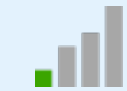
Blueberry Care and Nursing Services Ltd
Hay Loft, Hollins Farm, Hermitage Lane, Holmes Chapel, Cheshire, CW4 8DP

Review Sheet

Last Reviewed	Last Amended	Next Planned Review
24 Feb '22	24 Feb '22	in 12 months, or sooner as required.

Business impact	 **LOW IMPACT** Minimal action required circulate information amongst relevant parties.
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy outlines the process for the business and all staff to understand the principles set out in UK GDPR in relation to data retention and data security. It has been reviewed with minor changes, and references checked and updated.
Relevant legislation:	• Data Protection Act 2018 • UK GDPR
Underpinning knowledge - What have we used to ensure that the policy is current:	• Author: CQC, (2022), *Guidance for providers*. [Online] Available from: https://www.cqc.org.uk/guidance-providers/all-services/guidance-providers [Accessed: 24/2/2022] • Author: ICO, (2022), *Guide to the UK General Data Protection Regulation (UK GDPR)*. [Online] Available from: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/ [Accessed: 24/2/2022] • Author: NHS DIGITAL, (2021), *Records Management Code of Practice 2021*. [Online] Available from: https://www.nhsx.nhs.uk/media/documents/NHSX_Records_Management_CoP_V7.pdf [Accessed: 24/2/2022] • Author: NHS Digital, (2022), *Data Security and Protection Toolkit*. [Online] Available from: https://www.dsptoolkit.nhs.uk/ [Accessed: 24/2/2022] • Author: Department of Health & Social Care and NHS England, (2018), *2017/18 Data Security and Protection Requirements*. [Online] Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/675420/17-18_statement_of_requirements_Branded_template_final_22_11_18-1.pdf [Accessed: 24/2/2022] • Author: GOV.UK, (2022), *Right to work checks: an employer's guide*. [Online] Available from: https://www.gov.uk/government/publications/right-to-work-checks-employers-guide [Accessed: 24/2/2022]
Suggested action:	• Encourage sharing the policy through the use of the QCS App
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.

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1. Purpose

1.1 To ensure that all Blueberry Care and Nursing Services Ltd staff understand the principles set out in UK GDPR in relation to data retention and data security.
1.2 By reviewing this policy, Blueberry Care and Nursing Services Ltd will be able to consider appropriate retention periods for the personal data it processes and ensure that it stores personal data for an appropriate period of time.
1.3 This policy will enable Blueberry Care and Nursing Services Ltd staff 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.
1.4 To support Blueberry Care and Nursing Services Ltd 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?

1.5 To meet the legal requirements of the regulated activities that {Blueberry Care and Nursing Services Ltd} is registered to provide:

- Data Protection Act 2018
- UK GDPR

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following kpcheshirerm@kareplus.co.uks may be affected by this policy:

- kpcheshirerm@kareplus.co.uks

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 Blueberry Care and Nursing Services Ltd to ensure that its data retention and data security policies are UK GDPR compliant.
3.2 This policy will assist with defining accountability and establishing ways of working in terms of the use, storage, retention and security of personal data.

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4. Policy

4.1 Data Retention

As a general principle, Blueberry Care and Nursing Services Ltd will not keep (or otherwise process) any personal data for longer than is necessary. If Blueberry Care and Nursing Services Ltd 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 unless it is required by law to retain the data for an additional period of time.

4.2 Blueberry Care and Nursing Services Ltd 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 Blueberry Care and Nursing Services Ltd that does not become apparent until a future date.

Blueberry Care and Nursing Services Ltd must consider the likelihood of this arising when it determines its retention periods - the extent to which medical treatment is provided by Blueberry Care and Nursing Services Ltd will, for example, affect the likelihood of Blueberry Care and Nursing Services Ltd needing to rely on records at a later date.

4.3 Blueberry Care and Nursing Services Ltd 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 UK Visas and Immigration and Immigration Enforcement in respect of the retention of right to work documentation (see the "Underpinning Knowledge" section).

4.4 Blueberry Care and Nursing Services Ltd understands that claims may be made under a contract for 6 years from the date of termination of the contract, and that claims may be made under a deed for a period of 12 years from the date of termination of the deed. Blueberry Care and Nursing Services Ltd may therefore consider keeping contracts and deeds and documents and correspondence relevant to those contracts and deeds for the duration of the contract or deed plus 6 and 12 years respectively.

4.5 Blueberry Care and Nursing Services Ltd will consider how long it needs to retain HR records. Blueberry Care and Nursing Services Ltd may choose to separate its HR records into different categories of personal data (for example, health and medical information, holiday and absence records, next of kin information, emergency contact details, financial information) and specify different retention periods for each category of personal data. Blueberry Care and Nursing Services Ltd recognises that determining separate retention periods for each element of personal data may be more likely to comply with UK GDPR.

Blueberry Care and Nursing Services Ltd may decide, however, that separating its HR records into different elements is not practical, and that it can determine a sensible period of time for which to keep the HR records in their entirety.

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, if Blueberry Care and Nursing Services Ltd is concerned that an employee may suffer personal injury as a result of their employment, they may choose to retain its HR records for a significant period of time. If any such claim is unlikely, Blueberry Care and Nursing Services Ltd may choose to retain its files for 6 or 12 years (depending on whether the arrangement entered into between Blueberry Care and Nursing Services Ltd and the employee is a contract or a deed).

4.6 Blueberry Care and Nursing Services Ltd will consider the following advice and guidelines when deciding for how long to retain HR data. Blueberry Care and Nursing Services Ltd acknowledges that the suggested retention periods below are based on guidance within relevant legislation:

- Immigration checks - two years after the termination of employment
- PAYE records - at least three years after the end of the tax year to which they relate
- Payroll and wage records for companies - six years from the financial year-end in which payments were made
- Records in relation to hours worked and payments made to workers - three years beginning with the day on which the pay reference period immediately following that to which they relate ends
- Records required by the Working Time Regulations:
  - Working time opt out - two years from the date on which they were entered into
  - Compliance records - two years after the relevant period
- Maternity records - three years after the end of the tax year in which the maternity pay period ends

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- Accident records - at least three years from the date the report was made, or potentially longer if deemed appropriate given the possibility of ongoing relevance of the records

4.7 Blueberry Care and Nursing Services Ltd will consider for how long it is required to keep records relating to kpcheshirerm@kareplus.co.uks. In doing so, Blueberry Care and Nursing Services Ltd will consider the data retention guidelines provided by the NHS, if applicable. Those guidelines can be accessed by using the link in the "Underpinning Knowledge" section.
If the NHS guidelines do not apply to Blueberry Care and Nursing Services Ltd, Blueberry Care and Nursing Services Ltd will determine an appropriate retention policy for kpcheshirerm@kareplus.co.uk personal data. Blueberry Care and Nursing Services Ltd may choose to retain personal data for at least 6 years from the end of the provision of services to the kpcheshirerm@kareplus.co.uk, in case a claim arises in respect of the services provided.
4.8 Irrespective of the retention periods chosen by Blueberry Care and Nursing Services Ltd, they must ensure that all personal data is kept secure and protected for the period in which it is held. This applies in particular to special categories of data.
4.9 Blueberry Care and Nursing Services Ltd must record all decisions taken in respect of the retention of personal data. If the ICO investigates the policies and procedures at Blueberry Care and Nursing Services Ltd, a written record of the logic and reasoning behind the retention periods adopted must be available.
4.10 Blueberry Care and Nursing Services Ltd must implement processes for effectively destroying and/or deleting personal data at the end of the relevant retention period. They must 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. Blueberry Care and Nursing Services Ltd must also consider circulating guidance internally to encourage staff to regularly delete their emails.
Blueberry Care and Nursing Services Ltd will introduce policies relating to the destruction of hard copies of documents, including using confidential waste bins or shredding them.
4.11 Data Security
Blueberry Care and Nursing Services Ltd must take steps to ensure that 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.
4.12 Blueberry Care and Nursing Services Ltd understands that all health and care organisations, as detailed below, are required to comply with the Data Security and Protection Toolkit. A link to an explanatory guidance note is included in the "Underpinning Knowledge" section. Compliance with the Data Security and Protection Toolkit facilitates compliance with UK GDPR.
Blueberry Care and Nursing Services Ltd 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 kpcheshirerm@kareplus.co.uks who access health and adult social care services
  - 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 toolkit as this will help to demonstrate compliance with the ten security standards and UK GDPR

4.13 Blueberry Care and Nursing Services Ltd will implement and embed the use of policies and procedures to ensure that personal data is kept secure. The suggestions below apply in addition to the steps Blueberry Care and Nursing Services Ltd is required to take pursuant to the Data Security and Protection Toolkit, if the toolkit applies to Blueberry Care and Nursing Services Ltd.
Blueberry Care and Nursing Services Ltd will bear in mind the following principles when deciding how to ensure that personal data is kept secure:

- Confidentiality - ensuring that personal data is accessible only on a need to know basis
- Integrity - ensuring that there are processes and controls in place to make sure personal data is

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accurate and complete

- Availability - ensuring that personal data is accessible when it is needed for business purposes of Blueberry Care and Nursing Services Ltd
- Resilience - ensuring that personal data is able to withstand and recover from threats

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 that documents containing personal data are placed in confidential waste bins or shredded at the end of the relevant retention period
- Minimising the transfer of personal data from outside of business premises and, where such transfer cannot be avoided, ensuring that the paper documents continue to be kept confidential and secure

For electronic documents, the measures taken by Blueberry Care and Nursing Services Ltd will include, where possible:

- Password protection or, where possible, encryption
- 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
- 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 Blueberry Care and Nursing Services Ltd)
- 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 Blueberry Care and Nursing Services Ltd)
- Taking care when transferring documents to a third party, ensuring that the transfer is secure and the documents are sent to the correct recipient

Blueberry Care and Nursing Services Ltd will ensure that all business phones, computers, laptops and tablets are password protected.
Blueberry Care and Nursing Services Ltd will encourage staff to avoid storing personal data on portable media such as USB devices. If the use of portable media cannot be avoided, Blueberry Care and Nursing Services Ltd will ensure that the devices it uses are encrypted or password protected and that each document on the device is encrypted or password protected.
4.14 Blueberry Care and Nursing Services Ltd will implement guidance relating to the use of business phones and messaging apps. Blueberry Care and Nursing Services Ltd understands that all personal data sent via business phones, computers, laptops and tablets may be captured by UK GDPR, depending on the content and context of the message. As a general rule, Blueberry Care and Nursing Services Ltd 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 UK GDPR and may be provided pursuant to a Subject Access Request (staff should refer to the Subject Access Requests Policy and Procedure at Blueberry Care and Nursing Services Ltd for further details).
4.15 Blueberry Care and Nursing Services Ltd 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. To achieve this, Blueberry Care and Nursing Services Ltd will:

- Provide training to staff where necessary
- Consider, in particular, the likelihood that personal data (including special categories of data) will be removed from the premises of Blueberry Care and Nursing Services Ltd and taken to, for example, kpcheshirerm@kareplus.co.uk's homes and residences
- Ensure that all staff understand the importance of maintaining the confidentiality of personal data away from the premises
- Take care to ensure that the personal data is not left anywhere it could be viewed by a person who

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should not have access

4.16 Blueberry Care and Nursing Services Ltd will adopt policies and procedures in respect of recognising, resolving and reporting security incidents including breaches of UK GDPR. Blueberry Care and Nursing Services Ltd understands that it may need to report breaches to the ICO and to affected Data Subjects, as well as to CareCERT if it is required to comply with the Data Security and Protection Toolkit.

4.17 Blueberry Care and Nursing Services Ltd will adopt processes to regularly test, assess and evaluate the security measures it has in place for all types of personal data.

4.18 Privacy by Design

Blueberry Care and Nursing Services Ltd will take into account the UK GDPR requirements around privacy by design, particularly in terms of data security.

4.19 Blueberry Care and Nursing Services Ltd understands that privacy by design is an approach set out in UK GDPR that promotes compliance with privacy and data protection from the beginning of a project. Blueberry Care and Nursing Services Ltd will ensure that data protection and UK GDPR compliance is always at the forefront of the services it provides, and that it will not be treated as an afterthought.

4.20 Blueberry Care and Nursing Services Ltd 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
- Increasing awareness of privacy and data protection across Blueberry Care and Nursing Services Ltd, including in terms of updated policies and procedures adopted by Blueberry Care and Nursing Services Ltd

4.21 Blueberry Care and Nursing Services Ltd will conduct Privacy Impact Assessments to identify and reduce the privacy and security risks of any project or processing carried out by Blueberry Care and Nursing Services Ltd. A template Privacy Impact Assessment is available within the Privacy Impact Assessment (Privacy Notice) Policy and Procedure at Blueberry Care and Nursing Services Ltd.

5. Procedure

5.1 Blueberry Care and Nursing Services Ltd must 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 the processing activities at Blueberry Care and Nursing Services Ltd). Blueberry Care and Nursing Services Ltd appreciates that this is key for complying with the privacy by design requirements in UK GDPR.

5.2 Blueberry Care and Nursing Services Ltd will review the periods for which it retains all the personal data that it processes.

5.3 Blueberry Care and Nursing Services Ltd will, if necessary, adopt new policies and procedures in respect of data retention and will circulate those policies and procedures to all staff. Blueberry Care and Nursing Services Ltd will also consider providing training to staff in respect of data retention.

5.4 Blueberry Care and Nursing Services Ltd will review the security measures currently in place in respect of all the personal data it processes.

5.5 Blueberry Care and Nursing Services Ltd will document the decisions it takes, and the logic and reasoning behind those decisions, in respect of both data retention and data security. Blueberry Care and Nursing Services Ltd will keep a record of all policies and procedures it implements to demonstrate its compliance with UK GDPR.

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6. Definitions

6.1 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, defined below

6.2 Process or Processing

- Doing anything with personal data, including but not limited to collecting, storing, holding, using, amending or transferring it. You do not need to be doing anything actively with the personal data - at the point you collect it, you are processing it

6.3 UK General Data Protection Regulation (UK GDPR)

- It explains the general data protection regime that applies to most UK businesses and organisations. It covers the UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018
- It explains each of the data protection principles, rights and obligations. It summarises the key points that organisations need to know, answers frequently asked questions, and contains practical checklists to help with compliance
- The UK GDPR is the retained EU law version of GDPR that forms part of English law

6.4 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

6.5 Data Subject

- The individual about whom Blueberry Care and Nursing Services Ltd has collected personal data

6.6 CareCERT

- The Care Computer Emergency Response Team, developed by NHS Digital. CareCERT offers advice and guidance to support health and social care organisations to respond to cyber security threats

6.7 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 UK General Data Protection Regulation

Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Anybody who processes personal data on behalf of Blueberry Care and Nursing Services Ltd should be made aware of and should comply with the policies at Blueberry Care and Nursing Services Ltd in respect of data retention and data security
- Personal data will not be kept longer than necessary
- Personal data will be deleted when no longer needed
- Retention periods are the decision of Blueberry Care and Nursing Services Ltd, but guidance should be sought by referring to the Records Management Code of Practice 2021
- All personal data will be kept securely
- All retention periods need to be documented and justified
- Blueberry Care and Nursing Services Ltd has effective and robust processes for destroying data
- Blueberry Care and Nursing Services Ltd will comply with the Data Security and Protection Toolkit when necessary
- Electronic devices will be password protected to aid security
- Documents containing personal data are only shared with people who need to know the content
- Personal data may be held for longer than needed for the purposes of processing if there are justified reasons such as to meet regulations, insurance or other statutory requirements

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Key Facts - People affected by the service

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

- Blueberry Care and Nursing Services Ltd will implement and embed the use of policies and procedures to ensure that all personal data processed about people affected by the services provided by Blueberry Care and Nursing Services Ltd, including you, is retained and is kept secure and protected in accordance with UK GDPR

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:

ICO - Records management and security (Retention Schedule):
https://ico.org.uk/for-organisations/accountability-framework/records-management-and-security/#Retention

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
- You have considered the personal data you process and adopted and documented appropriate retention periods for each type of personal data
- You have reviewed the security measures in place in respect of the personal data Blueberry Care and Nursing Services Ltd processes
- You have reviewed and considered the documents and guidance referenced in the "Underpinning Knowledge" and "Further Reading" sections

Forms

Currently there is no form attached to this policy.

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