Care Limited will consider whether personal data stored on computers, including in emails, is automatically backed up and how to achieve deletion of those backups or ensure that the archived personal data is automatically deleted after a certain period of time. EnViva Complex Care Limited will consider circulating guidance internally to encourage staff to regularly delete their emails.

5.10 EnViva Complex Care Limited will introduce policies relating to the destruction of hard copies of documents, including by placing the documents in confidential waste bins or shredding them.

### **Data Security**

5.11 EnViva Complex Care Limited will take steps to ensure the personal data it processes is secure, including by protecting the personal data against unauthorised or unlawful processing and against accidental loss, destruction or damage.

5.12 EnViva Complex Care Limited understands that all health and care organisations, as detailed below, are required to comply with the Data Security and Protection Toolkit. Compliance with the Data Security and Protection Toolkit and the Data Security and Protection Toolkit will facilitate compliance with GDPR.

5.13 EnViva Complex Care Limited understands that the following types of organisation must comply with the Data Security and Protection Toolkit:

- Organisations contracted to provide services under the NHS Standard Contract
- Clinical Commissioning Groups
- General Practices that are contracted to provide primary care essential services
- Local authorities and social care providers must take a proportionate response to the new toolkit:
  - Local authorities should comply with the toolkit where they provide adult social care or public health and other services that receive services and data from NHS Digital, or are involved in data sharing across health and care where they process confidential personal data of Service Users who access health and adult social care services

	EnViva Complex Care Policies and Procedures		
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Ref Number:PP/CO3	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO3.1

- Social care providers who provide care through the NHS Standard Contract should comply with the toolkit. It is also recommended that social care providers who do not provide care through the NHS Standard Contract consider compliance with the new toolkit from April 2018, which will help to demonstrate compliance with the ten security standards and GDPR

5.14 EnViva Complex Care Limited will implement and embed the use of policies and procedures to ensure personal data is kept secure. The suggestions below apply in addition to the steps EnViva Complex Care Limited is required to take pursuant to the Data Security and Protection Toolkit, if the toolkits apply to EnViva Complex Care Limited.

For paper documents, these will include, where possible:

- Keeping the personal data in a locked filing cabinet or locked drawer when it is not in use
- Adopting a "clear desk" policy to ensure that personal data is not visible or easily retrieved
- Ensuring that documents containing personal data are accessible only by those who need to know/review the documents and the personal data contained within them
- Redacting personal data from documents where possible
- Ensuring documents containing personal data are placed in confidential waste bins or shredded at the end of the relevant retention period

For electronic documents, the measures taken by EnViva Complex Care Limited will include, where possible:

- Password protection or, where possible, encryption
- Ensuring documents containing personal data are accessible only by those who need to know/review the documents and the personal data contained within them
- Ensuring ongoing confidentiality, integrity and reliability of systems used online to process personal data (this may require a review of IT systems and software currently used by EnViva Complex Care Limited)
- The ability to quickly restore the availability of and access to personal data in the event of a technical incident (this may require a review of IT systems and software currently used by EnViva Complex Care Limited)
- Taking care when transferring documents to a third party, ensuring that the transfer is secure, and the documents are sent to the correct recipients
- EnViva Complex Care Limited will ensure that all business phones, computers, laptops and tablets are password protected.
- EnViva Complex Care Limited will lock down USB ports on computers and laptops to ensure staff will not be able to transfer data onto portable devices. If the use of portable media can't be avoided, EnViva Complex Care Limited will ensure that the devices it uses are encrypted or

	EnViva Complex Care Policies and Procedures		
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password protected and that each document on the device is encrypted or password protected. The Operations Director will be responsible for authorising any such access, considering EnViva Complex Care Limited’s policies and procedures.

5.15 EnViva Complex Care Limited will implement guidance relating to the use of business phones and messaging apps. EnViva Complex Care Limited understands that all personal data sent via business phones, computers, laptops and tablets may be captured by GDPR, depending on the content and context of the message. As a general rule, EnViva Complex Care Limited will ensure that staff members only send personal data by text or another messaging service if they are comfortable that the content of the messages may be captured by GDPR and may be provided pursuant to a Subject Access Request.

5.16 EnViva Complex Care Limited will ensure that all staff are aware of the importance of keeping personal data secure and not disclosing it on purpose or accidentally to anybody who should not have access to the information. EnViva Complex Care Limited will provide training to staff if necessary. EnViva Complex Care Limited will consider in particular, the likelihood that personal data, including special categories of data, will be removed from EnViva Complex Care Limited's premises and taken to, for example, Service Users' homes and residences. EnViva Complex Care Limited will ensure that all staff understand the importance of maintaining the confidentiality of personal data away from EnViva Complex Care Limited's premises and take care to ensure that the personal data is not left anywhere it could be viewed by a person who should not have access to that personal data.

5.17 EnViva Complex Care Limited will adopt policies and procedures in respect of recognising, resolving and reporting security incidents including breaches of GDPR. EnViva Complex Care Limited understands that it may need to report breaches to the ICO and to affected Data Subjects, as well as to CareCERT if EnViva Complex Care Limited is required to comply with the Data Security and Protection Toolkit and the new Data Security and Protection Toolkit.

5.18 EnViva Complex Care Limited will adopt processes to regularly test, assess and evaluate the security measures it has in place for all types of personal data.

**Privacy by Design**

5.19 EnViva Complex Care Limited will consider the GDPR requirements around privacy by design, particularly in terms of data security.

5.20 EnViva Complex Care Limited understands that privacy by design is an approach set out in GDPR that promotes compliance with privacy and data protection from the beginning of a project. EnViva Complex Care Limited will ensure that data protection and GDPR compliance is always at the forefront of the services it provides, and that it won't be treated as an afterthought.

5.21 EnViva Complex Care Limited will comply with privacy by design requirements by, for example:

- Identifying potential data protection and security issues at an early stage in any project or process, and addressing those issues early on; and

 <small>YOUR LIFE · YOUR HOME · OUR CARE</small>	EnViva Complex Care Policies and Procedures		
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Ref Number:PP/CO3	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO3.1

- Increasing awareness of privacy and data protection across EnViva Complex Care Limited, including in terms of updated policies and procedures adopted by EnViva Complex Care Limited

5.22 EnViva Complex Care Limited will conduct Privacy Impact Assessments to identify and reduce the privacy and security risks of any project or processing carried out by EnViva Complex Care Limited. A template Privacy Impact Assessment will be provided in a future policy.

**6. Procedure:**

6.1 EnViva Complex Care Limited will consider data retention and data security issues and concerns at the beginning of any project (whether the project is the introduction of a new IT system, a new way of working, the processing of a new type of personal data or anything else that may affect EnViva Complex Care Limited's processing activities). EnViva Complex Care Limited appreciates that this is key for complying with the privacy by design requirements in GDPR.

6.2 EnViva Complex Care Limited will review the periods for which it retains all the personal data that it processes.

6.3 EnViva Complex Care Limited will, if necessary, adopt new policies and procedures in respect of data retention and will circulate those policies and procedures to all staff. EnViva Complex Care Limited will consider providing training to staff in respect of data retention.

6.4 EnViva Complex Care Limited will review the security measures currently in place in respect of all the personal data it processes.

6.5 EnViva Complex Care Limited will document the decisions it takes, and the logic and reasoning behind those decisions, in respect of both data retention and data security. EnViva Complex Care Limited will keep a record of all policies and procedures it implements to improve its compliance with GDPR.

Procedure Review		
Review Date	Sections changed	Reasons