

DATA PROTECTION POLICY

Context and Overview

Key Details

Policy Prepared By	Sarah Anderson – Director
Approved by Board/Management on	1 st June 2018
Policy became Operational on	4 th June 2018
Next Review Date	4 th June 2019

Introduction

Respiratory Care Solutions is a registered company limited by guarantee (number 9545709) who are registered in the UK. We are a primary care based social enterprise specialising in respiratory services providing consultancy and training to local health professionals together with working alongside GP Practices.

We are responsible for processing personal information as 'data controller' under the Data Protection Act 1998 (and General Data Protection Regulation (also known as GDPR)).

Respiratory Care Solutions Ltd needs to gather and use certain information about individuals.

These can include customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled and stored to meet the company's data protection standards – and to comply with the law.

About this document

This privacy notice explains how Respiratory Care Solutions collects, uses and shares your personal data, and your rights in relation to the personal data we hold. This privacy notice concerns our processing of personal data of customers, suppliers, business contacts, employees and delegates attending RCS conferences (and other events) and anyone else with an interest in respiratory care in a primary or community care setting who interacts with RCS and the Leeds, Wakefield, Bedford & Birmingham Respiratory Networks.

Respiratory Care Solutions Limited is a Company Limited by Guarantee Registered in England and Wales (Company Number 9545709)

Registered Office: 30 Westgate Point, Westgate, Leeds LS1 2AX
Telephone: 0113 457 4557 Email: info@respiratorycaresolutions.org
Website: www.respiratorycaresolutions.org

Why this policy exists

This data protection policy ensures Respiratory Care Solutions Ltd:

- Complies with data protection law and follow good practice
- Protects the rights of staff, customers and partners
- Is open about how it stores and processes individuals' data
- Protects itself from the risks of a data breach

How we collect your information

We may collect your personal data in several ways, for example:

- When you communicate with us by telephone, email or via our website, for example to make enquiries about involvement, events or any of the services we provide
- In various other ways as you interact with us for the purposes set out below

The types of information we collect

We may collect the following types of personal data about you:

- Contact and communications information, including: your personal and work contact details (including email address(es), telephone numbers and postal address(es);
- Your communication preferences
- Your name, title
- Information you have publicly shared on social media;
- Information concerning your engagement with us, including attendance at our events, responses to surveys, participation on working groups, membership of committees, activities such representing the company or speaking or writing work undertaken for the company etc

Other personal and sensitive information including:

- Dietary requirements and other special needs relevant to attendance at events or services purchased or requested from us (e.g. large print, levelled access);
- Financial information, including: Your bank account number, name and sort code (used for processing Direct Debits payment for events, and reimbursement of expenses for committee members)
- Details of financial transactions

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The basis for processing your information and how we use it

We use your personal data for the following:

- To interact with you before or after you register for an event for example, to answer any questions you have
- To deal with any concerns or feedback you may have
- For any other purpose for which you provide us with your personal data

We may also process your personal data because it is necessary for our or a third party's **legitimate interests**. Our "legitimate interests" include our benevolent objectives. In this respect, we may use your personal data for the following:

- To monitor and evaluate the performance and effectiveness of our activities
- To keep you informed (by letter, telephone, email and other electronic means) of news and information about our events, activities and details of opportunities to get further involved with the company in accordance with your communication preferences and subject to having your consent for being contacted by electronic means
- To ensure that our communications are relevant to you and your interests and to assess your likely ability to contribute to the company
- Administrative purposes, for example in connection with your membership or an event you have registered for or attended
- Publishing stories and news items about our members work and other achievements on our website www.respiratorycaresolutions.org and in electronic and printed publications which we may send to you by post, email and potentially by other means, depending on your communication preferences from time to time and subject to having your consent for being contacted by electronic means)
- Conducting surveys, focus groups and other research
- Internal record-keeping, including the management of any feedback or complaints.

We may also process your personal data for our compliance with our **legal obligations**. In this respect, we may use your personal data for the following:

- To meet our compliance and regulatory obligations, such as compliance with anti-money laundering laws and tax reporting requirements
- For the prevention and detection of crime
- In order to assist with investigations (including criminal investigations) carried out by the police and other competent authorities

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We may also process your personal data where:

- It is necessary to protect your or another person's vital interests
- It is necessary for the establishment, exercise or defence of legal claims (for example, to protect and defend our rights or property, and/or the rights or property of our members)
- We have your specific or, where necessary, explicit consent to do so

In particular, with your consent, we may process your personal data to provide you with information about our events, activities and details of opportunities to get further involved with the company, for example, by sending you updates, newsletters, membership emails and news alerts. We may send you these communications by electronic means (meaning, principally by email) only with your specific consent. If you do not wish to receive such information, you can opt out of any emails using the links in the message. Alternately, if you wish to receive this information only by certain means of communication, you can contact us with your preferences.

Sharing your information with others

For the purposes referred to in this privacy notice and relying on the bases for processing as set out above, we may share your personal data with certain third parties. We may disclose limited personal data to a variety of recipients including:

- Our employees, agents and contractors where there is a legitimate reason for their receiving the information, including third parties where we have engaged them to process data on our behalf as part of administering our membership system or events
- Internal and external auditors
- When the company is legally required to do so (by a court, government body, law enforcement agency or other authority of competent jurisdiction)

We do not sell your personal data to other organisations.

International data transfers

As a matter of course, we do not transfer your personal data outside of the European Economic Area.

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How long your information is kept

Your personal and sensitive information will be retained for future events which we believe you would be interested in and you will be informed by email of these. However, you can opt-out from receiving this information at any time by emailing us of your decision.

Your rights in connection with personal information

It is important that the personal and sensitive information we hold about you is accurate and up to date. Please keep us informed if your personal situation changes, e.g. dietary requirements, personal and work contact details, your name (title) etc.

Under the Data Protection Act 1998 you have several statutory rights, subject to certain conditions and in certain circumstances, such as:

- requesting access to, and copies of, the personal information we hold about you
- to have the right to request Respiratory Care Solutions to remove your contact details from our database
- to require us to correct the personal information we hold about you if it is incorrect.

For further information relating to your rights under this legislation you can visit the Information Commissioner's Office website: www.ico.org.uk

Under the DPA you have the following rights:

- To obtain access to, and copies of, the personal data that we hold about you
- To require that we cease processing your personal data if the processing is causing you damage or distress
- To require us not to send you marketing communications
- To require us to correct the personal data we hold about you if it is incorrect
- To require us to erase your personal data
- To require us to restrict our data processing activities (and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal)
- To receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller
- To object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply, for example, where we are required by law to hold specific data.

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If you have given your consent and you wish to withdraw it, please contact info@respiratorycaresolutions.org Please note that where our processing of your personal data relies on your consent and where you then withdraw that consent, we may not be able to provide all or some aspects of our services to you and/or it may affect the provision of those services. If you are not satisfied with how we are processing your personal data, you can make a complaint to the Information Commissioner. You can find out more about your rights under data protection legislation from the Information Commissioner's Office website available at: www.ico.org.uk

Data protection law

The Data Protection Act 1998 describes how organisations – including Respiratory Care Solutions Ltd – must collect, handle and store personal information.

These rules apply regardless whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Data Protection Act is underpinned by eight important principles. These say that personal data must:

1. Be processed fairly and lawfully
2. Be obtained only for specific, lawful purposes
3. Be adequate, relevant and not excessive
4. Be accurate and kept up to date
5. Not be held for any longer than necessary
6. Processed in accordance with the rights of data subjects
7. Be protected in appropriate way
8. Not be transferred outside of the European Economic Area (EEA), unless that country or territory also ensure an adequate level of protection.

People, Risks and Responsibilities

Policy scope

This policy applies to:

- The Head Office of Respiratory Care Solutions Ltd
- All branches of Respiratory Care Solutions Ltd
- All staff and volunteers of Respiratory Care Solutions Ltd
- All contractors, suppliers and other people working on behalf of Respiratory Care Solutions Ltd

It applies to all data that the company holds relating to identifiable individuals, even if that information technically falls outside of the Data Protection Act 1998. This can include:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- ...plus, any other information relating to individuals

Data protection risks

This policy helps to protect Respiratory Care Solutions Ltd from some very real data security risks, including:

- **Breaches of confidentiality.** For instance, information being given out inappropriately
- **Failing to offer choice.** For instance, all individuals should be free to choose how the company uses data relating to them
- **Reputational damage.** For instance, the company could suffer if hackers successfully gained access to sensitive data.

Responsibilities

Everyone who works for or with Respiratory Care Solutions Ltd has some responsibility for ensuring data is collected, stored and handled appropriately.

Each team that handles personal data must ensure that that it is handles and processed in line with this policy and data protection principles.

However, these people have key areas of responsibility:

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- The **Board of Directors** is ultimately responsible for ensuring that Respiratory Care Solutions Ltd meets its legal obligations.
- The **Data Protection Officer, Sarah Anderson**, is responsible for:
 - Keeping the board updated about data protection responsibilities, risks and issues
 - Reviewing all data protection procedures and related policies, in line with an agreed schedule
 - Arranging data protection training and advice for the people covered by this policy
 - Handling data protection questions from staff and anyone else covered by this policy
 - Dealing with request from individuals to see the data Respiratory Care Solutions Ltd holds about them (also called 'Subject Access Requests')
 - Checking and approving any contracts of agreements with third parties that may handle the company's sensitive data.
- The **IT Manager, Tammy McDaid** is responsible for:
 - Ensuring all systems, services and equipment used for storing data meet acceptable security standards
 - Performing regular checks and scans to ensure security hardware and software is functioning properly
 - Evaluating any third-party services, the company is considering using to store or process data.
- The **Operations' Manager, Melissa Canavan**, is responsible for:
 - Approving any data protection statements attached to communications such as emails and letters
 - Addressing any data protection queries from journalists or media outlets like newspapers
 - Where necessary, working with other staff to ensure marketing initiatives abide by data protection principles.

General Staff Guidelines

- The only people able to access data covered by this policy should be those who **need it for their work**
- Data **should not be shared informally**. When access to confidential information is required, employees can request it from their line managers.
- **Respiratory Care Solutions Ltd will provide training** to all employees to help them understand their responsibilities when handling data

- Employees should keep all data secure, by taking sensible precautions and following the guidelines below
- In particular, **strong passwords must be used**, and they should never be shared
- Personal data **should not be disclosed** to unauthorised people, either within the company or externally
- Data should be **regularly reviewed and updated** if it is found to be out of date. If no longer required, it should be deleted and disposed of
- Employees **should request help** from their line manager or the data protection officer if they are unsure about any aspect of data protection.

Data Storage

These rules describe how and where data should be safely stored. Questions about storing data safely can be directed to the IT Manager or Data Controller.

When data is **stored on paper**, it should be kept in a secure place where unauthorised people cannot see it.

These guidelines also apply to data that is usually stored electronically but has been printed out for some reason:

- When not required, the paper or files should be kept **in a locked drawer or filing cabinet**
- Employees should make sure paper and printouts are **not left where unauthorised people could see them**, like on a printer
- **Data printouts should be shredded** and disposed of securely when no longer required.

When data is **stored electronically**, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts:

- Data should be **protected by strong passwords** that are changed regularly and never shared between employees
- If data is **stored on a removable media** (CD or DVD), these should be kept locked away securely when not being used
- Data should be only be stored on **designated drives and servers** and should only be uploaded to an **approved cloud computing service**.

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- Servers containing personal data should be **sited in a secure location**, away from general office space
- Data should be **backed up frequently**. Those backups should be tested regularly, in line with the company's standard backup procedures.
- Data should **never be saved directly** to laptops or other mobile devices like tablets or smart phones.
- All servers and computers containing data should be protected by **approved security software and a firewall**.

Data Use

Personal data is of no value to Respiratory Care Solutions Ltd unless the business can make use of it. However, it is when personal data is accessed and used that it can be at the greatest risk of loss, corruption or theft:

- When working with personal data, employees should ensure **the screens of their computers are always locked** when left unattended
- Personal data **should not be shared informally**. It should never be sent by email, as this form of communication is not secure
- Data must be **encrypted before being transferred electronically**. The IT manager can explain how to send data to authorised external contacts
- Personal data should **never be transferred outside of the European Economic Area**
- Employees **should not save copies of personal data to their own computers**. Always access and update the central copy of any data.

Data Accuracy

The law requires Respiratory Care Solutions Ltd to take reasonable steps to ensure data is kept accurate and up to date.

The more important it is that the personal data is accurate, the greater the effort Respiratory Care Solutions Ltd should put into ensuring its accuracy.

It is the responsibility of all employees who work with data to take reasonable steps to ensure it is kept as accurate and up to date as possible.

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- Data will be held in **as few places as necessary**. Staff should not create any unnecessary additional data sets
- Staff should **take every opportunity to ensure date is updated**. For instance, by confirming a customer's details when they call
- Respiratory Care Solutions Ltd will make it **easy for date subjects to update the information** Respiratory Care Solutions Ltd hold about them. For instance, by email or the company portal
- Date should be **updated as inaccuracies are discovered**. For instance, if a customer can no longer be reached on their stored telephone number, it should be removed from the database

Subject Access Requests

All individuals who are the subject of personal data held by Respiratory Care Solutions Ltd are entitled to:

- Ask **what information** the company holds about them and why
- Ask **how to gain access** to it
- Be informed **how to keep it up to date**
- Be informed how the company is **meeting its data protection obligations**

If an individual contacts the company requesting this information, this is called a subject access request.

Subject access requests from individuals should be made by email, addressed to the data controller at sarah@respiratorycaresolutions.org The data controller can supply a standard request form, although individuals do not have to use this.

The data controller will aim to provide the relevant data within 14 days.

The data controller will always verify the identity of anyone making a subject access request before handing over any information.

Disclosing Data for Other Reasons

In certain circumstances, the Data Protection Act allows personal data to be disclosed to law enforcement agencies without the consent of the data subject.

Under these circumstances, Respiratory Care Solutions Ltd, will disclose requested data. However, the data controller will ensure the request is legitimate, seeking assistance from the board and from the company's legal advisers where necessary.

Providing Information

Respiratory Care Solutions Ltd aims to ensure that individuals are aware that their data is being processed, and that they understand:

- How the data is being used
- How to exercise their rights

To these ends, the company has a privacy statement, setting out how data relating to individuals is used by the company.

Contact

If you have any questions about this privacy notice or how we handle your personal information, contact details are set out below:

Data controller: Sarah Anderson, Director

Telephone number: 0113 457 4557

email: info@respiratorycaresolutions.org - if this email is regularly monitored, as any queries regarding personal data must be acted upon with 14 days.

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