

ELIZABETH FINN HOMES LIMITED

exceptional care for the individual

Copies of all EFHL HR Policies can be found on the Intranet. All EFHL Staff are subject to EFHL HR Policies. EFHL HR Policies are non-contractual, are reviewed regularly and may be subject to change. All queries on the application or interpretation of this policy should be raised with the Head of Department or HR.

10.7 – General Data Retention

1. Introduction

This Retention Policy applies to Elizabeth Finn Homes Limited (EFHL). This Policy covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

For the purpose of this Policy, the terms ‘document’ and ‘records’ include information in both hard copy and electronic form and have the same meaning.

In certain circumstances it will be necessary to retain specific records in order to fulfil statutory or regulatory requirements and to meet operational needs. Any retention of specific records should be retained under the retention period specified in Retention of Records Schedule.

Data Protection Legislation means the amended Data Protection Act 2018 (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the Data Protection Act 2018 (UK GDPR). This includes any replacement legislation coming into effect from time to time. Where appropriate for EU residents, good or services, it includes EU GDPR.

Please refer to the EFHL Retention of Data Schedule for details on retention periods.

2 Scope

EFHL is bound by various obligations with regard to the Documentation and electronic data it retains. These obligations include the period of retention for Documentation and when and how this Documentation is disposed.

Article 5 of the Data Protection Act 2018 (UK GDPR) states “personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”. The purpose of this Policy is to ensure that necessary records, documents and electronic data of EFHL are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of Documentation.

EFHL will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

This policy covers all personal data that EFHL holds or has control over. This includes physical data such as hard copy documents, contracts, notebooks, letters and invoices. It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings. This policy covers data that is held by third parties on behalf of EFHL, for example cloud storage providers or offsite records storage.

3 Legal obligation

Issued: Jan 2020

Review: Jan 2020, May 2023

Revised: Jul 2021 (change from GDPR to UK GDPR only)

- The Data Protection Act 2018 (UK GDPR)
- Freedom of Information Act 2000 (FOI)
- Limitation Act 1980
- Companies Act 2006
- The Waste Electric and Electronic Equipment Regulations 2013
- EU General Data Protection Regulation (EU GDPR) only where applicable

4 Retention Procedure

All decisions relating to the retention and disposal of Documents should be taken in accordance with this Policy and the EFHL Retention of Data Schedule.

In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of the record.

5. Retention of Digital Data

Digital data is retained both in the 'cloud' (for Access Care and Clinical, eMAR and similar cloud hosted systems) and by the IT Department for other systems. In addition to services provided to EFHL, the IT department offers services to its parent Elizabeth Finn Care (t/a) Turn2us. Retention of data for Turn2us is governed by Turn2us.

The details of the specific security and retention of data periods for the IT Department is held in a separate document 'Retention of Data and Associated Periods'.

6. Archiving and Retention of Documentation

Archiving is defined as the process by which inactive data, in any format is securely stored for long periods of time in accordance with a retention schedule.

EFHL archives paper records on site for a period of twelve months in a secure location, at the end of the twelve months all documentation is retained securely on site if there is sufficient secure storage location available or transferred to a secure storage provider.

There may be exceptions where documentation will need to be retained for longer periods at site, in these instances the General Manager will be responsible for ensuring that the documentation is held in a safe and secure location.

7. Archiving Process

Managers will manage which documents need to be retained in accordance with the retention schedule. In archiving, duplicates should be removed along with any unnecessary papers. Papers to be retained will be stored in clearly labelled Standard Archiving Boxes.

8. Disposal of Records

Any record containing confidential information must either be disposed of by a confidential waste provider or shredded using a cross-cut shredder.

Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.

Records of disposal should be maintained by each care home and should detail as a minimum the document disposed of, the date of disposal and the disposal authority.

9. Disposal of Electrical Hardware

IT equipment and devices that have the ability and capability to store personal data include:

- PC's
- Laptops
- Mobile Phones

- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

IT equipment disposal must be managed by the IT department with all equipment being returned to them.

All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.