



Yowsun Care Access to Records and Files Policy

This policy is a Yowsun Care Access to Records and Files policy, intended to set out the values, principles and policies underpinning Yowsun Care approach to ensuring the safety and protection of personal and confidential information relating to our service users. This policy aims at ensuring that reasonable precautions are taken to protect and safeguard confidential information, following national standards, set for care providers.

ACCESS TO RECORDS AND FILES POLICY
OUTCOME 21, REGULATION 20 (Records)

This policy is to be implemented by all Operations team members.

This policy is addressed to all employees but is especially relevant to Operations team members.

Policy Statement

This policy takes into account the responsibility of Yowsun Care in handling and managing data of its service users, staff, contractors and visitors and other relevant persons it comes into contact with, in the event of carrying out its business activities. This policy outlines the standards and guidelines that Yowsun Care will employ in handling, managing and sharing personal information in its care and those passed down through other relevant partnerships.

Yowsun Care adheres fully to the Data Protection Act 2018 which states that all records required for the protection of service users and for the effective and efficient running of the organisation should be maintained accurately and should be up to date, that service users customers should have access to records and information about them held by the organisation, and that all individual records and organisation records should be kept in a confidential and secure format. The GDPR and The National Data Guardian's standards are part of this protection for service users.

Legal Requirements

This policy adheres fully to Outcome 21, Regulation 20 of the Care Quality Commission Guidance about compliance, Essential standards of Quality and Safety, which relates to the extent to which the rights and best interests of customers are safeguarded by the care provider keeping accurate and up-to-date records. It also complies with the General Data Protection Regulation (GDPR), (information about people), which came into effect in England and the EU in May 2018, alongside the new Data Protection Act 2018 and The National Data Guardian's Standards.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning Yowsun Care's approach to access to records. The aim of Yowsun Care is to ensure that service users and staff can be assured that the protection of their privacy and confidentiality are given the highest consideration.

Access to Records/Files Policy

Yowsun Care believes that access to information and security/privacy of data is an absolute right of every service user and that they are entitled to see a copy of all personal information held about them and be given the opportunity to correct any error or omission. Therefore, Yowsun Care upholds that:

- Service users should have access to their records and information about them held by Yowsun Care, as well as opportunities to help maintain their personal records in the case of records kept in the home
- Individual records and organisation records required for the protection of customers should at all times be kept in a secure fashion and should be constructed, maintained and used in accordance with the Data Protection Act 2018 and other statutory requirements.

Any customer requiring access to their files should contact the head of organisation to make arrangements to view. Service users with sensory or other disabilities should be given appropriate help and support from an independent source as required e.g. and Advocacy Service.

The viewing of certain records may only be refused in the following circumstances as consistent with the Data Protection Act 2018 and the GDPR:

- Where disclosing the personal data would reveal information which relates to and identifies another person unless that person has consented to the disclosure or it is reasonable to comply with the request without that consent
- Where permitting access to the data would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person
- Where the request for access is made by another on behalf of the data subject, access can be refused if the data subject had either provided the information in the expectation it would not be disclosed to the applicant or had indicated it should not be so disclosed, or if the data was obtained as a result of any examination or investigation to which the data subject consented on the basis that information would not be so disclosed.

Before deciding whether the above restrictions apply, the registered manager should consult the health professional responsible for the clinical care of the service user, or if there is more than one, the most suitable available health professional. If there is none then the registered manager should consult a health professional with the necessary qualifications and experience to advise on the matters to which the information requested relates.

Service users who have a complaint about the way Yowsun Care keeps files about them, or who are refused access to files that they believe they should have access to, should be referred to the Data Protection Information Commissioner or the ICO's office.

Training

All new staff should be encouraged to read the policies on data protection, confidentiality, access to files and record keeping as part of their induction process. Training in the correct method for entering information in service users' records should be given to all care staff. The nominated data user/data controller for the organisation should be trained appropriately in the Data Protection Act 2018 and the GDPR. All staff who need to use the computer system should be thoroughly trained in its use.

This policy will be reviewed by the registered manager.

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Issue date:	May 2023	Version no:	
Review date:	June 2024		