

## Foster Cares Ltd Policies and Procedures

### Privacy Notice

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**Approved By:** JD Cassie

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### 1. Introduction

Foster Cares Ltd is an independent fostering Agency providing foster placements for children via Local Authority contracts. We recruit, assess, train, provide supervision and support to Foster Carers and those children we have in placement. Anyone that the agency stores or processes information about have a legal right and an expectation to be informed of how we process their information, for what purpose, for how long and what their rights are in connection with this.

This privacy notice sets out how and why Foster Cares Ltd store and process information about people involved in our service. For example, it includes but is not limited to, our foster carers, people we support and educate, commissioners, stakeholders, and staff, including applicants.

The appendices provide specific information relating to matters arising in this notice pertaining to different groups of people we work with e.g., foster carers, staff, children, and young people and provides information for website users on our cookie policy.

There are specific policies and procedures relating to matters raised which must be read in conjunction with this privacy notice:

- Access to personal records including dealing with access to records requests.
- Storing retention and destruction of records
- Data breach
- Surveillance
- Complaints

### 2. Legal Context

General Data Protection Regulation (GDPR) and the Data Protection Act 2018 came into force during May 2018. This legislation is aimed to protect the privacy of all individuals and prevent data breaches.

As an independent fostering service, The Fostering Service Regulations 2011, The Children's Act 1989, and Fostering Services National Minimum Standards 2011 all require the agency to obtain, process and securely store personally identifiable and special categories of data in relation to the personal data we have about those involved with our service.

### **3. Definitions**

#### **‘Personal Data’**

This has the meaning given to it by the UK GDPR and means any information relating to an identifiable, living person. This may include the individual’s:

- Name (including initials)
- Identification number
- Location data
- Online identifier, such as a username
- Photograph

It may also include factors specific to the individual’s physical, physiological, genetic, mental, economic, cultural, or social identity.

#### **‘Special Categories’**

Personal data, which is more sensitive and so needs more protection, including information about an individual’s:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Health – physical or mental Sex life or sexual orientation

#### **‘Data Subjects’**

Are Individuals who we hold personal data about, have a legal right and an expectation to be informed about how we process their personal information, for what purpose, for how long and what their rights are in connection with this processing.

#### **‘Data Controllers’**

Such as Foster Cares Ltd that process personal data, provide Data Subjects with a Privacy Notice to explain how we collect, store, and process their personal data in accordance with data protection laws.

#### **‘Processing’**

(for data protection purposes), means collection, recording, organising, structuring, or storing, adapting, or altering, retrieving, consulting or use, disclosing by transmission, disseminating, or otherwise making available, aligning, or combining, or restricting, erasing, or destroying personal data.

#### **‘Data Protection Officer’**

A person or organisation that determines the purposes and the means of processing of personal data.

### **'Personal Data Breach'**

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

### **4. Why We May Collect And Process Information.**

Legislation specifies that we can only collect and use personal information about you when the Law permits us to, some examples are:

- To fulfil a contract, we have entered into with you or to take steps at your request before entering into a contract.
- To comply with a legal or regulatory obligation.
- Where we, or a third party, have a legitimate interest in processing your information.
- To carry out a task or exercise a duty in the public interest.

A legitimate interest is when we have a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests. We will carry out an assessment when relying on legitimate interests, to balance our interests against your own.

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way.
- We need to protect your vital interests (or someone else's interests).

Some of the reasons listed above for collecting and using personal information about you overlap and there may be several grounds that justify our use of your data.

### **5. Personal Data**

Your personal data is important to us as it enables us to realise our ethos of providing quality foster placements for children and young people and allows us to support our foster carers effectively. It enables us recruit staff and carers, comply with our legal obligations, and to ensure that children and young people who are supported by our foster carers are well matched, and that they and our staff and foster carers are closely supported to create a safe, nurturing space in which they can realise their full potential. Your personal data provides the insight to make that possible.

Personal information can be anything that identifies and relates to a living person. This can include information that when put together with other information.

### **5.1 What We Hold And How We Manage It.**

We obtain personal data from numerous sources, which vary according to categories of Data Subjects and types of personal information, including special categories of personal data and criminal convictions. We will treat any personal data by which you can be identified in accordance with the provisions of the United Kingdom General Data Protection Regulation and the Data Protection Act 2018.

We also collect, use, and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not deemed personal data in law as this data does not directly or indirectly reveal your identity.

We have provided further detail on how we collect and manage data on staff, those we support and their families and foster carers, including those at referral and application stages in separate appendices.

There is also a separate appendix for website and cookies.

### **6 Sharing information**

Your personal data will be accessed on a 'need to know' basis. Any internal use of your data will be limited to those who are involved with working with you or need to have access to your information to work on your behalf, your matter etc.

Any inappropriate use or access of personal data by our staff is regarded as a strict matter and may result in a disciplinary investigation being commenced.

Any information sharing with other stakeholders will be conducted with your privacy at the forefront of our considerations, with Foster Cares Ltd ensuring that any relevant sharing is in accordance with the United Kingdom General Data Protection Regulation and the Data Protection Act 2018 or the common law duty of confidence where applicable.

Our staff receive data protection training, and we have data protection policies and procedures in place for all staff to follow.

Personal data held by us electronically is stored on secure computer systems and we control who has access to them. Where we use external companies to collect or process personal data on our behalf, we undertake checks on these companies before we work with them, and establish an agreement setting out our expectations and requirements, especially regarding how they manage the personal data they process on our behalf.

We endeavour to ensure our suppliers do not transfer your personal data outside of regions that do not have adequate data protection law by putting permissible legal mechanisms in place.

## **7. Your Data Protection Rights**

### **7.1 How To Access Personal Information We Hold About You.**

Individuals have a right to make a **'subject access request'** to gain access to personal information that Foster Cares Ltd holds about them. A request must be made in writing to the Registered Manager and there is a charge of £10.

If you are considering a request, please make it as clear, concise, and specific as possible as this will allow us to locate the information you are seeking as quickly as we can.

Please note that the right of access is not absolute and there may be occasions whereby your data may not be supplied as it is covered by an exemption.

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

For full details of how to make a subject access request please see our **'Access to personal records including dealing with access to records requests Policy'**.

### **7.2 Your Other Rights Regarding Your Data**

Subject to certain exceptions, you have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress.
- Prevent your data being used to send direct marketing.
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person).
- Receive your personal data in a structured, commonly used, and machine-readable format.
- In certain circumstances, have inaccurate personal data corrected, deleted, or destroyed, or restrict processing.
- Restrict the processing of your personal information for certain purposes.
- Claim compensation for damages caused by a breach of our legal and compliance obligations in respect of your data.

To exercise any of these rights, please contact us – see page 6 for contact information & in line with Access to personal records including dealing with subject access records policy.

## **8. How To Raise A Concern**

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance. We would hope that we can resolve the issue quickly and informally.

However, if you wish to make a complaint, please put this in writing as per our complaints policy.

### **9. Data Protection Officer (DPO) & Information Commissioners Office (ICO)**

The size and nature of our data processing does not require Foster Cares Ltd by law to have an onsite DPO or register with the ICO. If and when a DPO is required Foster Cares Ltd will outsource. The agency considers working within GDPR legislation imperative to ensure that we work to high standards and will outsource a DPO where necessary.

The DPO also provides Foster Cares Ltd with advice and guidance on any responses that it needs in relation to subject access requests from individuals (data subjects) and acts as the escalation point for individuals where there are data process breaches. In addition, the DPO will act as a point of contact between Foster Cares Ltd and the Information Commissioners Office ('ICO') when necessary.

Any reportable breach of data protection regulations, which is notifiable under UK GDPR legislation, is reported to the ICO by the registered manager.

### **CONTACT US**

If you have any questions, concerns or would like more information about anything covered in this Privacy Notice, please contact Dawn Paton, Registered Manager.

[dawn.paton@cares.co.uk](mailto:dawn.paton@cares.co.uk)

Tel: 0191 586 9655

We may need to update this Privacy Notice periodically and reserve the right to do so without giving notice, so we recommend that you revisit this information from time to time.