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<p><b>WHO DOES IT AFFECT?</b></p> <p>All Pilgrims Hospices staff, volunteers and teams and sites are within the scope of this document.</p> <p>All staff working in or on behalf of Pilgrims Hospices (this includes contractors, self-employed workers, temporary staff, secondees and all volunteers and permanent employees) are within the scope of the document.</p> <p><b>HOW WILL IT BE COMMUNICATED?</b></p> <p>This document will be made available on our internal and external websites.</p> <p>An organisational briefing will be sent to all staff and volunteers notifying them of the release of this document via the SMT/LMT communications structure.</p>	<p><b>1 Purpose of Policy</b></p> <p>1.1 Pilgrims Hospices is a charity supporting people living in East Kent. Pilgrims Hospices needs to collect personal information (Data) about people we interact with in order to carry out our business and provide our services because:</p> <ul style="list-style-type: none"> <li>• We provide healthcare and psychosocial services to our patients and their families and carers.</li> <li>• We ask for support from fundraisers and donors.</li> <li>• We raise funds via our lottery.</li> <li>• We approach trusts and grant makers for funding.</li> <li>• We raise funds via our retail outlets.</li> <li>• We actively fundraise in our local community.</li> <li>• We provide training for healthcare professionals and organise education events for the East Kent community.</li> <li>• We manage various functions, such as HR or payroll that require us to keep (personal) data about our staff and volunteers.</li> </ul> <p>1.2 Therefore, people on whom we may hold data include but are not limited to; patients and their next of kin, employees (present, past and prospective), volunteers, supporters, suppliers, external professionals, other business contacts and members of the general public.</p> <p>1.3 The information we might hold or process on individuals may include name, address, email address, date of birth, private and confidential</p>
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information, and sensitive information. We often hold financial or health data on individuals.

- 1.4 In addition, we may occasionally be required to collect and use certain types of such personal information to comply with the requirements of the law. No matter how it is collected, recorded and used (e.g. on a computer or on paper) this personal information must be handled in compliance with the Data Protection Act 1998 (the Act) and General Data Protection Regulation 2018 (GDPR).
- 1.5 The lawful and proper treatment of personal information by Pilgrims Hospices is extremely important to our success and in order to maintain the confidence of our service users, supporters and employees. We ensure that we treat personal information lawfully and correctly.
- 1.6 At the time of writing Pilgrims Hospices is preparing for the implementation of the General Data Protection Regulations, which will be in May 2018.

## 2 Responsibilities

- 2.1 Pilgrims Hospices is not required to appoint a Data Protection Officer, however, has taken the decision to instead appoint a Data Protection Lead.
  - Ensure that there is always a designated individual with overall responsibility for data protection. This person is the IT Manager who is appropriately trained, experienced in data protection and is familiar with all of the relevant systems and processes in their day-to-day role.
  - Provide appropriate training for all staff members and volunteers who handle personal information.
  - Provide clear lines of report and supervision for compliance with data protection.
  - Carry out regular checks to monitor and assess new processing of personal data and to ensure the Pilgrims Hospices notification to the Information Commissioner is updated to take account of any changes in processing of personal data.
  - Develop and maintain Data Protection

procedures to include: roles and responsibilities, notification, subject access, training and compliance testing.

- Conduct regular information audits to support compliance and ensure data is up-to-date and relevant?

## 2.2 Data Protection Lead: IT Manager.

- Responsible for the application of policy and procedure, provision of guidance, training and support for the implementation of Information Governance principles in all strategic and service developments and day to day provision of services and care.
- Monitoring and reporting on compliance to the Executive Directors.
- To report any breaches to appropriate external bodies, e.g. the Office of the Information Commissioner, as required.
- To ensure the principles of Data Protection and information governance are applied as part of normal practice in the provision of care and other services.

## 2.3 Caldicott Guardian: Director of Nursing and Care Services and SIRO (Senior Information Risk Owner).

- Responsible for the management of patient /service user confidentiality and information use, sharing and disclosure issues by:
  - Providing advice and being accountable for that advice.
  - Being the conscience of the organisation.
  - Providing a focal point for patient/service user confidentiality and information sharing issues.
  - Being concerned with the management of patient /service user information.

## 2.4 Information Asset Owners: Directors who are directly responsible for the databases and information related to their department:

- Patient Databases: Director of Nursing and Care Services
- Finance Databases: Director of Finance and ICT.
- HR and Payroll Database: Director of HR and Workforce Development.
- Fundraising/Donor & Lottery Databases: Director of Income Generation.
- Retail Databases: Director of Income Generation.

2.5 Information Asset Administrators: – department managers who manage the use of the data.

2.6 Users: anyone processing data as part of their work (this includes accessing, collecting, recording, amending and disseminating data for any purpose).

2.7 All employees will, through appropriate training and responsible management:

- Observe all forms of guidance, codes of practice and procedures about the collection and use of personal information.
- Understand fully the purposes for which Pilgrims Hospices uses any personal information relevant to the employee's role.
- Collect and process appropriate information, and only in accordance with the purposes for which it is to be used by Pilgrims Hospices to meet its service needs or legal requirements.
- Ensure the information is input into all Pilgrims Hospices systems.
- Ensure the information is securely destroyed when it is no longer required in accordance with .
- On receipt of a request for information held about an individual, immediately notify the Head of Governance and Quality.
- Not send any personal information outside of the United Kingdom without the authority of the Head of Governance and Quality or the Caldicott Guardian.
- Understand that breaches of this Policy may result in disciplinary action.

### **3 Data Protection Principles**

#### **3.1 The Principles**

All personal data obtained and held by the organisation will

be processed in line with the data protection principles. These are summarised below:

- be processed fairly, lawfully and in a transparent manner
- be collected for specific, explicit, and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes of processing
- be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay
- not be kept for longer than is necessary for its given purpose
- be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- comply with the relevant GDPR procedures for international transferring of personal data.

In addition, personal data will be processed in recognition of an individuals' data protection rights, as follows:

- the right to be informed
- the right of access
- the right for any inaccuracies to be corrected (rectification)
- the right to have information deleted (erasure) **[See Below]**
- the right to restrict the processing of the data
- the right to portability
- the right to object to the inclusion of any information
- the right to regulate any automated decision-making and profiling of personal data.
- The right to lodge a complaint with a supervisory authority.

It should be noted that, while an individual may withdraw consent for their data to be processed and request deletion of this data, the organisation can only comply with the request to delete information where no conflicting obligation requires the organisation to retain this information i.e. legal requirements to retain employee or financial records for statutory retention periods.

### 3.2 Application

Pilgrims Hospices maintains a Record of Processing Activity (ROPA) which outlines our approach to the application of the data protection principles and activities we undertake to ensure our processing meets the reasonable expectations of the data subjects. The ROPA includes:

- The **lawful basis** for collecting and processing personal

data including sensitive and special category personal data.

- The **limited purpose** for which the organisation processes data in line with our business objectives and the processing activities associate with each objective.
- Organisational processes to ensure **minimisation of data** in day-to-day operations.
- Organisational processes to ensure **accuracy of data** in day-to-day operations.
- Organisational processes for the **storage and disposal** of data and guidance regarding retention periods.
- Organisational processes to ensure **integrity and confidentiality** in day-to-day operations.

#### **4 Access to Records (Subject Access Requests or 'SARs')**

- 4.1 The relevant Director will take responsibility for any SARs relating to their area on behalf of Pilgrims Hospices. Where a request relates to data that falls within the purview of more than one Director, the request will be handled by the Director responsible for the area from which the majority of the data is requested.
- 4.2 Patients and anyone else on whom we hold records (staff, volunteers, donors, etc) have the right of access to their records or healthcare records in line with the requirements of the Data Protection Act 1998 and GDPR Regulation 2018.
- 4.3 Requests to access records must be made in writing and specify the data requested.
- 4.4 The Hospice will respond to any request within the legal timeframes.
- 4.5 The Hospice reserves the right to refuse a request or levy a charge for responding to SARs where requests are deemed to be manifestly unfounded, excessive, or in instances where the requested information has previously been provided.
- 4.6 In some cases where information recorded is assessed as detrimental to the health or well-being of the individual, information may be withheld. In the case of healthcare records, this must be justified and recorded appropriately by the relevant Directors.

4.7 Patient representatives may request copies of patient medical records. Such requests should be made in writing to the Director of Nursing and Care Services, who will liaise with the appropriate clinician prior to providing copies of notes made. The Hospice reserves the right to make a moderate charge for this service.

**5.7.1 Patients or their representatives MUST NOT be given the original copy of their notes to take away – ownership lies with the Hospice.**

4.8 Third Party Requests. In some cases, other third parties may request access to records, e.g., Police, Solicitors, Insurance Companies, etc. Requests should be made in writing to the Director of Nursing and Care Services, who will liaise with the Consultant, key clinician or appropriate manager prior to providing copies of any data.

Requests should be submitted in writing to:

**Pilgrims Hospice Canterbury  
56 London Road,  
Canterbury,  
CT2 8JA**

4.9 This section should be read in conjunction with the Privacy Policy, Subject Access Request Policy and Request for Copy of Health Records Policy which can be found on both the external internet site and internal intranet.

## **5 Donor Data**

5.1 Donor data will be processed in line with legislation and guidance, including, but not limited to the Data Protection Act, and guidance from the Fundraising Regulator's Code of Fundraising Practice available from their website:

<https://www.fundraisingregulator.org.uk/>

5.2 We will use personal information:

- To provide services, products or information requested.
- To create an account for donors if registered with us.

- For administration purposes.
- To further our charitable aims, including our fundraising activities.

5.3 We may analyse and screen the personal information we collect to create a profile of donor interests and preferences so that we can contact donors in the most appropriate way and with the most relevant information. Where relevant, we may also assess donor personal information for the purposes of fraud [prevention](#).

5.4 We are working to the new General Data Protection Regulation which will be in place in May 2018. We will contact potential donors based upon their expressed preferences for contact from us.

5.5 Under the GDPR there are different legal conditions through which we can send direct mail to an individual. One of them is called 'legitimate interest'. This enables us, in certain circumstances, to send direct mail to an individual where we believe there to be a genuine interest in receiving the information, i.e. where we invite next-of-kin to our remembrance events. When we mail through legitimate interest we will always make sure that individuals have the opportunity to say 'no' or object to future direct mail.

5.6 Under both the current data protection rules, and the future GDPR, we will send direct marketing by post where:

- There is a legitimate interest, *AND*
- The legitimate interest is not overridden by the rights and interests of the individual.

5.7 Our donors and supporters will be treated fairly and respectfully and we will ensure that we meet our legal obligations.

5.8 We will undertake a balancing assessment to consider what an individual would reasonably have expected their personal information to be used for at the time that they provided it.

5.9 We publish privacy notices which go into more detail about how we do this.

5.10 Keeping donor data safe - Personal information and details of enquiries received are stored on a secure database.

5.11 If for any reason a donor wishes to have personal details removed from our records, they can contact us and request that data is removed. We will delete data we no longer need and are no longer required to retain.

Where records include financial transactions we may have a legitimate reason to retain the information due to HMRC, auditing guidelines, regulatory and legal requirements. On these occasions we will mark your records to ensure you receive no further contact from Pilgrims

If your request to delete personal information is due to wanting no future contact from Pilgrims, please note that the best way to guarantee no further contact is for Pilgrims to retain your record and mark accordingly. Once we delete your information we will retain no record of your request for no future contact.

5.12 We will not actively contact anyone who has not actively supported us in the last 8 years.

## **6 Training**

6.1 New employees must read and understand the policies on data protection as part of their induction.

6.2 All employees receive training covering confidentiality, data protection and the actions to take upon identifying a potential data breach.

6.3 The nominated data controllers for the organisation are trained appropriately in their roles under GDPR.

6.4 All employees and volunteers who need to use the computer system are trained to protect individuals' private data, to ensure data security and to understand the consequences to them as individuals and the Company of any potential lapses and breaches of the Company policies and procedures

## **7 Monitoring**

- 7.1 Compliance with the policies and procedures laid down in this document will be monitored by the Information Governance Committee, together with independent reviews by auditors.
- 7.2 The IT Manager is responsible for the monitoring, revision and updating of this document on a two yearly basis or sooner if the need arises.

## **8 Breach of Policy**

- 8.1 Any deviation in practice or failure to comply with this policy will be deemed a breach of policy. Where a data breach is likely to result in a risk to the rights and freedoms of individuals, it will be reported to the Information Commissioner within 72 hours of the organisation becoming aware of it and it may be reported in more than one instalment.
- 8.2 Individuals will be informed directly in the event that the breach is likely to result in a high risk to the rights and freedoms of that individual.
- 8.3 If the breach is sufficient to warrant notification to the public, the organisation will do so without undue delay.
- 8.4 Any breach of this policy by Pilgrims Hospices employees may lead to formal disciplinary action.
- 8.5 Any breach of this policy by Pilgrims Hospices volunteers may lead to formal action under the Problem Solving Policy and Procedure.

## **9 International Data Transfers**

- 9.1 The Organisation does not transfer personal data to any recipients outside the European Economic Area (EEA).
- 9.2 Where data is processed by a third-party on behalf of Pilgrims Hospices, the third party will need to confirm that data will not be transferred outside of the EEA or that any data transfers outside of the EEA are conducted in line with the provisions of the Data Protection Act and GDPR.

**All employees retain the right to discuss the contents of this policy document with management at any time.**

## APPENDIX ONE – PRIVACY STATEMENTS

The following 3 sections details our policy approach to privacy for patients, carers and their families, donors and supports and staff and volunteers.

### A. PRIVACY AND PATIENT INFORMATION

#### 1. Your information - what you need to know about your health records at Pilgrims Hospices

##### What we do

Pilgrims Hospices is a local charity supporting people living in east Kent. We provide expert nursing and medical care, with emotional and practical support for adults who have illnesses from which they are not expected to recover. Our care and support extends to family, friends and carers.

##### Why we collect information about you

In carrying out some of these roles we may collect information about you which helps us respond to your queries or provide specialist services. We may keep your information in written form and/or on a computer. The records may include basic details about you, such as your name and address. They may also contain more sensitive information about your health and also information such as financial information if you are a donor to Pilgrims Hospices.

##### How we keep your records confidential

Everyone working for Pilgrims Hospices is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised and consented to by the patient, unless there are other circumstances covered by the law.

All our staff and volunteers are also required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared.

##### Other organisations with whom we may share your Personal Information

Our guiding principle is that we are holding your records in strictest confidence.

We may share your information for health purposes with other organisations such as NHS Trusts, General Practitioners (GPs) and other contracted service providers such as Macmillan Nurses, or Community Health Service providers.

We are also required by law to report certain information to the appropriate authorities. This is only provided after formal permission has been given by a qualified health professional. Occasions when we must pass on information include:

- Where we encounter infectious diseases which may endanger the safety of others, such as meningitis or measles (but not HIV/AIDS)
- Where a formal court order has been issued

Information may also be required to be shared for your benefit with other organisations, from which you are also receiving care, such as social services. Where information sharing is required with third parties, we will not disclose any health information without your explicit consent, unless there are exceptional circumstances, such as when the health or safety of others is at risk or where the law requires it.

The responsible clinician will look at your records to monitor and audit the quality of records and care, or if dealing with a complaint.

The Care Quality Commission, our regulatory body, may also look at records as part of their inspection process; they will ask your consent.

There is occasionally very limited access to identified members of our administration team in support of patient and family related events.

## **Your Right to Withdraw Consent for us to Share Your Personal Information**

At any time you have the right to refuse/ withdraw consent to information sharing. The possible consequences will be fully explained to you and could include delays in receiving care.

## **How can you get access to your own health records?**

The Data Protection Act 1998 gives you the right to see or have a copy of your health records. You do not need to give a reason but you may be charged a fee.

If you want to access your health records you should make a written request to the Director of Nursing and Care Services at Pilgrims Hospices. You should also be aware that in certain circumstances your right to see some details in your health records may be limited in your own interest or for other reasons.

## **2. Your information - Other Records at Pilgrims Hospices**

All our services are free, thanks to the generous support of fundraisers and donors who help to raise the money that we need to run our Hospice each year. This means that we also collect information about people who contribute to our fundraising or make a donation. Again, we treat all information confidentially. See our Privacy Statement and

our Fundraising Promise.

## Further Information

If you would like to know more about how Pilgrims Hospices uses your information please **contact** our IT Manager.

Further information can also be obtained from Data Protection Act 1998, the Care Record Guarantee and the NHS Confidentiality Code of Conduct, accessible via The Information Commissioner helpline number 0303 1231113 or at [www.ico.org.uk](http://www.ico.org.uk)

## **B. PILGRIMS HOSPICES DONOR/SUPPORTER PRIVACY STATEMENT**

We are committed to protecting your privacy. This statement describes how we collect and use personal information about people who donate to us or visit our websites. The terms of this statement may change, so please check it from time to time.

If you have any queries about this privacy statement, please contact the Director of Income Generation.

### **How do we collect information?**

We obtain personal information from you when you enquire about our activities, register with us, buy items through our online shop, make a donation to us, or ask a question via our '*Contact Us*' section.

### **What information do we collect?**

The personal information we collect may include but is not limited to: Name, postal address, email address and telephone number.

We also gather general information about the use of our websites, such as which pages users visit most often and which services, events or facilities are of most interest. We may also track which pages users visit when they click on links in Pilgrims Hospices emails. We may use this information to personalise the way our websites are presented when users visit them, to make improvements to our websites and to ensure we provide the best service for users. Wherever possible we use aggregated or anonymous information that does not identify individual visitors to our websites.

### **How do we use this information?**

We will use your personal information:

- To provide you with the services, products or information you have requested.
- To create an account for you if you register with us.
- For administration purposes.
- To further our charitable aims, including for fundraising activities.

As part of this, we may analyse and screen the personal information we collect to create a profile of your interests and preferences so that we can contact you in the most appropriate way and with the most relevant information. Where relevant, we may also assess your personal information for the purposes of fraud and credit risk reduction.

## **Keeping data safe**

Your personal information and details of the enquiries received are stored on a secure database.

## **Your choices**

You have a choice about whether you want to receive information about our progress and fundraising activities. We will not use your personal information for marketing purposes if you have indicated that you do not wish to be contacted. You can change your marketing preferences at any time by contacting our Supporter Relations Team at any time either by phone 01227 812612 or emailing [supporter.relations@pilgrimshospices.org](mailto:supporter.relations@pilgrimshospices.org)

## **How do we protect personal information?**

All of our online forms are protected by encryption. We also use a secure server when you make a donation or payment via our websites. We take appropriate measures to ensure that the personal information disclosed to us is kept secure, accurate and up to date and kept only for so long as is necessary for the purposes for which it is used.

## **Will we disclose the information we collect to outside parties?**

We will never sell your data. We may pass your information to our service providers e.g. mailing companies to post our newsletter, agents e.g. data services to clean our data: and associated organisations e.g. suppliers for the purpose of completing tasks, such as mailing you or updating your personal information and providing services to you. Where we use service providers we will make sure there are appropriate controls in place, and they must always sign a confidentiality agreement where your data is kept securely and only used for the purpose of the Pilgrims Hospices project for which they have been appointed.

## **Links**

Our websites may include links to websites run by other organisations. Pilgrims Hospices is not responsible for the privacy practices of these other websites so you should read their privacy policies carefully.

## **Changes**

If your personal details change, please help us to keep your information up to date by notifying us at the above address.

We may change the terms of this privacy statement from time to time. If we do so, we will post the changes here, so please check from time to time. By continuing to use our websites you will be deemed to have accepted such changes.

## **C. STAFF AND VOLUNTEER PRIVACY STATEMENT**

Pilgrims Hospices is committed to protecting your privacy.

This statement describes how we collect and use personal information about people who work or volunteer with us.

### **The information we collect**

We collect personal information about you when you apply to volunteer or work at Pilgrims Hospices. This information may include but is not limited to:

- Name(s),
- Date of birth,
- Contact details
- Emergency contact or next-of-kin details, Special category information including protected characteristics
- Employment and personal history
- Financial information
- Identification and Right to Work confirmation.
- Any history relating to past criminal activity.

### **How this information is used**

Your personal information is only used in relation to your volunteer role or employment at Pilgrims Hospices and to fulfil our obligations to you.

Specifically, we will use your data for purposes including but not limited to:

- Contacting you about your work/voluntary activities.
- Contacting your emergency contact / Next-of-Kin in the event of an emergency.
- Ensuring you are paid / reimbursed for any costs you incur.
- Verification of your identity.
- Compliance with our legal responsibilities to hold certain up-to-date information regarding our staff and volunteers.

## **Keeping your personal data safe**

Your personal information is kept securely on a secure database and we take appropriate measures to ensure that the personal information disclosed to us is kept secure, accurate and up to date and kept only for so long as is necessary for the purposes for which it is used.

## **Disclosing information to outside parties**

We will not provide your personal data to a third party organisation without your consent, unless the hospice has a legal obligation to do so. Please be assured that any third party organisations that we use/ or have a contract with across HR or Volunteer Services, will not pass on any personal data that we share with them, and we ensure that any third party we use has appropriate data security policy in place.

## **Links**

Our websites may include links to websites run by other organisations. Pilgrims Hospices is not responsible for the privacy practices of these other websites so you should read their privacy policies carefully.

## **Accessing Your Records**

You may wish to access a copy of your records under the Data Protection Act. If so you should make a Subject Access Request via the appropriate named Director.

## **Changes**

Staff have a responsibility to ensure the data they provide to Pilgrims Hospices is accurate and up-to-date. We ask all staff to help us to keep your information up to date by updating Select HR via the self-service facility.

If you are a volunteer and your personal details change, please contact your line manager/shop manager, or a member of the Volunteer Administration Team based at a Hospice and request a "Change of Personal Details" form. The form should be completed and sent to your local Hospice Volunteer Administration team as soon as possible after the change, so that they can update our records.

If you have any queries about this privacy statement please contact the Pilgrims Hospices Data Protection Lead on 01227 812612. You can see more about what Pilgrims Hospices does with records in our general Privacy Statement, which you can find on our website at [www.pilgrimshospices.org](http://www.pilgrimshospices.org)