

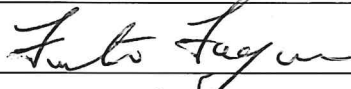
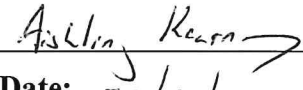
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POLICY HISTORY, REVIEW METHOD/FREQUENCY, AND AUTHORISATION

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ORG029 Data Protection Policy	Version No. 2 December 2017	Updates required to bring in line with GDPR Legislation	Version No. 3 January 2019
ORG029 Data Protection Policy	Version No 1 May 2017	Due to renewal	Version No 2 December 2017

Authorisation:

Chief Executive Officer	Data Protection Officer	Effective Date
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Date: 30/01/19	Date: 30/01/19	

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8.0 ENFORCEMENT

APPENDIX 1 – LIST OF DATA COMPLIANCE OFFICERS

THIS POLICY MUST BE READ IN CONJUNCTION WITH:

- ORG016 ELECTRONIC COMMUNICATIONS POLICY
- ORG017 POLICY ON SECURELY ACCESSING ST. FRANCIS HOSPICE DATA BY MOBILE DEVICES
- ORG022 POLICY ON CLOSED CIRCUIT TELEVISION
- ORG030 SOCIAL MEDIA POLICY
- ORG034 RETENTION & DISPOSAL OF DATA (INFORMATION)
- ORG035 DATA BREACH POLICY
- ALL POLICIES WHICH INCLUDE DOCUMENTATION

1.0 STATEMENT

St Francis Hospice Dublin (SFHD) is legally required under The General Data Protection Regulations and Data Protection Acts, 1988 to 2018 (the “Data Protection Legislation”) to ensure the security and confidentiality of the information/data it processes on behalf of its patients, patients’ families, employees, volunteers, students, community employment scheme participants, board members, external students and contractors.

The Data Protection Legislation safeguards the privacy rights of individuals in relation to the processing of personal data. The legislation confers rights on individuals as well as responsibilities on those persons processing personal data. Personal data means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Each of us has a responsibility to ensure the security of this information. Accurate, timely, relevant and properly protected information/data is essential to the successful operations of the SFHD in the provision of services to our patients and their families.

2.0 PURPOSE

This policy ensures that a standardised approach to Data Protection is implemented throughout SFHD in line with the Data Protection Legislation and codes of best practice:

- in the day to day management of the information/data
- in the event of an information/data breach.

3.0 SCOPE

- This policy applies to all SFHD employees, volunteers, contractors and other parties that access, use and process information on behalf of SFHD.

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- It applies to all data that SFHD holds relating to identifiable living individuals.
- Data storage will be dealt with in the Confidential Records Policy.
- The retention and disposal of information will be dealt with in ORG034 Retention and Disposal of Information (Data) Policy.
- The procedure for managing data breaches will be dealt with in ORG035 Data Breach Policy.

4.0 DEFINITIONS

Data means information in a form which can be processed.

Filing system means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographic basis.

Personal data means any information relating to an identified or identifiable natural person (“**data subject**”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Data Protection Legislation applies to the processing of personal data wholly or partly by automated means, as well as to processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.


Special category personal data means data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and or an individual’s genetic data, biometric data, processed for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. SFHD is the controller of the personal data held by it in relation to its service users, employees, volunteers and others.

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of a controller. SFHD uses many processors

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to assist it in providing its services, such as Healthmail, and Trilogy IT support services.

Data Compliance Officer a person appointed by SFHD to monitor compliance with the Data Protection Legislation in their relevant area of expertise (e.g. Head Of Finance) and to deal with data subject access requests and respond to data protection queries from staff members, in conjunction with the Data Protection Officer.

5.0 RESPONSIBILITIES

5.1 DATA PROTECTION OFFICER

Data Protection Officer (DPO) is the person with particular responsibility for matters of data protection within SFHD.

She/he assists with the devising of policies and procedures that bring the organisation into compliance with the Data Protection Legislation, monitors the implementation of those policies, ensures that all staff are fully trained in regards to protecting data, assigns responsibilities and handles data protection requests for access to personal data.

The DPO also keeps management informed regarding their obligations under the Data Protection Legislation, and is the primary contact point for supervisory authorities.

The DPO is also responsible for monitoring, notifying and otherwise communicating information about personal data breaches, and for documenting requests from the data subjects and from the Data Protection Commission regarding the removal, destruction of, and access to, personal data.

Aishling Kearney is SFHD's Data Protection Officer; you contact her by email aiskearney@sfh.ie and/or by phone ext. 2031 (Blanchardstown), mobile 086 1449136 or DataProtection@sfh.ie.

5.2 LINE MANAGERS

Lines Managers are responsible for:

- the implementation of this policy and other relevant SFHD policies within the areas for which they are responsible.
- ensuring that all the employees, trainees, students, employment scheme participants and volunteers who report to them are made aware of and are instructed to comply with this policy and other related policies.
- consulting with the relevant Data Protection Compliance Officer and/or Data Protection Officer in relation to the appropriate procedures to follow when a breach of this policy has occurred.

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5.3 STAFF MEMBERS, VOLUNTEERS AND COMMUNITY EMPLOYMENT SCHEME PARTICIPANTS

Staff members, volunteers and community employment scheme participants are responsible for:

- complying with the terms of this policy and other relevant policies, procedures, regulations and applicable legislation.
- respecting and protecting the privacy and confidentiality of the information they process at all times.
- reporting all misuse and breaches of this policy to their Line Manager/Data Compliance Officer/Data Protection Officer
- staff should request help from their Line Manager or the Data Compliance Officer and/or Data Protection Officer if they are unsure about any aspect of data protection.

In addition to this, staff members, volunteers and community employment scheme participants are responsible for:

- checking that any information that they provide to SFHD is accurate and up to date
- informing SFHD of any changes in information that they have provided, such as changes of address, email address, marital status
- informing SFHD of any errors or changes
- confirming any changes in information that patients/ relatives/ service users have provided, such as date of birth, changes of address, telephone number are up to date.


6.0 PRINCIPLES OF THE DATA PROTECTION LEGISLATION

The GDPR is underpinned by the principles set out in Article 5:

“Personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);

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- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- e) 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

6.1 YOUR RIGHTS AS AN INDIVIDUAL

- To have your personal data obtained and processed fairly, kept securely and not illegitimately disclosed to others.
- To have information given in clear language.
- To know the identity of the Data Controller and for what purpose SFHD has the data.
- To get a copy of the personal data.
- To have your personal data corrected or deleted if inaccurate.
- To prevent your personal data from being used for certain purpose, for example, you might want your data blocked for research purpose where it is held for other purposes.
- To have your name removed from a direct marketing list, in fundraising for example.
- To stop some specific uses of your personal data, for example referees may only be requested when a position has been offered to a person.
- To Employment Rights, not to be forced to disclose data to a prospective employer. No one can force you to make an access request, or reveal the results of an access request, as a condition of recruitment, employment or provision of a service. Where vetting for employment purposes is necessary, this can be facilitated where the individual gives consent to the data controller to release personal data to a third party.
- To freedom from automated decision making, to have human in put in the making of important decisions relating to you, for example, work

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performance, creditworthiness, reliability may not be made solely by automatic means e.g. by computer, unless your consent to this.

- To prevent your phone directory details from being used for direct marketing purposes.

6.2 KEEP DATA FOR SPECIFIED AND LAWFUL PURPOSES

SFHD collects personal data at the point of contact for the following principal purposes:

- patient care and treatment within SFHD. This includes appropriate sharing of information in line with the flow of treatment with healthcare professionals, hospitals, General Practitioners and other community services as appropriate.
- relatives/ main carer data for the purposes of follow-up services such as Bereavement Work and Service Evaluation.
- clinical education within SFHD (e.g. students on clinical placement)
- internal audit for the purpose of efficient and effective running of SFHD services
- administration, including personnel staff records, staff training records and safe guarding records.
- fundraising.

A person has a right to question the purpose for which you hold his/her data.

Any forms which request personal information and look for signed consent must have an 'opt out' option.

6.3 INFORMATION SHARING


SFHD is legally required to make specific information available to third parties in circumstances such as:

- reporting notifiable diseases
- incidence of cancer to the National Cancer Registry
- risk events to the Clinical Indemnity Scheme
- Coroner's Office
- records of child protection concerns for Tusla

Anonymised data is provided to other health care agencies such as:

- the Department of Health
- the Health Services Authority
- Health Information and Quality Authority (HIQA)
- Economic and Social Research Institute (ESRI) for research and data analysis purposes.

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In instances where identifiable information on an individual is required to be shared with third parties for reasons other than those listed above consent will be obtained before the sharing takes place, unless disclosure would prejudice criminal enquiries or proceedings.

6.4 KEEP DATA ACCURATE AND UP TO DATE

- Service users and clients will be asked to confirm their personal data, name, date of birth, address and telephone numbers at various intervals while being supported by SFHD. This is for the purpose of inputting and updating the correct information on PAS and the Healthcare Record.
- Service users and clients are requested to inform SFHD of any changes to their contact details or other personal data.
- Update incorrect information as soon as possible.
- Every reasonable step must be taken to ensure that personal data which are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

6.5 ENSURE DATA IS ADEQUATE, RELEVANT AND NOT EXCESSIVE

Only the required information should be requested / obtained. Personal data is normally obtained directly from the data subject concerned. In certain circumstances, it will however be necessary to obtain data from third parties.

6.6 TRANSFERRING PERSONAL DATA ABROAD


As a rule SFHD does not transfer personal data abroad. There are occasions however when this may be required, for example if a patient relocates overseas or is traveling abroad and requests support from a local healthcare facility while abroad.

There are special conditions that have to be met before transferring personal data outside the European Economic Area (all EU countries plus Norway, Iceland and Liechtenstein), where the importing country does not have an EU approved level of data protection law. In such a case, one of the following conditions must be met if a transfer is to take place:

- a synopsis of the healthcare record may be given to the patient.
- a copy of the healthcare record may be given to the patient.
- the patient must consent to the transfer of information, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards; or
- the data must be necessary to urgently prevent injury or damage to the health of a data subject; or

Before the transfer to any destination outside the European Economic Area, SFHD, the Data Controller, must be satisfied as to the adequacy of protection which will be provided to the data at its destination.

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7.0 EVALUATION AND AUDIT

Data protection audits will be carried out yearly by the Data Protection Officer across the different departments.

Subsequent to any information/data security breach a thorough systems cause analysis of the incident will take place. The purpose of this analysis is to seek to identify the causal factors for the data protection breach and to ensure that the steps taken during the incident were appropriate and to identify areas that may need to be improved.

8.0 ENFORCEMENT

SFHD reserves the right to take such action as it deems appropriate against users who breach the conditions of this policy. Users may be subject to disciplinary action, up to, and including, dismissal, as provided for in SFHD disciplinary procedure.

REFERENCES

Data Protection Commission

www.dataprotection.ie


European Commission

www.ec.europa.eu/info/law/law-topic/data-protection

General Data Protection Regulation (GDPR) Regulation (EU) 2016/679, accessed 22/11/18 @ 11:05, <https://publications.europa.eu/en/publication-detail/-/publication/3e485e15-11bd-11e6-ba9a-01aa75ed71a1/language-en>

Data Protection Acts 1988 – 2018, accessed 22/11/18 @ 11:06, <http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/print.html>

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APPENDIX 1 – LIST OF DATA COMPLIANCE OFFICERS

Function/Departmental Data	Data Compliance Officer	Job Title	Postal Address	Contact Details (email)
Volunteers/Service users Data	Sr Margaret Cashman	Director of Nursing	Station Road, Raheny, Dublin 5	mcashman@sfh.ie
Medical Records	Regina McQuillan	Medical Director	Station Road, Raheny, Dublin 5	rmcquillan@sfh.ie
Financial Data	Breda Hawkshaw	Head of Finance	Station Road, Raheny, Dublin 5	rkilloran@sfh.ie
Employees	Yolanda Cuadrado	HR Manager	Station Road, Raheny, Dublin 5	ycuadrado@sfh.ie
ICT systems	John Murphy	IT Officer	Station Road, Raheny, Dublin 5	jmurphy@sfh.ie
Fundraising	Dee Kinane	Fundraising Manager	Station Road, Raheny, Dublin 5	dkinane@sfh.ie
General Services - Contractors	Peter Crowe	General Service Manager	Station Road, Raheny, Dublin 5	pcrowe@sfh.ie
Research/External Students	Kevin Connaire	Director of Education	Station Road, Raheny, Dublin 5	kconnaire@sfh.ie

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