



Flexicare (Oxford and Abingdon) Charitable Incorporated Organisation
Registered Charity Number 1172635

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Flexicare General Data Protection Regulation/Data Protection Policy

We live in a technological age where data sharing can be convenient. All individuals have the right to be informed about the collection and use of their personal data.

We have undertaken an assessment which concluded that we cannot provide a service without collecting relevant data from staff, volunteers, trustees and families. It is therefore our responsibility to protect personal information and comply with General Data Protection Regulation (GDPR).

It is our intention to comply with data protection law in line with the requirements of the Information Commissioners Office (ICO) which means we need to ensure we keep data securely and for the minimal amount of time necessary. The processing of information also needs to be in line with the agreements held with individuals or organisations.

This policy intends to identify Flexicare's responsibilities as an organisation whilst also highlighting individual staff and volunteer responsibilities. It should be read in conjunction with the Flexicare's Privacy Policy which sets out how and why we collect data, how information is stored securely, used and shared.

Controlling and Processing data.

The ICO states that *"For convenience you may identify the organisation as a whole as the controller But for legal purposes the controller will actually be the relevant members who make the decisions about processing by the organisation."*

As an organisation, Flexicare is a data controller and is therefore responsible for ensuring that the processing complies with GDPR. There are 7 important principles behind the need for effective data processing that we are committed to following. These are described by the ICO:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Flexicare control the payroll and undertake all of the processing required by the organisation for the purposes of auditing, communication and providing care. Oxfordshire County Council requests information on how many hours Flexicare families have used us in a quarter by providing identifying details of each Flexicare child on our books. Flexicare informs Oxfordshire County Council of those: referred, found not to meet Flexicare criteria, brought on to Flexicare's books or removed using a child's name and date of birth.

Mailchimp, a marketing platform, is used by Flexicare. Fundraising sites are used such as Virgin and Golden Giving, but personal information is not divulged.

Information in the form of a compliance statement is made available in the Policies, Standards and Information document for staff, volunteers and families outlining how their information is stored and for how long.

Responsibilities

The ICO states that *“Controllers make decisions about processing activities. They exercise overall control of personal data being processed and are ultimately in charge of and responsible for the processing.”* Flexicare is deemed to be a data controller because we decide:

- “What IT systems or other methods are used to collect personal data;
- How to store the data;
- The details of the security measures to protect the personal data;
- How it will transfer the persons data from one organisation to another;
- How it will retrieve personal data about certain individuals;
- How it will ensure it adheres to a retention schedule;
- How it will delete or dispose of the data.” P 11 ICO detailed guidance

Appropriate use of data, including safe storage and destruction is the responsibility of everyone within Flexicare. In order to be compliant with the requirements of GDPR, we have identified the following levels of responsibility.

The **Board of Trustees** is accountable for making the overall decision about processing personal information and the compliance of the Processors Flexicare users (e.g. bulk mailing services).

The **Registered Manager** is responsible for ensuring that Flexicare’s processing is compliant with GDPR and ensuring secure data sharing arrangements are in place internally and with other relevant organisations.

The **Registered Manager** is responsible for regularly checking that the processing is necessary, relevant purpose and that there is no other reasonable and less intrusive way to achieve that purpose.

The **Registered Manager** is responsible for reporting the outcomes of the checks and any changes made to the Board of Trustees.

All **Trustees, staff and volunteers** are responsible for maintaining confidentiality of personal data in line with GDPR and to only use information for the purpose it is intended.

All **Trustees, staff and volunteers** are responsible for ensuring confidential information is stored securely and destroyed safely.

Destruction

All personal data will be reviewed yearly and updated or deleted as required. Paper copies will be destroyed safely using a shredder or where necessary, via a reputable company that complies with a relevant national standard for destruction of records.

Assessing data breaches

We are committed to investigating and reporting any breaches and will remain compliant with the expectations of the IOC. This will include:

- Establishing if personal data is involved,
- What personal data has been breached,
- Who might have the personal data,
- How many people might be affected,
- How seriously it will affect people,
- Document everything known about the breach,
- Assess the breach.

As with all incidents, Flexicare will undertake an internal investigation and take any necessary action without delay if there is a breach. If necessary Flexicare will take external advice.

References

ICO detailed guidance about controllers and processors

[controllers-and-processors-1-0.pdf](#) [accessed 7 October 2020]

ICO At a Glance guidance checklists

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/controllers-and-processors/> [accessed 7 October 2020]

ICO data protection advice for small companies

[data-protection-advice-for-small-organisations](#) [accessed 7 October 2020]

ICO Data Sharing Code of Practice

https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf [accessed 8 October 2020]

Appendix 1

Check list

Y or N	
Y	We have reviewed the purposes of our processing activities and selected the most appropriate lawful basis for each activity
Y	We have checked that the processing is necessary for the relevant purpose and are satisfied that there is no other reasonable and less intrusive way to achieve that purpose.
Y	We have documented our decision on which lawful basis applies to help us demonstrate compliance
Y	We have included information about both the purpose of the processing and the lawful basis for the processing in our privacy notice.
N/A – Flexicare cannot keep a comprehensive register of criminal convictions as we do not have the official capacity to do so. DBS checks are in place.	Where we process criminal offence data we have also a condition for processing this data and have documented this.

Author: Katherine Boyce, November 2020

Next Review: November 2023

Trustees Approval: January 2021