



# PRIVACY NOTICE FOR FOSTER CARERS

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In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, our foster carers, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This notice applies to current and former foster carers.

## **A) DATA PROTECTION PRINCIPLES**

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

## **B) TYPES OF DATA HELD**

We keep several categories of personal data on our Foster Carers in order to carry out effective and efficient processes. We keep this data in a file relating to each foster carer and we also hold the data within our computer systems.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers
- b) name and contact details of your next of kin
- c) your photograph
- d) your gender, marital status, information of any disability you have or other medical information
- e) information on your race and religion for equality monitoring purposes
- f) Supervisions

- g) Annual Review Documents and Associated Paperwork
- h) Mileage Claim Forms
- i) Addition Work Invoices
- j) Bank account details for finance department only
- k) Health and Safety Audits
- l) Pet Assessments
- m) Respite Notification
- n) Respite Information Form
- o) Resignation Report
- p) Unannounced Visit Form
- q) Variation of Approval Form
- r) Foster Carer Holiday Details
- s) Information relating to your foster carer agreement with us, including:
  - i) Your responsibilities as a foster carer
  - ii) your salary
  - iii) your wider terms and conditions of contract/agreement
  - iv) details of formal and informal proceedings involving you such as letters of concern, safeguarding investigations, any codes of conduct or grievance proceedings, appraisal and performance information
  - v) internal and external training modules undertaken
  - vi) information on time off or breaks in contract/agreement including sickness absence, family related leave etc
- t) Deregistration Report
- u) DBS Risk Assessment Form
- v) Initial Enquiry Form
- w) Initial Visit Form
- x) Form F Assessment which includes the following information:
  - i) Personal information regarding fostering applicants
  - ii) Members of the fostering applicants family and household
  - iii) References
  - iv) Medicals
  - v) Local Authority Checks
  - vi) Home Insurance
  - vii) Bank Details
  - viii) Driving licence
  - ix) Vehicle Insurance

### **C) COLLECTING YOUR DATA**

You provide several pieces of data to us directly during the recruitment period and subsequently upon the start of your registration/contract.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in electronic files or within the Company's IT systems.

### **D) LAWFUL BASIS FOR PROCESSING**

The law on data protection allows us to process your data for certain reasons only. In the main, we process your data in order to comply with a legal requirement or in order to effectively manage the contract we have with you, including ensuring you are paid correctly.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

<b>Activity requiring your data</b>	<b>Lawful basis</b>
Carry out the contract that we have entered into with you e.g. using your name, contact details, education history, information on any safeguarding concerns, grievance procedures involving you etc.	Performance of the contract
Ensuring you are paid	Performance of the contract
Ensuring tax and National Insurance is paid	Legal obligation
Carrying out checks in relation to your right to work in the UK	Legal obligation
Making reasonable adjustments for disabled employees	Legal obligation
Making recruitment decisions in relation to both initial and subsequent contracts/employment	Our legitimate interests
Making decisions about salary	Our legitimate interests
Ensuring efficient administration of contractual benefits to you	Our legitimate interests
Effectively monitoring both your conduct, including timekeeping and attendance, and your performance and to undertake procedures where necessary	Our legitimate interests
Maintaining comprehensive up to date records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained	Our legitimate interests
Implementing grievance procedures	Our legitimate interests
Assessing training needs	Our legitimate interests
Gaining expert medical opinion when making decisions about your fitness for work	Our legitimate interests
Business planning and restructuring exercises	Our legitimate interests
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests
Ensuring our administrative and IT systems are secure and robust against unauthorised access	Our legitimate interests

## **E) SPECIAL CATEGORIES OF DATA**

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

We carry out processing activities using special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest
- d) you have already made the data public.

## **F) FAILURE TO PROVIDE DATA**

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract with you. This could include being unable to offer you a contract.

## **G) CRIMINAL CONVICTION DATA**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your time fostering with Progress. We use criminal conviction data to determine your suitability, or your continued suitability for the role. We rely on the lawful basis of legitimate interests to process this data.

## **H) WHO WE SHARE YOUR DATA WITH**

Employees within our company who have responsibility for recruitment, administration of payment and contractual benefits and the carrying out performance related procedures will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processing in line with GDPR.

Data is shared with third parties for the following reasons:

- i) Compliance with relevant regulations
- ii) Provide best quality care
- iii) Provide continuity of care.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us. We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the European Economic Area.

## **I) PROTECTING YOUR DATA**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

## **J) RETENTION PERIODS**

We only keep your data for as long as we need it for, which will be at least for the duration of your contract with us though in some cases we will keep your data for a period after your contract has ended. Some data retention periods are set by the law. Retention periods can vary depending on why we need your data, as set out below:

<b>Record pertaining to Foster Carers</b>	<b>Statutory Retention Period</b>
Form F assessment	3 years if withdrawn by applicant or agency, otherwise 10 years if approved
Initial Enquiry / Initial Visit Forms	3 years if withdrawn by applicant or agency
Supervisions	10 years after end of contract
Annual Review Documents and Associated Paperwork	10 years after end of contract
Mileage Claim Forms	10 years after end of contract
Additional Work Invoices	10 years after end of contract
Health & Safety Audits	10 years after end of contract
Pet Assessments	10 years after end of contract
Respite Information Form	10 years after end of contract
Resignation Report	10 years after end of contract
Unannounced Visit Form	10 years after end of contract
Variation of Approval Form	10 years after end of contract
Foster Carer Holiday Details	10 years after end of contract
Deregistration Report	10 years after end of contract
DBS Risk Assessment Form	10 years after end of contract

## **K) AUTOMATED DECISION MAKING**

Automated decision making means making decision about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

## **L) FOSTER CARER'S RIGHTS**

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. More information on this can be found in the section headed "Access to Data" below and in our separate policy on Subject Access Requests";
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
- e) the right to restrict the processing of the data;

- f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in our separate policy on your rights under GDPR.

**M) CONSENT**

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data.

**N) MAKING A COMPLAINT**

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

**O) DATA PROTECTION COMPLIANCE**

Our appointed compliance officer in respect of our data protection activities is:

**Vanessa Griffin**

[VGriffin@progresscare.co.uk](mailto:VGriffin@progresscare.co.uk)

**P) SUBJECT ACCESS REQUEST**

To make a Subject Access Request (SAR) you should contact Vanessa Griffin on [VGriffin@progresscare.co.uk](mailto:VGriffin@progresscare.co.uk) and complete a Subject Access Request Form

Version	Date	Changes	By whom	Review
	Last review April 2018		Emma Ruffinato	