*Data Protection Policy*

*31/03/24*



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Policy Aims

This document outlines Anele Health and Beauty's commitment to legal compliance and ethical practices in the processing of personal data. Our objective is to ensure that all personal data handled by our clinic is managed responsibly and in accordance with applicable laws.

*Policy Aims:*

1. **Lawful Collection and Processing:** To ensure that personal data is collected, stored, and processed only for justifiable reasons under the law. This includes ensuring an appropriate legal basis or informed consent is obtained for its use.
2. **Purpose Limitation and Consent:** To ensure that personal data is not combined with other data or used for purposes other than originally intended without appropriate legal basis or explicit consent from the data subject.
3. **Limited Access and Legitimate Use:** To restrict access to personal data solely to individuals who have a legitimate reason for such access, thereby safeguarding the privacy and rights of the data subjects.
4. **Secure Storage:** To maintain robust security measures for storing personal data, protecting it against unauthorized access, loss, or damage.
5. **Data Retention and Disposal:** To retain personal data only for a predefined time period, as necessary for the purposes for which it was collected, and to ensure its secure disposal once it is no longer needed.
6. **Controlled Disclosure and Transfer:** To prevent the disclosure of personal data to unauthorized persons, ensuring that any transfer of data to authorized individuals is properly documented and conducted in compliance with legal requirements.

# **Data Protection**

1. ***Purpose:***

This policy ensures Anele Health and Beauty's compliance with data protection principles, governing the ethical and legal handling of personal data.

1. ***Scope:***

This policy applies to all personal and sensitive personal data related to identifiable individuals, encompassing all staff, contractors, and third parties associated with Anele Health and Beauty.

1. ***Commitment to Data Protection:***

**Achieving the Policy's Aim**: To fulfil the overall aim of the Data Protection Policy, Anele Health and Beauty will:

* Provide adequate resources to support an effective corporate approach to data protection.
* Uphold the confidentiality of all personal information, irrespective of its source.
* Actively publicize Anele Health and Beauty’s commitment to data protection.
* Develop and maintain appropriate procedures and codes of practice.
* Promote general awareness and provide specific training, advice, and guidance to all levels of its workforce.
* Regularly monitor and review compliance with legislation, national policy, and guidance, making necessary changes to policies and procedures.
1. ***Definitions:***
* **Personal Data:** Data relating to an identifiable living individual, including opinions about the individual and intentions of the data controller or others regarding the individual.
* **Sensitive Personal Data:** Data about racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sexual life, and criminal offenses.
1. ***Data Protection Principles:***
* Lawfulness, Fairness, and Transparency**:** Personal data shall be processed lawfully, fairly, and in a transparent manner in relation to the data subject.
* Purpose Limitation**:** Data is collected for specified, explicit, and legitimate purposes and not processed further in a manner incompatible with those purposes.
* **Data Minimisation:** Data processing shall be adequate, relevant, and limited to what is necessary for the purposes for which they are processed.
* **Accuracy:** Personal data must be accurate and, where necessary, kept up to date; inaccurate data must be erased or rectified without delay.
* **Storage Limitation:** Data shall be kept in a form permitting identification of data subjects for no longer than necessary, with provisions for longer storage under specific conditions.
* **Integrity and Confidentiality:** Personal data must be processed securely, protecting against unauthorized or unlawful processing, accidental loss, destruction, or damage.
* **Accountability:** The data controller is responsible for and must be able to demonstrate compliance with the above principles.
1. ***Implementation Strategies:***
* **Adherence to Data Protection Principles:** Compliance with GDPR Article 5 and DPA principles in all data processing activities.
* **Engagement with The Information Commissioner’s Office:** Recognizing the role of the Information Commissioner in administering data protection in the UK, including ensuring legal compliance, respecting privacy rights, maintaining a register of data users, and investigating complaints.
* **DPO Consultation for Data Changes:** Consulting with the Data Protection Officer (Elena Caraman) for changes or new uses of personal data.
* **Ensuring Data Access and Use Compliance:** This policy applies to all who access personal data, including third parties. Unauthorized access, copying, disclosure, destruction, alteration, or interference with data is strictly prohibited.
* **Upholding Data Subject Rights:** Ensuring data subjects' rights to access, update, and erase their data, and to be informed about data processing activities.
* **Monitoring and Evidence of Compliance:** Regularly monitoring and documenting compliance with data protection laws and this policy.
1. ***Access and Use of Personal Data:***

**Applicability of the Policy:** This policy is applicable to everyone who has access to personal data at Anele Health and Beauty. This includes any third parties or individuals who perform work on behalf of Anele Health and Beauty or who have access to personal data for which Anele Health and Beauty is responsible. All such persons are required, contractually or otherwise, to comply with this policy.

**Prohibition of Unauthorized Activities:** Deliberate unauthorized access, copying, disclosure, destruction, alteration, or interference with any computer equipment or data at Anele Health and Beauty is strictly forbidden and may constitute a criminal offense or a disciplinary offense.

1. ***Roles and Responsibilities in Data Protection at Anele Health and Beauty***

**Data Subjects:** These are the natural persons about whom Anele Health and Beauty retains information.

**Accountability and Oversight:** Ultimate accountability for all decisions related to Data Protection rests with the partners at Anele Health and Beauty. They are responsible for ensuring that adequate resources are provided to support the requirements of this policy and for making strategic decisions that impact how Anele Health and Beauty fulfils its obligations under data protection legislation.

1. ***Data Controller and Data Protection Officer at Anele Health and Beauty***

Elena Caraman, serving as the Data Protection Officer (DPO, provides advice and guidance on legal compliance and best practices in data protection. Her advice is essential for all new or changed data uses, and any deviations from her advice must be formally recorded. Elena Caraman acts as a liaison between the Information Commissioner’s Office (ICO) and Anele Health and Beauty, as well as between the public and Anele Health and Beauty. She also serves as an independent reviewer/advisor on complaints and leads in raising awareness of data protection issues within the organisation. All relevant information is passed to her to enable the provision of adequate advice.

The opinion of the DPO is given significant weight, and in cases of disagreement, the reasons for not following her advice are recorded and formally communicated. She must be promptly consulted in the event of a data breach or any other incident posing a significant risk to individuals' rights and freedoms.

1. ***Collection, Accuracy, and Relevance of Data***

Anele Health and Beauty collects and records personal data from various sources, including data provided by the data subjects themselves. The data is held on Nurse Aesthetics Software, in which they have their on Data protection policies (see appendix 1 and 2)

It is the responsibility of those handling personal information to ensure it is accurate and up to date. Regular checks are made to maintain accuracy, and any inaccuracies found are rectified. Data subjects have the right to access personal data held about them and have inaccuracies corrected.

1. ***Rights to Access, Correct, and Remove Information***

Data subjects have the right to access any personal information about them that is held and to have data corrected or erased under certain conditions. Anele Health and Beauty aims to comply with requests promptly, usually within one calendar month, unless there is a valid reason for delay.

1. ***Fair and Lawful Processing***

When processing personal data, Anele Health and Beauty has a legal basis for doing so or obtains freely given, positive consent. The processing of personal information is transparent to the data subject, with information on processing easily accessible and understandable.

1. ***Data Sharing, Retention, and Disposal***

When sharing personal information with third parties, appropriate data sharing agreements or data processing agreements are in place. Personal information is not retained for longer than necessary, adhering to legal, regulatory, or specific business justifications. When disposing of information, equipment, or media, Anele Health and Beauty follows the NHS procedures on confidential waste disposal policy and procedures.

1. ***Transfer of Data Outside the EEA and Compliance with National Data Opt-Out***

The clinic also complies with the national data opt-out system for health and care data, making patients aware of their rights and ensuring data extracts for non-direct care purposes are filtered accordingly.

1. ***Rights of Data Subjects:***

All data subjects have the right to:

* Know what information Anele Health and Beauty holds and processes about them and the reasons for its storage.
* Be informed about who can access their data, with whom it is shared, and where it is stored.
* Understand how to keep their data up-to-date.
* Be aware of the actions Anele Health and Beauty takes to comply with its data protection obligations.

**Request for Data Erasure:** Data subjects may request the erasure of data that they feel is no longer relevant.

**Workforce Responsibilities:** All members of the workforce at Anele Health and Beauty, including permanent and fixed-term staff, temporary staff, and volunteers, are responsible for ensuring they have sufficient awareness of data protection law to comply with its requirements.

1. ***Responsibilities of the Workforce at Anele Health and Beauty in Data Protection***

The processing of personal data must comply with legal, industry, regulatory, and business requirements. Each individual at Anele Health and Beauty is responsible for being aware of and conversant with these requirements for appropriately processing and managing personal data.

Some data supplied by others may have handling requirements beyond Anele Health and Beauty's normal criteria. The workforce involved must be made aware of this by the Practice Manager and are then responsible for handling it correctly.

The following minimum requirements apply to everyone who comes into contact with personal data at Anele Health and Beauty:

* Ensure that personal data is processed accurately.
* Secure personal data from unauthorised viewing and access when not in immediate use.
* Avoid sending personal data to or from personal (non-work) email accounts.
* Share personal data with other relevant bodies as appropriate via internal systems and secure communication methods.
* Only distribute personal information externally if it is sent to someone with an appropriate data sharing or processing agreement with Anele Health and Beauty, and who has a legal right to access and a need to know. Such data must be securely distributed as agreed with the Data Protection Officer (DPO).
* Activate password-protected screen savers on computer systems that process, access, or store such data when left unattended, and ensure all data is encrypted at rest.
* Avoid carrying personal, sensitive, or confidential information outside Anele Health and Beauty environments wherever possible. If unavoidable, use encrypted devices and device management by Anele Health and Beauty or their appointed contractor. Paper-based documents holding personal or sensitive information must be concealed from public view in transit and held securely when stored.
* Dispose of all personal data securely, such as by shredding or secure waste disposal, when it is no longer required to be retained.
* Store personal data on removable media devices only with explicit management approval and appropriate encryption controls, and remove such data as soon as practically possible.
* Refrain from discussing personal data with unauthorised persons either inside or outside Anele Health and Beauty. This includes, but is not limited to, email, social networking sites, blogs, forums, instant messaging services, chat rooms, etc.
* Complete training on data management upon joining the organisation and as required thereafter.
1. ***Policy Compliance Monitoring:***

Anele Health and Beauty will ensure that compliance with this policy is monitored, and will maintain evidence of compliance with its legal responsibilities.

1. ***Handling Data Requests and Complaints:***

The management at Anele Health and Beauty is in charge of handling requests for data, such as Subject Access Requests and Freedom of Information Requests, and addressing complaints about data usage. They also maintain and report to the partners on these issues.

1. ***Violations and Penalties:***

Unauthorised disclosure of personal data at Anele Health and Beauty is treated as a serious disciplinary matter. Such an act may constitute gross misconduct and could result in the termination of employment.

For third parties, unauthorised disclosure of personal data may lead to the termination of the contractual relationship. In certain situations, this action might also initiate legal proceedings.

Any failure to adhere to this Data Protection Policy is considered a significant incident. Such incidents are thoroughly investigated following the procedures outlined in the NHS Security Incident Reporting Procedure.

1. ***Legal Offenses:***

It is an offense for any person to knowingly or recklessly obtain, procure, or disclose personal data without the permission of the data controller (Elena Caraman), except under certain exceptions.

**Prohibition of Data Sale:** Selling or offering to sell personal data is also an offense.