



Review Sheet		
Last Reviewed 25 Sep '19	Last Amended 25 Sep '19	Next Planned Review in 12 months, or sooner as required.
Business impact	<p>These changes require action as soon as possible.</p>	
Reason for this review	Scheduled review	
Were changes made?	Yes	
Summary:	<p>Policy renamed to 'Website Privacy and Cookies Policy and Procedure'. It governs the collection and processing of personal data collected via an organisation's website. If Professional Carers collects personal data via its website, it should review, adapt and upload this Privacy Policy to its website. The template Cookie Policy explains to website users what cookies will be set. Professional Carers should pay particular attention to the guidance in this area.</p>	
Relevant legislation:	<ul style="list-style-type: none"> • The Privacy and Electronic Communications (EC Directive) Regulations 2003. • General Data Protection Regulation 2016 • Data Protection Act 2018 	
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: Information Commissioner's Office, (2018), <i>Guide to the General Data Protection Regulation (GDPR)</i>. [Online] Available from: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/ [Accessed: 9/25/2019 12:00:00 AM] • Author: Information Commissioner's Office, (2018), <i>Cookies</i>. [Online] Available from: https://ico.org.uk/for-the-public/online/cookies/ [Accessed: 9/25/2019 12:00:00 AM] 	
Suggested action:	<ul style="list-style-type: none"> • Notify relevant staff of changes to the policy • Encourage sharing the policy through the use of the QCS App • Establish process to confirm the understanding of relevant staff 	



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1. Purpose

1.1 The purpose of this policy is to provide a details of its privacy notices and cookie procedures. The Privacy Policy will apply to all users of the website of Professional Carers. Following recent guidance from the Information Commissioner's Office (ICO), the Cookie Policy has been updated to include further detail on the cookies that Professional Carers is required to give to users of its website. This policy is a standalone document and is intended to form part of a layered Privacy Policy.

1.2 By using the template Privacy Policy provided, Professional Carers will ensure that the policy on its website is GDPR compliant.

1.3 To support Professional Carers in meeting the following Key Lines of Enquiry:

Key Question

Key Line of Enquiry (KLOE)

WELL-LED

W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.4 To meet the legal requirements of the regulated activities that Professional Carers is registered to provide:

- The Privacy and Electronic Communications (EC Directive) Regulations 2003.
- General Data Protection Regulation 2016
- Data Protection Act 2018



2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS



3. Objectives

3.1 The objective of this policy is to provide assurance that Professional Carers has a Privacy Policy in place for users of its website that is GDPR compliant.

3.2 This policy will assist with establishing ways of working in terms of the use, storage, retention and security of personal data and will ensure that all Data Subjects, including Service Users, understand the ways in which personal data collected by Professional Carers via its website is processed.



4. Policy

4.1 Professional Carers understands that if it operates a website, it may need to update its Privacy Policy to ensure that it is compliant with GDPR. Professional Carers understands that this Privacy Policy only needs to be updated by Professional Carers to its website if it collects personal data via its website.

If Professional Carers uses personal data collected via its website in a way that is not described in the Privacy Policy, it will consider incorporating additional sections.

This Privacy Policy directs users to a webpage with a contact form or contact details if they wish to contact Professional Carers. Professional Carers will consider whether to provide an alternative contact method instead, such as an email address and/or phone number.

If Professional Carers has any concerns or queries in respect of the template Privacy Policy, it will seek legal advice.

4.2 GDPR has changed the way cookies should be incorporated into websites which means that Professional Carers must explain what cookies will be set and what the cookies will do to the users of its website. Professional Carers must obtain consent from individuals to store certain cookies on devices. Cookies that are not strictly necessary need consent which is GDPR compliant which means that Professional Carers can no longer rely on implied consent.

4.3 Professional Carers should, therefore, update its processes for collecting consent for cookies. In practice this means:

- Users must take a clear and positive action to consent to non-essential cookies
- The websites and apps of Professional Carers must tell users clearly what cookies will be set and what they do, including any third-party cookies
- Pre-ticked boxes or any equivalents, such as sliders defaulted to “on”, cannot be used for non-essential cookies
- The users at Professional Carers must have control over any non-essential cookies; and
- Non-essential cookies must not be set on landing pages before you gain the user’s consent

Consent is not required for cookies that are defined as “strictly necessary” or that fall within the communication exemption. “Strictly necessary” cookies are those that are essential to providing the service requested by the user. Such cookies must be essential to fulfil their request. Those that are simply helpful or convenient, but not essential, or that are essential for the purposes of Professional Carers, will still require consent. The communication exemption is about the transmission of a communication over an electronic communications network. For the exemption to apply, the transmission of the communication must be impossible without the use of the cookie. Simply using a cookie to assist the communication is insufficient for the exemption to apply.



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Professional Carers should note, in particular, that cookies used for analytical purposes or those used for marketing and advertising will always need consent as they are considered to be non-essential. This guidance may change as the latest draft legislation is subject to some challenges on this point.

Professional Carers should read the ICO's cookie guidance available at: <https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/> for further information on the types of cookie that require consent.



5. Procedure

5.1 Professional Carers will consider whether or not it collects personal data via its website (for example, via enquiry forms, requests to be sent newsletters, requests for provision of services) and whether it needs a Privacy Policy. Professional Carers acknowledges that the use of cookies constitutes processing of personal data via the website.

5.2 Professional Carers will review the template Privacy Policy. Professional Carers will adapt the Privacy Policy before uploading it to its website to ensure that all aspects of the Privacy Policy are relevant and reflect the ways in which Professional Carers processes personal data collected via its website. Where Professional Carers has any concerns or queries in relation to its own Privacy Statement, Professional Carers will seek legal advice.

5.3 Professional Carers should use the template Fair Processing Notice to inform all other Data Subjects, including Service Users, about how Professional Carers processes personal data other than personal data collected via the website.



6. Definitions

6.1 Data Subject

- The individual about whom Professional Carers has collected personal data

6.2 Data Protection Act 2018

- The Data Protection Act 2018 is a United Kingdom Act of Parliament that updates data protection laws in the UK. It sits alongside the General Data Protection Regulation and implements the EU's Law Enforcement Directive

6.3 GDPR

- **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It was adopted on 14 April 2016 and after a two-year transition period became enforceable on 25 May 2018

6.4 Personal Data

- Any information about a living person including but not limited to names, email addresses, postal addresses, job roles, photographs, CCTV and special categories of data, as defined below

6.5 Process or Processing

- Doing anything with personal data, including but not limited to collecting, storing, holding, using, amending or transferring it. Professional Carers does not need to be doing anything actively with personal data - at the point Professional Carers collects it, it is processing it

6.6 Special Categories of Data

- Has an equivalent meaning to "Sensitive Personal Data" under the Data Protection Act 2018. Special categories of data include but are not limited to medical and health records (including information collected as a result of providing health care services), Care Plans and information about a person's religious beliefs, ethnic origin and race, sexual orientation and political views

6.7 Cookies

- Cookies are small files which are stored on a user's computer. They are designed to hold a modest amount of data specific to a particular client and website and can be accessed either by the web server or the client's computer

6.8 The Information Commissioner's Office (ICO)

- The ICO is the UK's independent body set up to uphold information rights



Key Facts - Professionals

Professionals providing this service should be aware of the following:

- The Privacy Policy applies to personal data collected via the website of Professional Carers



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- Personal data provided to Professional Carers via its website will be processed in accordance with the Privacy Policy at Professional Carers



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

What are cookies? <http://www.bbc.co.uk/webwise/guides/about-cookies>

ICO cookie guidance: <https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/> It is important for Professional Carers to note that the ePrivacy Regulation which is currently in the draft stage may change the way that consent is required for certain cookies, including analytic cookies. At the time of updating this policy, the draft suggests that using analytic cookies as a simple first-party data analytics tool to learn about website audiences in a non-intrusive way may not require explicit consent. The proposal suggests that cookie consent can be exempted when the data tracked is purely for analytical purposes and the data collected cannot identify an individual. However, it is yet unclear whether external services, such as Google Analytics will benefit from this exemption.

If Professional Carers only uses analytical cookies for the purpose of learning about website audiences and its website is low risk, we suggest that Professional Carers may want to wait until the final draft of the ePrivacy Regulation is adopted, further guidance is issued, and website developers have the tools required before updating its cookie banner to seek explicit consent for analytic cookies.



Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Website Privacy Statement - GDPR08	When the Provider has a website.	QCS
Cookies Example Policy Statement - GDPR08	When Professional Carers has no information on the use of cookies on its website (a Cookie Policy). It can be used with the Website Privacy Statement.	QCS



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Professional Carers
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We are Professional Carers, a [company] incorporated in [England and Wales] [Scotland]. Our company number is [7617005] and our registered address is 221 Seaview Road

Wallasey
Wirral
Wirral
CH45 4PD
UK

("Professional Carers" / "we" / "our" / "us"). We are committed to ensuring that your privacy is protected. We comply with the General Data Protection Regulation ((EU) 2016/679) ("GDPR") unless and until the GDPR is no longer directly applicable in the UK, together with any national implementing laws, regulations and secondary legislation as amended or updated from time to time in the UK, and any successor legislation to the GDPR and the DPA (together "Data Protection Legislation"). We are the data controller of data you pass to us pursuant to this policy. Our Data Protection Officer can be contacted on 0151 639 4500 or via email to info@professional-carersco.uk.

This Privacy Policy [together with our website terms and conditions and Cookie Policy] sets out how we collect personal information from you and how the personal information you provide will be processed by us. By visiting the website at www.professional-carers.co.uk (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.

What information does Professional Carers hold and how will we use it?

Information you give Professional Carers: You may give us information about you by completing enquiry forms on the website. The information you give us may include your name, email address, address/location and phone number.

we are corresponding with you or providing services to you or to a Service User you represent. We will retain this information for no longer than absolute necessary, and no longer than 6 years.

Information Professional Carers collects about you: Professional Carers 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

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.

Cookies

The Website uses cookies to distinguish you from other users of the website. For detailed information on the

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cookies we use and the purposes for which we use them, we operate a Cookie Policy *which can be obtained by speaking to the relevant branch.*

Use Made of the Information

Professional Carers may use the information we receive and/or collect about you to:

- Fulfil our obligations under any contract that we have entered into with you or with a Service User that you represent, and to provide you or the relevant Service User with information or services that you or the Service User has requested.
- Notify you of products and services that we feel may interest you, or permit third parties to do so if you have provided the appropriate consent
- Monitor website usage and provide statistics to third parties for the purposes of improving and developing the website and the services we provide via the website

Professional Carers processes personal information for certain legitimate business purposes, which include some or all the following:

- Where the processing enables Professional Carers to enhance, modify, personalise or otherwise improve the website, its services or communications
- To identify and prevent fraud
- To enhance the security of the network and information systems of Professional Carers
- To better understand how people interact with the websites of Professional Carers
- To administer the website and carry out data analysis, troubleshooting and testing; and
- To determine the effectiveness of promotional campaigns and advertising

If we obtain consent from you to do so, we may provide your personal details to third parties so that they can contact you directly in respect of services in which you may be interested.

Where we are processing personal data that we have obtained via the website on the basis of having obtained consent from you, you have the right to withdraw your consent to the processing of your personal data at any time. If you would like to withdraw your consent or prefer not to receive any of the above-mentioned information (or if you only want to receive certain information from us) please let us know by contacting us via the following webpage www.professional-carers.co.uk.

Please bear in mind that if you object, this may affect our ability to carry out the tasks above for your benefit.

If you wish to have your information removed from our database or if you do not want us to contact you for marketing purposes, please let us know by clicking the "Unsubscribe" option in any email we send to you and providing the details requested or by contacting us via the following webpage [*insert webpage link*] and we will take steps to ensure that this information is deleted as soon as reasonably practicable.

We will not share, sell or distribute any of the information you provide to us (other than as set out in this policy) without your prior consent, unless required to do so by law.

We may carry out automated decision-making using the personal data you provide to us.

Third Party Sites

Our website may contain links to third party websites, including websites via which you are able to purchase products and services. They are provided for your convenience only and we do not check, endorse, approve or agree with such third-party websites nor the products and/or services offered and sold on them. We have no responsibility for the content, product and/or services of the linked websites. Please ensure that you review all

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terms and conditions of website use and the Privacy Policy of any such third-party websites before use and before you submit any personal data to those websites.

How Safe is your Information?

Where we have given you (or where you have chosen) a password which enables you to access certain parts of the website, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Protecting your security and privacy is important to us and we make every effort to secure your information and maintain your confidentiality in accordance with the terms of the Data Protection Legislation. The website is protected by various levels of security technology, which are designed to protect your information from any unauthorised or unlawful access, processing, accidental loss, destruction and damage.

We will do our best to protect your personal data but the transmission of information via the Internet is not completely secure. Any such transmission is therefore at your own risk.

Disclosure of your Information

We may share your personal information with any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the Companies Act 2006. We may share your information with selected third parties including:

- Business partners, suppliers and sub-contractors for the performance of any contract we enter with them or you
- Third parties who may wish to contact you in respect of services or products they offer or sell which may be of interest to you, provided we receive your consent to such disclosure; and/or advertisers and advertising networks that require the data to select and serve relevant adverts to you and analytics and search engine providers that assist us in the improvement and optimisation of the website

Please note we may need to disclose your personal information where we:

- Sell any or all our business or assets or we buy another business or assets in which case we may disclose your personal data to the prospective buyer or seller
- Are under a legal duty to comply with any legal obligation or to enforce or apply our terms and conditions; or
- Need to disclose it to protect our rights, property or the safety of our customers or others, including the exchange of information with other companies, organisations and/or governmental bodies for the purposes of fraud protection and credit risk reduction

Your Rights in Respect of your Data

If any of the information you provide to us via the website changes, please let us know as soon as possible so that we can make the necessary changes to the information we hold for you on our database. If you wish to make any changes to your information, please contact us via the following webpage [insert webpage link].

If you wish to access or rectify the information we hold about you, or request that such information be transmitted directly to another data controller, please contact us via the following webpage [insert webpage link]. We shall process your request to access your information within one month of receipt, or we'll let you know within that timeframe if we need more information from you. We will process your request free of charge.

To request that your information is deleted or if you wish to restrict or object to the processing of your information,

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please contact us via the following webpage www.professional-carers.co.uk.

If you have any complaints about our use of your personal data, please contact us. You also have the right to complain to the relevant supervisory authority in your jurisdiction. In the UK, the supervisory authority is the Information Commissioner's Office. Contact details for the ICO can be found at <https://ico.org.uk/>.

If you have any further queries or comments on our Privacy Policy, please contact us via the following webpage www.professional-carers.co.uk or you can contact us by emailing info@professional-carers.co.uk. We also welcome your views about our website and our Privacy Policy

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COOKIES WEBSITE STATEMENT

Cookies are small text files which a website may put on your computer or mobile device when you first visit the website. The cookies will help the website recognise your device the next time you visit. Web beacons or other similar files can also do the same thing. We use the term “cookies” in this policy to refer to all files that collect information in this way.

We use cookies to distinguish you from other users of the website. This helps us to provide you with a good experience when you use the website and also allows us to improve the services we provide to you. On revisiting the website, we will be able to obtain information about your previous visits and about your computer including where available, your IP address, operating system and browser type, for system administration.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are essential in order to enable you to move around the website and use its features, such as accessing secure areas of the website. Disabling them may mean you are not able to access parts of our website.
- **Functionality cookies.** These cookies are used to recognise you when you return to our website and to remember changes you have made to things such as text size, fonts and other parts of the website you can change so we can personalise our content for you.

Where we collect personal data as part of our use of cookies on the website, we will do so in accordance with our Privacy Policy.

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