

# The Rehab Practice Ltd (Trading as) The Neuro Rehab Practice

## Controlled Document

<b>Document Name:</b>	<b>Data Protection Policy</b>
<b>Document Reference Number:</b>	<b>DPPPOL1</b>
Document Version Number	3
Review Schedule	Every two years
Next review due	August 2025
Owner (Responsibility)	Richard Sealy, CEO/Director

## Document Description

This document outlines our legal requirements under the General Data Protection Regulations and the processes for how The Rehab Practice Ltd trading as The Neuro Rehab Practice meets them.

Note: All data processing and collection of sensitive personal data prior to 31 December 2020 fell under the rules laid out in the EU's GDPR. Any data collected after that (i.e., from 1 January 2021 onwards) falls under the detailed guidance of the UK's GDPR.

Any business based in the UK that offers services or goods to people based in the EU, the EU's GDPR applies.

## Implementation and Quality Assurance

Implementation is immediate and this Policy shall stay in force until any alterations are formally agreed.

The Policy will be reviewed every two years by the Director and Practice Manager, sooner if legislation, best practice or other circumstances indicate this is necessary.

All aspects of this Policy shall be open to review at any time. If you have any comments or suggestions on the content of this policy please contact Richard Sealy [info@neurorehabpractice.co.uk](mailto:info@neurorehabpractice.co.uk) or at The Neuro Rehab Practice Ltd, 'Office Only' 22 Laurel Road, Hampton Hill, Richmond-upon-Thames. TW12 1JH

# Data Protection Policy

## Introduction

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the European Council and the European Commission intend to strengthen and unify data protection for individuals within the European Union (EU). It also addresses the export of personal data outside the EU. The primary objectives of the GDPR are to give citizens back control of their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. When the GDPR takes effect it will replace the data protection directive (officially Directive 95/46/EC) from 1995. The regulation was adopted on 27 April 2016 and applies from 25 May 2018 after a two-year transition period..

The 1998 Data Protection Act, which came into force on 1 March 2000, will continue to apply until the new General Data Protection Regulations come into force in May 2018.

Since Brexit, the UK has two key data protection laws that apply to businesses. Any organisation that processes personal data must follow the detailed guidance available. They must also ensure that GDPR compliance is met for the EU's laws where applicable. Organizational measures must be taken to meet the legal obligation of the Data Protection Act 2018 and the UK's GDPR obligations. And, of course, data controllers based in EU countries also need to understand the processing activities they must follow to comply. Third countries have different rules to EU member states, and that's what now applies to the UK.

The following guidance is not a definitive statement on the Regulations, but seeks to interpret relevant points where they affect The Rehab Practice Ltd

The Regulations cover both written and computerised information and the individual's right to see such records.

It is important to note that the Regulations also cover records relating to staff and associates.

All 'The Rehab Practice Ltd' staff/associates are required to follow this Data Protection Policy at all times.

The Director and Practice Manager has overall responsibility for data protection within The Rehab Practice Ltd but each individual processing data is acting on the controller's behalf and therefore has a legal obligation to adhere to the Regulations.

## Definitions

**Processing of information** – how information is held and managed.

**Information Commissioner** - formerly known as the Data Protection Commissioner.

**Notification** – formerly known as Registration.

**Data Subject** – used to denote an individual about whom data is held.

**Data Controller** – used to denote the entity with overall responsibility for data collection and management. The Rehab Practice Ltd is the Data Controller for the purposes of the Act.

**Data Processor** – an individual handling or processing data

**Personal data** – any information which enables a person to be identified

**Special categories of personal data** – information under the Regulations which requires the individual's explicit consent for it to be held by The Rehab Practice Ltd

## Data Protection Principles

As data controller, The Rehab Practice Ltd, is required to comply with the principles of good information handling.

**These principles require the Data Controller to:**

1. Process personal data **fairly, lawfully and in a transparent manner.**
2. Obtain personal data only for one or more **specified and lawful purposes** and to ensure that such data is not processed in a manner that is incompatible with the purpose or purposes for which it was obtained.
3. Ensure that personal data is **adequate, relevant and not excessive** for the purpose or purposes for which it is held.
4. Ensure that personal data is **accurate** and, where necessary, **kept up-to-date.**
5. Ensure that personal data is not kept for any longer than is necessary for the purpose for which it was obtained, this may include indefinitely should that be suitable.
6. Ensure that personal data is kept secure.
7. Ensure that personal data is not transferred to a country outside the European Economic Area unless the country to which it is sent ensures an adequate level of protection for the rights (in relation to the information) of the individuals to whom the personal data relates.

## Consent

The Rehab Practice Ltd, must record service users' explicit consent to storing certain information (known as 'personal data' or 'special categories of personal data') on file.

For the purposes of the regulations, personal and special categories of personal data covers information relating to:

1. The racial or ethnic origin of the Data Subject.
2. His/her political opinions.
3. His/her religious beliefs or other beliefs of a similar nature.
4. Whether he/she is a member of a trade union.
5. His/her physical or mental health or condition.
6. His/her sexual life.
7. The commission or alleged commission by him/her of any offence
8. Online identifiers such as an IP address
9. Name and contact details
10. Genetic and/or biometric data which can be used to identify an individual

Special categories of personal information collected by The Rehab Practice Ltd will, in the main, relate to service users' physical and mental health.

Consent is not required to store information that is not classed as special category of personal data as long as only accurate data that is necessary for a service to be provided is recorded.

As a general rule The Rehab Practice Ltd will always seek consent where personal or special categories of personal information is to be held.

It should also be noted that where it is not reasonable to obtain consent at the time data is first recorded and the case remains open, retrospective consent should be sought at the earliest appropriate opportunity.

If personal and/or special categories of personal data need to be recorded for the purpose of service provision and the service user refuses consent, the case should be referred to the Practice Manager or Director for advice.

## **Obtaining Consent**

Consent may be obtained in a number of ways depending on the nature of the interview, and consent must be recorded on or maintained with the case records:

- face-to-face
- written
- telephone
- email
- On-line forms

## Face-to-face/written

A pro-forma should be used.

## Telephone

Verbal consent should be sought and noted on the case record.

## E-mail

The initial response should seek consent.

## On-Line Forms

On-Line Forms sent through the practice management system

Consent obtained for one purpose cannot automatically be applied to all uses e.g. where consent has been obtained from a service user in relation to information needed for the provision of that service, separate consent would be required if, for example, direct marketing of were to be undertaken.

Preliminary verbal consent should be sought at point of initial contact as personal and/or special categories of personal data will need to be recorded either in an email or on a computerised record, The Rehab Practice Ltd uses Cliniko. The verbal consent is to be recorded in the appropriate fields on the computer record or stated in the email for future reference. Although written consent is the optimum, verbal consent is the minimum requirement.

Specific consent for use of any photographs and/or videos taken should be obtained in writing. Such media could be used for, but not limited to, publicity material, press releases, social media, and website. Consent should also indicate whether agreement has been given to their name being published in any associated publicity. If the subject is less than 18 years of age then parental/guardian consent should be sought.

Individuals have a right to withdraw consent at any time. If this affects the provision of a service(s) by The Rehab Practice Ltd then this should be discussed with the Practice Manager and Director at the earliest opportunity.

## **Ensuring the Security of Personal Information**

### Unlawful disclosure of personal information

1. It is an offence to disclose personal information 'knowingly and recklessly' to third parties.
2. It is a condition of receiving a service that all service users for whom we hold personal details sign a consent form allowing us to hold such information.

3. Service users may also consent for us to share personal or special categories of personal information with other helping agencies on a need to know basis.
4. A client's individual consent to share information should always be checked before disclosing personal information to another agency.
5. Where such consent does not exist information may only be disclosed if it is in connection with criminal proceedings or in order to prevent substantial risk to the individual concerned. In either case permission of the Practice Manager or Director should first be sought.
6. Personal information should only be communicated within The Rehab Practice Ltd's staff/associates on a strict need to know basis. Care should be taken that conversations containing personal or special categories of personal information may not be overheard by people who should not have access to such information.

## **Use of Files, Books and Paper Records**

In order to prevent unauthorised access or accidental loss or damage to personal information, it is important that care is taken to protect personal data. Paper records should be kept in locked cabinets/drawers overnight and care should be taken that personal and special categories of personal information is not left unattended and in clear view during the working the day. If your work involves you having personal / and/or special categories of personal data at home or in your car, the same care needs to be taken.

## **Disposal of Scrap Paper, Printing or Photocopying Overruns**

Be aware that names/addresses/phone numbers and other information written on scrap paper are also considered to be confidential. Please do not keep or use any scrap paper that contains personal information but ensure that it is shredded.

If you are transferring papers from your home, or your client's home, to the office for shredding this should be done as soon as possible and not left in a car for a period of time. When transporting documents they should be carried out of sight in the boot of your car or bag if on public transport.

## **Computers**

Where computers are networked, access to personal and special categories of personal information is restricted by password to authorised personnel only.

Computer monitors in the reception area, or other public areas, should be positioned in such a way so that passers-by cannot see what is being displayed. If this is not possible then privacy screens should be used on the monitor to afford this level of protection. If working in a public area, eg reception, you should lock your computer when leaving it unattended.

Firewalls and virus protection to be employed at all times to reduce the possibility of hackers accessing our system and thereby obtaining access to confidential records.

Documents should only be stored on the server or cloud-based systems and not on individual computers.

Where computers or other mobile devices are used the device must be password protected.

## **Cloud Computing**

When commissioning cloud based systems, The Rehab Practice Ltd will satisfy themselves as to the compliance of data protection principles and robustness of the cloud based providers.

The Rehab Practice Ltd currently uses two cloud based data management systems to hold and manage information about its service users and donors/supporters.

### The Neuro Rehab Practice Website

When someone visits [www.neurorehabpractice.co.uk](http://www.neurorehabpractice.co.uk) we use a third-party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of the site. This information is only processed in a way which does not identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website. If we do want to collect personally identifiable information through our website, we will be up front about this. We will make it clear when we collect personal information and will explain what we intend to do with it.

### Wix

We use a third-party service, Wix.com, to publish our website.

We use Wix service to collect anonymous information about users' activity on the site, for example the number of users viewing pages on the site, to monitor and report on the effectiveness of the site and help us improve it. Wix requires visitors that want to post a comment to enter a name and email address.

### Cliniko

Cliniko hosted by Red Guava Pty Ltd, holds data about our service users, volunteers and staff. Access is password protected and restricted to named users, with level of access to each user on a 'need to know' basis to be able to carry out their job. Cliniko is accredited to ISO 27001 Information Security Management Standard. As such The Rehab Practice Ltd is satisfied with the security levels in place to protect its data.

### DropBox

Dropbox is based in America, holds data about our service users, associates and staff. Access is password protected and restricted to named users, with level of access to each user on a 'need to know' basis to be able to carry out their job. Dropbox is accredited to ISO 27018 Information Security standard. Under the European Union Data Protection Directive 95/46/EC, companies must ensure certain safeguards when transferring personal data from the European Union and the European Economic Area to the United States. Dropbox relies upon a variety of legal mechanisms to transfer personal data, including contracts with our users.

Dropbox complies with the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union, the European Economic Area, and Switzerland to the United States.

As such The Rehab Practice Ltd is satisfied with the security levels in place to protect its data.

### GoogleDrive

Google is based in America, holds data about our service users, associates and staff. Access is password protected and restricted to named users, with level of access to each user on a 'need to know' basis to be able to carry out their job.

Google employs security and privacy professionals that include some of the world's foremost experts in information, application, and network security. This expert team is tasked with maintaining the company's defense systems, developing security review processes, building stronger security infrastructure, and precisely implementing Google's security policies.

Google also employs an extensive team of lawyers, regulatory compliance experts, and public policy specialists who look after privacy and security compliance for Google Cloud. These teams work with customers, industry stakeholders, and supervisory authorities to ensure our Google Workspace and Google Cloud services can help customers meet their compliance needs.

Google Cloud supports GDPR compliance efforts.

As such The Rehab Practice Ltd is satisfied with the security levels in place to protect its data.



## Direct Marketing

Direct Marketing is a communication that seeks to engage new clients and promote The Rehab Practice Ltd services. The communication may be in any of a variety of formats including mail, telemarketing and email. The Rehab Practice Ltd will not share or sell its database(s) with outside organisations.

The Rehab Practice Ltd holds information on our staff, volunteers and clients. Specific consent to contact will be sought from our staff, associates and clients including which formats they prefer (eg mail, email, phone etc) before making any communications.

We recognise that clients, staff, associates and supporters for whom we hold records have the right to unsubscribe from our mailing lists. This wish will be recorded on their records and will be excluded from future contacts.

For further information on how your information is used, how we maintain the security of your information, and your rights to access information, please contact a member of TRP for a copy of our data protection declaration and privacy policy. These can also be found on our website: [www.neurorehabpractice.co.uk](http://www.neurorehabpractice.co.uk) – under Policies.

The following statement is to be included on any forms used to obtain personal data:” Please note that you can opt out at any time from any of the data processing and data sharing initiatives described below (although this will not affect the lawfulness of any processing of your personal data up to that point).

If you change your mind at a later date please contact TRP directly: [info@neurorehabpractice.co.uk](mailto:info@neurorehabpractice.co.uk) “

## Privacy Statements

Any documentation which gathers personal and/or special categories of personal data should contain the following Privacy Statement information:

- Explain who we are
- What we will do with their data
- Who we will share it with
- Consent for marketing notice
- How long we will keep it for
- That their data will be treated securely
- How to opt out
- Where they can find a copy of the full notice

## Personnel Records

The Regulations apply equally to associates and staff records. The Rehab Practice Ltd may at times record special categories of personal data described within the staff/associate member's contract of employment/subcontract.

For staff and associates who are regularly involved with vulnerable adults, it will be necessary for The Rehab Practice Ltd to apply to the Disclosure & Barring Service to request a disclosure of spent and unspent convictions, as well as cautions, reprimands and final warnings held on the police national computer. Any information obtained will be dealt with under the strict terms of the DBS Code. Access to the disclosure reports is limited to the Senior Management Team. If there is a positive disclosure the Practice Manager and Director will discuss this, anonymously with our insurers to assess the risk of appointment or continued engagement.

## **Confidentiality**

Further guidance regarding confidentiality issues can be found in our Confidentiality Policy.

When working from home, or from some other off-site location, all data protection and confidentiality principles still apply. All computer data, e.g. documents and programmes related to work for The Rehab Practice Ltd should not be stored on any external hard disk or on a personal computer, instead via either Cliniko or DropBox through The Rehab Practice Ltd access.

Workstations in areas accessible to the public, e.g. reception should operate a clear desk practice so that any paperwork, including paper diaries, containing personal and/or special categories of personal data is not left out on the desk where passers-by could see it.

When sending emails to outside organisations, e.g. social worker or hospital staff, care should be taken to ensure that any identifying data is removed and that codes (e.g. initials or identifying code number, such as social services number, etc.) are to be used.

Confidential and/or special categories of personal information should be written in a separate document which should be password protected before sending.

Such emails can be sent via Egress - <https://www.egress.com>

Any paperwork kept away from the office (eg clients notes or reports) should be treated as confidential and kept securely as if it were held in the office. Documents should not be kept in open view (eg on a desktop) but kept in a file in a drawer or filing cabinet as examples, the optimum being a locked cabinet but safely out of sight is a minimum requirement.

If you are carrying documents relating to a number of clients when on a series of home visits, you should keep the documents for other clients locked out of sight in the boot of the car (not on the front seat) and not take them into the clients home. When carrying paper files or documents they should be in a locked briefcase or in a folder or bag which can be

securely closed or zipped up. The briefcase/folder/bag should contain The Rehab Practice Ltd contact details. Never take more personal data with you than is necessary for the job in hand. Care should be taken to ensure that you leave a client's home with the correct number of documents and that you haven't inadvertently left something behind.

## **Retention of Records**

Paper records should be retained for the following periods at the end of which they should be shredded:

- Client records – Indefinitely for medico-legal reasons.
- Staff records – Indefinitely for medico-legal reasons.
- Unsuccessful staff application forms – 6 months after vacancy closing date.
- Time-sheets and other financial documents – Indefinitely for medico-legal reasons.
- Other documentation, should be destroyed as soon as it is no longer needed for the task in hand.

Computerised records e.g. Cliniko, DropBox and Google Drive to be kept indefinitely for medico-legal reasons.

## **What to Do If There Is a Breach**

If you discover, or suspect, a data protection breach you should report this to the Practice Manager and/or Director who will review our systems, as a Quality Assurance & Systems Managers, to prevent a reoccurrence. The QA & Systems Managers should be informed of the breach, action taken and outcomes to determine whether it needs to be reported to the Information Commissioner. There is a time limit for reporting breaches to ICO so the QA & Systems Managers should be informed without delay.

Any deliberate or reckless breach of this Data Protection Policy by a member of staff/ associate or employee may result in disciplinary action which may result in dismissal/ cessation of contract.

## **The Rights of an Individual**

Under the Regulations an individual has the following rights with regard to those who are processing his/her data:

- Personal and special categories of personal data cannot be held without the individual's consent (however, the consequences of not holding it can be explained and a service withheld).
- Data cannot be used for the purposes of direct marketing of any goods or services if the Data Subject has declined their consent to do so.
- Individuals have a right to have their data erased and to prevent processing in specific circumstances:
  - Where data is no longer necessary in relation to the purpose for which it was originally collected
  - When an individual withdraws consent
  - When an individual objects to the processing and there is no overriding legitimate interest for continuing the processing
  - Personal data was unlawfully processed
- An individual has a right to restrict processing – where processing is restricted, The Rehab Practice Ltd is permitted to store the personal data but not further process it. The Rehab Practice Ltd can retain just enough information about the individual to ensure that the restriction is respected in the future.
- An individual has a 'right to be forgotten'.

Data Subjects can ask, in writing to the Practice Manager and/or Director, to see all personal data held on them, including e-mails and computer or paper files. The Data Processor (The Rehab Practice Ltd) must comply with such requests within 30 days of receipt of the written request.

## **Powers of the Information Commissioner**

The following are criminal offences, which could give rise to a fine and/or prison sentence

- The unlawful obtaining of personal data.
- The unlawful selling of personal data.
- The unlawful disclosure of personal data to unauthorised persons.

## **Further Information**

Further information is available at <https://ico.org.uk>

## **Details of the Information Commissioner**

The Information Commissioner's office is at:

Information Access Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### Revision History

<b>Revision date</b>	<b>Summary of Changes</b>	<b>Other Comments</b>
21.03.2018		Original adaptation and setting up
24.03.2020	No Changes Required	
09.07.2023	Updated email contact address	
	Change added around UK GDPR 2022	
	Google Drive information and GDPR compliance added.	
	Adapted information for The Rehab Practice Ltd (Trading as) The Neuro Rehab Practice	