



**BremCare Limited**

# **DATA PRIVACY POLICY**

Version 3.0 April 2023

### RECORD OF AMENDMENTS

Amdt No	Date	Paragraphs/Pages Amended	Initials
1.0	01/12/2019	Initial document	CB/DJS
2.0	19/12/2019	Significant revision to layout	CB/DJS
2.1	23/12/2019	Minor revision to Index	CB/DJS
2.2	01/05/2020	Minor formatting amendments	CB/DJS
2.3	18/06/2020	Minor formatting revision (Header/Footer & Lead page) to retain consistency with other Policy documents	CB/DJS
2.4	01/10/2020	Change of address (BremCare to Wigley Road)	CB/DJS
2.5	30/09/2021	Annual Review (no changes)	CB
2.6	25/09/202	Annual Review (no changes)	CB
3.0	11/04/2023	Slight formatting changes	CB/DJS

### NEXT REVIEW DATE(S)

Planned Date	Reason
November 2023	Annual Check

Bremcare Limited (hereinafter referred to as BremCare) consider data protection with the utmost importance. This document covers all aspects of our Data Privacy and Security within the sections detailed in the below index. Within this document 'we' and 'our' means BremCare.

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## Data Privacy Policy (Summary statement)

BremCare does not automatically obtain personal data from anyone accessing our web-site. However in order to provide an enhanced experience when using our website, we do make use of Cookies. For more information, please read our [Cookie Policy](#).

It should be noted that BremCare cannot guarantee that the browser or social media route taken to get to our website (i.e. via Google or Facebook) was not using Cookies or other analytics. If any data is being obtained because of the route taken to our website, please be assured that BremCare does not receive any data from them.

BremCare does not share data with anyone except where explicit consent has been given or it is a legal requirement. BremCare does not use external resources for processing and does not carry out any data profiling.

The information we hold electronically about those in our care contains data necessary for contact purposes and where appropriate any details relating to their former status and/or accommodation. This information is held on a single fixed PC that is protected by a strong password. Where remote access to this PC is required, it is via a VPN or other methodology using an encrypted link with strong passwords. The PC (which is in a secure location) is set to auto-lock when left unattended for a limited period of minutes.

The information BremCare holds and is maintained in soft copy is stored in a lockable cabinet in a secure location away from the premises where people are under our care. The only time that this soft-copy information is used electronically is when it is necessary to send details to a Health Professional or another Community Rehabilitation location or a Local Authority. In every case, the person being cared for by BremCare consents to this information being sent. Hence the lawful reason for processing this data is the consent of the patient.

Where email is used to send details to another Health Professional another Community Rehabilitation location or Local Authority, the email is sent from a single fixed PC that is protected by strong password. Where remote access to this PC is required, it is via a VPN or other methodology using an encrypted link with strong passwords. The PC (which is in a secure location) is set to auto-lock when left unattended for a limited period of minutes. Email transmission is encrypted and at source (local PC within the client application or online) can only be accessed by Account and Password.

Data is retained whilst the person remains in the care of BremCare and after that ceases, it is retained for a further 36 months in case the information is required by another Health Professional, another Community Rehabilitation organisation or Local Authority. Data is removed after this period.

Any individual for which we hold information can email [bremcare@outlook.com](mailto:bremcare@outlook.com) and request a) Removal / Erasure; b) Rectification; c) Restriction of use; or d) raise an objection to the data being held. Confirmation of erasure will be sent to the recipient requesting removal.

CCTV is only used in communal areas of our sites for security purposes. It is feasible that people under the age of 18 will enter these communal areas and will therefore be captured on CCTV. Data is stored on a device at BremCare's office and not on the site in which the CCTV is located. As the CCTV is from communal areas that could contain many people coming and going, it is not possible to remove an individual from the stored images. If a request is made under the Data Protection Act (2018) for removal of an individual, BremCare will attempt facial distortion of the data and overwrite the undistorted data.

CCTV data is retained for a period to cover security requirements and this could be for up to 36 months.

All data protection issues are currently dealt with by David Sheppard who can be contacted at [dave.sheppard@pci-ltd.co.uk](mailto:dave.sheppard@pci-ltd.co.uk). To meet with GDPR requirements, David Sheppard is the Data Controller for the BremCare.

For any queries relating to data held or processed by BremCare, please contact David Sheppard at [dave.sheppard@pci-ltd.co.uk](mailto:dave.sheppard@pci-ltd.co.uk). Alternative routes are by post to David Sheppard, c/o BremCare Limited, 17 Wigley Road, Feltham, TW17 5HD or for verbal communications 01285 860158.

You can also complain directly to the Supervisory Authority – The Information Commissioners Office. Their address is Wycliffe House, Water Lane, WILMSLOW, Cheshire, SK9 5AF; Tel: 03031231113 (local rate) or 01625 545745 (national number).

## Website Privacy Policy

BremCare is incorporated in England. Companies House registration number 11561076, ICO data protection Register number ZA537548.

This section of the Privacy Policy describes out how we collect personal information from you and how the personal information you provide is processed by us. By visiting the [BremCare website](#) (hereinafter referred to as the Website) you are accepting and consenting to the practices described in this Privacy Policy. If you do not consent, please do not submit any personal data to us.

### 1. What information does BremCare hold and how will we use it?

#### 1.1 Information you give BremCare

You may give us information about you by completing enquiry forms on the website or by requesting via the website that we send you marketing information. The information you give us may include your name, email address, address/location and phone number

We will retain this information while we are corresponding with you or providing services to you or to a Service User you represent. We will retain this information for a period of up to 36 months in accordance with the Retention of Care Records defined in the Care Quality Commission's guidance. This guidance also cross-references with the Data Protection Acts of 1998 and 2008.

#### 1.2 Information BremCare Ltd collects about you

BremCare may collect the following information from you when you visit the website:

- Technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
- Information about your visit, including the full Uniform Resource Locators (URL), clickstream to, through and from the website (including date and time), products you viewed or searched for, page response times, website errors, length of visits to certain pages, page interaction information, methods used to browse away from the page and any phone number used to call our helpline.

We retain this information for 36 months in accordance with the Retention of Care Records defined in the Care Quality Commission's guidance. This guidance also cross-references with the Data Protection Acts of 1998 and 2008.

#### 1.3 Information we receive from other sources

This includes information we receive about you when you use other websites operated by us or other services we provide. This information may include your name, email, address, postal address and phone number. We will retain this information for a period of up to 36 months in accordance

with the Retention of Care Records defined in the Care Quality Commission's guidance. This guidance also cross-references with the Data Protection Acts of 1998 and 2008.

## **Confidentiality and Sharing of Information Policy and Procedures**

### **1. Introduction**

- 1.1 BremCare is fully committed to ensuring that we maintain information securely and that if we share information it is in accordance with our legal, statutory and common law duties, and that it meets the requirements of any additional guidance.
- 1.2 This policy has been written to set out clear and consistent principles that satisfy the requirements of the law that all staff follow when using and sharing personal information.

### **2. Policy Application**

- 2.1 This policy applies to all members of staff providing services on behalf of BremCare.
- 2.2 This policy covers paper, verbal and computer-based information.

### **3. Legal Duties**

- 3.1 The principles outlined in this policy are recommended good standards of practice or legal requirements.
- 3.2 This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004; 'Working Together to Safeguard Children' 2018, common law duty of confidence, the Human Rights Act 1998, the Data Protection Act 2018, the Postal Services Act 2000, General Data Protection Regulations (GDPR) (2018).
- 3.3 BremCare seeks to ensure that we apply the Information Commissioner's Code of Practice's 'Fair Processing' and 'Best Practices' Standards and adhere to/demonstrate a commitment to achieving the appropriate compliance with the Data Protection Act 2018
- 3.4 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduced new elements to the data protection regime, superseding the Data Protection Act 1998. The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

### **4. Organisational Responsibility**

- 4.1 BremCare is responsible for ensuring that organisational measures are in place to protect the security and integrity of personal information and that staff are properly trained to understand their responsibilities and comply with the law.

### **5. Matters Relating to Young People**

- 5.1 All young people provided with services by BremCare are entitled to privacy and have the right to have information about them kept confidential.
- 5.2 All information, whether verbal or in writing, is managed sensitively, giving paramount consideration to the welfare and safety of young people.
- 5.3 It is our staff member's responsibility to ensure that information pertaining to young people is protected, and that only those who have a legal right, are given access.
- 5.4 Staff are made aware of the importance that information held on young people is not the property of their parent(s)/carer(s) and that they do not automatically have the right to see a young person's file.

5.5 Wherever possible, we encourage young people to read and contribute to the records kept about them. They are encouraged to endorse individual records and/or record dissent where appropriate.

5.6 Additionally, staff explain that there is a closed section in each young person's file and that "third party" information is kept in this section and is not available to them.

## **6. Disclosure and sharing information with colleagues and other agencies - Individual Responsibilities**

6.1 Every individual working for BremCare knows that they are personally responsible for the safekeeping of any information they obtain, handle, use and disclose.

6.2 They know how to obtain, use and share information they legitimately need to do their job.

6.3 They are aware of their obligation to request proof of identity or takes steps to validate the authorisation of another before disclosing any information requested.

6.4 We always uphold the general principles of confidentiality, follow the guidelines set out in this policy and seek advice when necessary.

6.5 All staff are aware that any violation of privacy or breach of confidentiality may be considered unlawful. Disclosure of personal information, which cannot be justified on legal or statutory grounds, whether inadvertently or intentionally, could be subject to disciplinary action which could lead to their dismissal. Criminal proceedings might also be brought against that individual.

6.6 In requesting release and disclosure of information from other agencies, staff will not seek to override the procedures which each organisation has in place to ensure that information is not disclosed illegally or inappropriately. This responsibility also extends to third party disclosures; any proposed subsequent reuse of information which is sourced from another agency should be approved by the source organisation.

## **7. Disclosure of confidential information in exceptional circumstances**

7.1 All information is kept confidential unless disclosure has been consented to by the subject young person or disclosure is in the public interest e.g. the disclosure will help to protect a young person or others from being harmed or a criminal offence being committed there are exceptions.

- The public interest in young person protection overrides the public interest in maintaining confidentiality, e.g. if there is a risk of harm to the young person or others, then the law permits the disclosure of confidential information necessary to safeguard a young person/ people.
- Where there are concerns about the safety of a young person, the sharing of information in a timely and effective manner between organisations can improve decision-making so that actions taken are in the best interests of the young person. We recognise that the GDPR and Data Protection Act 2018 place duties on organisations and individuals to process personal information fairly and lawfully; they are not a barrier to sharing information, where the failure to do so would cause the safety or well-being of a child to be compromised. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.
- Disclosure will be justified in each case, for example to provide information to professionals from other agencies working with the young people, and where possible and appropriate, the agreement of the person concerned should be obtained. The most

important consideration is whether sharing information is likely to support the safeguarding and protection of a young person.

- Staff will make it clear to young people, that confidentiality may not be maintained if the disclosure will be appropriate for the purpose and only to the extent necessary to achieve that purpose. It will be explained that their safety is the paramount concern and therefore, if they, or any other person, would be at risk of significant harm unless the information is disclosed.

## **8. Storage and Security of Information**

### **Written Information**

- 8.1 At all times written information must be securely maintained within the appropriate locked filing cabinets in secure staff offices and not be available for unauthorised viewing.

### **Electronic Information**

- 8.2 Electronic information must also be securely stored using BremCare's approved computer systems and secure e-mail addresses.

### **Young People's Post**

- 8.3 It is against the law to open mail that is intended for someone else (s84. Postal Services Act 2000).
- 8.4 Mail addressed to young people must not be opened by staff unless express written consent has been given by the child/young person (or an order of a court has given permission for this to happen)
- 8.5 All young people must be made aware that they must not open mail addressed to other young people or those unknown to them. This is particularly important for those young people who are not staffed on a 24 hour basis.
- 8.6 If mail arrives which is not addressed to an individual young person, it must be handed to the manager.

## **9. Privacy**

- 9.1 Staff must uphold young people's right to privacy in respect of their individual rooms, knocking and announcing who they are prior to being given permission to enter. In exceptional circumstances where staff are genuinely concerned for a young person's safety they may enter without permission. However, this is the exception. This information will all be entered into the daily log book and the young person's social worker will be informed.
- 9.2 Staff will also respect young people's need for privacy by not entering bathrooms/toilets unless the young person is considered to be at risk.
- 9.3 Young people in our accommodation have access to a phone to use for contact with their families/guardians/key kin, social worker and children's rights organisations such as the Children's Commissioner, NSPCC and Voice.

## **10. Matters relating to BremCare**

- 10.1 All matters relating to BremCare are confidential and must not be discussed with external parties. The exceptions to this are the placing local authority, social worker, parents (where it is safe and appropriate to do so) and those carrying out Local Authority Quality Assurance Inspections.
- 10.2 Nothing in this policy/guidance should prevent the reporting of criminal acts, professional misconduct or acts contrary to the welfare of young people, physical, sexual or emotional



abuse, racist, sexist or homophobic comments or behaviour, breaches of the Children's Home Regulations or any other applicable regulations, and any other activity, action, omission or circumstance which jeopardises the welfare of the young people or the reputation of the accommodation/organisation. Such matters should be reported initially to the appropriate line manager and/or the On-Call Manager.

## Cookie Policy

### 1. Introduction

This cookie notice is for visitors to our websites, apps and other digital platforms. It sets out how we use cookies. Information collected by cookies is now classed as personal data.

### 2. What are cookies?

For most modern websites to work properly, it needs to collect certain basic information on its users. To do this, a website will create files known as cookies. These are small text files that are stored on the device from which you accessing our site. These cookies are designed to allow the website to recognise its users on subsequent visits, or to authorise other designated websites to recognise these users for a particular purpose.

Cookies are primarily there to make your experience of the Internet much smoother and more interactive. For example, they are used to remember your preferences on sites you visit often, remember User IDs, maybe the contents of a shopping basket and to help you navigate between pages more efficiently. They also help ensure that the advertisements that you see online are more relevant to you and your interests. Some data collected is designed to detect browsing patterns and approximate geographical location to improve user experience.

### 3. How do we use cookies?

We do our utmost to respect users' privacy. We use cookies to monitor and improve our services and to tailor your experience of using our site based on your usage. We may sometimes include links on our site to goods and services offered by third parties. Cookies may be used to track your visits to third party sites so that we can monitor the effectiveness of the links.

Your experience of our site could be adversely affected if you opted out of the cookies we use, but you can of course opt-out.

### 4. What types of cookie are there and which ones do we use?

There are two types of cookie that we may use:

- **Persistent cookies** remain on a user's device for a set period of time specified in the cookie. They are activated each time that the user visits the website that created that particular cookie.
- **Session cookies** are temporary. They allow website operators to link the actions of a user during a browser session. A browser session starts when a user opens the browser window and finishes when they close the browser window. Once you close the browser, all session cookies are deleted.

### 5. How do I manage my cookies?

You should be aware that any preferences will be lost if you delete all cookies and many websites will not work properly or you will lose some functionality. We do not recommend turning cookies off when using our website for these reasons.

Most browsers accept cookies automatically, but you can alter the settings of your browser to erase cookies or prevent automatic acceptance if you prefer. Generally you have the option to see what cookies you've got and delete them individually, block third party cookies or cookies from particular sites, accept all cookies, to be notified when a cookie is issued or reject all cookies. Visit the 'options' or 'preferences' menu on your browser to change settings, and check the following links for more browser-specific information.

It is possible to opt out of having your anonymised browsing activity within websites recorded by performance cookies.

You can also change your consents to the use of cookies at any time by clicking on <http://www.youronlinechoices.com/uk/your-ad-choices>. This will give you a list of all cookies that are currently set on your device and how to opt out of each of them. Please note that this list will contain more networks than just found on independent.co.uk.

If you choose not to receive our cookies, we cannot guarantee that your experience will be as fulfilling as it would otherwise be.