



## Data Protection Policy, Privacy Statement and Guidance

Scottish Care is registered under the Data Protection Act 1998 and aims to operate in a professional and responsible manner at all times and to be open and accountable for the data it stores.

From 25 May 2018 **General Data Protection Regulation** will apply to anyone who stores or processes another's personal information. It builds upon the **Data Protection Act**, but with additional requirements on storage, consent, privacy and access. It includes the following rights:

- 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
- The right not to be subject to automated decision-making including profiling.

### Key Roles

The **Data Controller** will be the Office Manager. They are the person responsible for compliance with GDPR and principles.

All members of Scottish Care staff could be **Data Processors**. They are defined as persons who process data, meaning they look at, contribute to or store data.

### Why we store data

Scottish Care is a membership organisation. Any personal data held must be for 'legitimate interest', or on an 'opt-in' basis.

An example of this could be an employer to employee or consultant relationship, or a business to business relationship. Another legitimate interest may be to or to inform stakeholders of information, events or other services, or to inform or share research to support the membership, social care workforce or by proxy, people who access services.

The personal information held by Scottish Care in relation to any employee can be diverse and may include, for example, information relating to:

- employment, i.e. home address, bank details, emergency contact numbers, tax information, references, etc.,
- attendance,

- sickness, including medical certificates, etc.,
- disciplinary matters.

### **How and why we may contact you**

Examples of how Scottish Care may make contact could be (but are not limited to): electronically by email, social media or electronic tool such as 'doodle poll', letter such as posting our bulleting to members, or by telephone.

### **How we store data**

Scottish Care stores personal or sensitive data securely.

Paper files of this sort are stored in a locked cabinet, and electronic files are stored using software which is GDPR compliant and accessed by encrypted hardware. Unsecure storage devices such as unencrypted USB pens are not to be used to transfer personal data.

Personal data will be deleted when it no longer serves a legitimate interest – in some instances this may be defined by tax or insurance purposes.

### **Access to data**

You have a right to access the data we hold about you. Scottish Care requests 7-days notice in writing, and may charge a fee, up to a maximum of £10, to cover the administration time and any printing involved.

Certain items of data are exempt from disclosure under the act and will not be available for employees to see. These include, for example, the name and address of individuals giving a reference to the Company or the content of a reference given by the Company where that is a confidential reference.

### **Rectification/Erasure**

If the personal data we hold about you is incorrect, or you no longer wish us to hold or process your personal data, or would like to advise Scottish Care of any restrictions you would like to put on how your data is processed or stored or any other matter relating to your personal data, please contact the Office Manager at Scottish Care Headquarters.

### **What if there is a data breach?**

A data breach will be reported to both the ICO and anyone affected by the breach within 72 hrs. Non-reporting can lead to a fine. Actions will be taken to contain and remedy the breach.

### **Review**

This policy is to be reviewed annually or considering any changes to data protection legislation, to ensure it remains appropriate.