

**Data Protection**



# **Privacy Notice for Individuals using Western Care Association Services**

## **Data Protection**

Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data. Personal data means information relating to a living individual who is or can be identified from the data that is in possession of the organisation.

### **General Data Protection Regulation (GDPR)**

The General Data Protection Regulation came into force on the 25th May 2018, replacing the existing data protection framework. GDPR protects the privacy rights of individuals and places further requirements on organisations to safeguard the rights of individuals in relation to the processing of their personal data, and sets out obligations in relation to the obtaining, collecting, recording, keeping data, organising, storing, retrieving, disclosing, transmitting and retention of personal information.

Western Care Association has a responsibility to demonstrate compliance with the requirements of GDPR and to ensure that personal data is:

- Processed in a lawful, fair and transparent manner
- Processed in ways compatible with the purpose for which it was given to you initially
- Adequate, relevant and limited in terms of processing
- Kept accurate, complete and up to date
- Retained no longer than is necessary for the specified purpose or purposes
- Kept safe and secure

Being transparent and providing information to individuals about how you use their personal data is a key requirement of the EU General Data Protection Regulation (GDPR)

We are required to provide each Data Subject, by way of a Privacy Notice, with the following information, to ensure that the processing of your data is fair and transparent.

The Association will comply with the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2014

### **What is a Record?**

- A record is any form of data which is held or stored manually, mechanically or electronically.
- According to the Freedom of Information Act a record can include;- Files, memoranda, hand written notes, book, diaries, plans, maps, drawings, diagrams, photographs, films, tapes, videos, CD's, discs, databases, emails.

### **Why Keep Records?**

- To ensure the information needed to provide the best possible service is accurately recorded, regularly updated and easily retrieved
- To provide documentation evidence of care and service given to people

- To meet our legal requirements to which Western Care Association is subject to
- To form a basis for planning future services and supports
- To protect the vital interests of the data subject
- For the purpose of the legitimate interests pursued by the controller

## **Who Can See My Records?**

- Only staff working with you can access any of your records.
- We are required to provide information about you to the HSE in the event that we need to make an application for additional funding on your behalf. An example of the type of information provided is as follows, your name, DOB, narrative of the reasons why additional funding is required to include details of your living arrangements, details on supports provided by your family /the organisation, information on your disability, etc.
- If for any reason, a staff member outside the main services you receive wants to access your information, for example an external professional, you will be asked to give your specific consent for this additional access.
- Any additional use of your information, such as use of photos or recordings also requires staff to contact you and get specific consent before using or sharing that information.
- Western Care Association is subject to inspection by The Health Information and Quality Authority (HIQA) as they have responsibility to regulate the quality of services provided in residential and respite houses. During their inspection they may request to look at your key records.

## **What Records does Western Care Keep?**

These can include a number of different files;-

- A Main file held either in Head Office in Castlebar or in Ridgpool, Ballina, depending on the person's home address and the services they avail of. It contains referral information, documents received from external sources & reports.
- Electronic Records: Each person receiving support has an electronic file for all typed information. Information is also held on a Western Care Database of all the people who receive services. The types of information held on the database;- date of referral to Western Care Association, your contact details, contact details for your next of kin, your level of intellectual disability, details, GP name, your level of communication, etc.
- An Individual Planning folder is held in the main service if a person attends a day, residential or respite service. The purpose of this is to reflect the individual's personal goals, priorities and details specific supports and plans. The types of records held on this file include; financial, health, privacy and rights information. The information is reviewed by the team directly involved in supporting the person and by other organizational supports if required.
- Occasionally, there are also working files which are held by the Therapist where they are involved in supporting an individual.

- Confidential File – these are created to protect confidential information and are held securely by the Social Work department.
- Complaint File – is held where a complaint is received from the person receiving services or their family member.
- Incidents of Injury – we are obliged to record and report incidents where actual or potential harm, may occur to any person that puts them or others at risk, or results in distress, loss of freedoms, choice and opportunity, possessions or property. This information is held on a Database.
- **Archived Records:** Records are held indefinitely while people receive services. They are held for 20 years after people transfer from the service and they are held for 8 years following death. The organization has to keep records indefinitely where children have been in the care under the provision of the Child Care Act 1991, or either on a voluntary basis or under a Court Order. We also are obliged to keep records indefinitely where a case /file is under investigation or if there is a court case pending or has taken place.

#### **How are Records released to others outside Western Care?**

- Consent must always be sought in writing from the person and/or family prior to releasing records. A specific consent form will be provided setting out the purpose of the consent and details of who the records will be shared with.
- When transferring to another service provider, all relevant information will be provided with the permission of the person and/or family and authors of the reports.
- There are legal obligations which may in exceptional circumstances require the Association to maintain or share records where the consent of the person/family is not forthcoming.
- These situations are:
  - When ordered by a judge in a Court of Law or by a Tribunal established by an Act of the Oireachtas,
  - Where it is required by other legislation,
  - Where it is necessary to protect a person's welfare or vital interests,
  - Where it is urgently required to prevent injury or damage to a person's health.

#### **What is the National Ability Supports Systems (NAAS)**

The NASS is a national database that collects information about the particular health services that people with an intellectual disability currently use or need. The information is used to:

- To help plan services

- Identify services needed in the future
- See what services individuals needs the most
- Support the planning and services
- Help research in the area

### **What information is held on NASS?**

- Personal information like your date of birth,
- Nature of your disability
- Use of current services and future service needs

### **Is our Information Held Securely?**

- Under the GDPR, we have a legal responsibility to keep personal data safe and secure. Only staff with consent to do so can access your information.
- All files are kept in a secure manner.
- All electronic information is held on centrally controlled computer server and password protected.
- A central archive holds all older information in a secure manner.

### **How Can I view my File /Records?**

- You can contact either the staff you see regularly or contact the Data Protection Officer who will explain the process to you.
- Following this, you will need to put your request in writing to the Data Protection Officer.
- Once the file has been examined under the GDPR, the Data Protection Officer will contact you to arrange a suitable date and time for you to come and view your file.
- If it emerges that sensitive information or exempted information is contained in the files, you will be advised and supported to apply through the Freedom of Information route.

### **Data Subject Request**

You can request access to your records by submitting a written Data Subject Access Request to the Data Protection Officer, Western Care Association, John Moore Road, Castlebar, enclosing proof of identity, such as a copy of your driving license or passport. Records will be subject to applicable exemptions.

### **Your Individual Rights under the GDPR**

- The right to be forgotten
- The right to restriction of processing
- The right to object to certain processing
- The right to Data Portability
- The right to access your personal data
- Rights in relation to profiling and automated decision making



If you are not satisfied that Western Care Association adhered to its obligations under GDPR you can complain to the Data Protection Authority, Office of the Data Protection Commissioner, Canal House, Station Road, Portarlinton, Co. Laois, R32 AP23. Phone +353 (0761) 104 800 | LoCall 1890 25 22 31

## **Freedom of Information**

The Freedom of Information Act 2014 requires organisations such as Western Care Association to have an open and transparent attitude to the availability of information in relation to its services. It is intended to facilitate public access to information held by Western Care Association which is not routinely available by other means i.e. annual reports, information leaflets and administrative access.

Please visit our website on [www.westerncare.com](http://www.westerncare.com) for more information on Data Protection & Freedom of Information

## **Further information**

If you would like to discuss anything in this Privacy Notice, please contact:

Data Protection Officer  
Western Care Association  
John Moore Road,  
Castlebar,  
Co. Mayo.

Telephone: 094 9025133

## DEFINITIONS AND INTERPRETATION

*In this Privacy Notice Leaflet, the following terms shall have the following meanings:*

<b>Privacy Notice</b>	A right to be informed, about the way in which we use, share and store personal information.
<b>Data Protection</b>	When you give your personal details to an organisation or individual, they have a duty to keep these details private and safe. This process is known as data protection.
<b>General Data Protection Regulation</b>	The General Data Protection Regulation (GDPR) came into effect on 25th May 2018 replacing current data protection laws in the European Union. The new law requires the organisation to be fully transparent to individuals and be able to demonstrate accountability for all our data processing activities.
<b>Personal Data</b>	Data relating to an individual who is or can be identified, directly or indirectly, either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of a person. It can be anything from a name, address, date of birth.
<b>Processing</b>	Doing anything with data
<b>Legal obligation</b>	The processing is necessary for you to comply with the law
<b>Vital Interests</b>	The processing of personal data is necessary to protect an interest which is essential for the life of the individual
<b>Legitimate interests</b>	The processing of personal data is necessary for the purpose of the genuine interest pursued.
<b>Data Subject</b>	The Data Subject is a living individual to whom personal data relates.
<b>Subject Access Request</b>	It is a written, signed request from an individual to see information held on them. The Data Controller must provide all such information in a readable form within 30 days
<b>Right to be forgotten</b>	The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her if there are no legitimate grounds for the processing

<b>Data Portability</b>	The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit that data to another controller
<b>Profiling &amp; Automated Decision Making</b>	The data subject has the right not to be subject to a decision based solely on automated processing
<b>Third Party</b>	Any legal entity or person who is not the Data Controller
<b>Office of the Data Commissioner</b>	The Government organisation that enforces data protection legislation. The Information Commissioner can issue Enforcement Notices and prosecute Data Controllers.