**North Wilts**

**Dental Laboratory**

Abbey Meads Village Centre

Elstree Way

Swindon

SN25 4YZ

**Data Protection / GDPR**

**1.       General**

The dental laboratory collects, holds, processes and shares personal data in accordance with the provisions of the General Data Protection Regulation and the Data Protection Act 2018.

This Policy applies to personal data in the following categories:

* Patients’ Records, both current and past
* Employees’ data
* Contractors’ data – including dental registrants
* CCTV footage

**2.      Data Protection Principles**

We shall ensure that Personal Data, including Special Data (health) will be:

* Processed lawfully, fairly and in a transparent manner
* Collected for specified, explicit and legitimate purposes only
* Adequate, relevant and necessary for the purpose
* Accurate and updated
* Kept for no longer than is necessary
* Processed in a secure manner and protected against loss, destruction or damage

**3.       Lawful Basis**

Data will be held and processed under the following Lawful Basis:

* Patient data and health records: for the Legitimate Interests of the dental laboratory in providing dental appliances/devices
* Employment records: as a Legal Obligation for the provision of Employment Terms and conditions and supply of data to HM Revenue and Customs and other statutory functions such as pensions and benefits
* Contractor Data: for the fulfilment of contracts
* CCTV Data: for the detection and prevention of crime

**4.      Data Subjects’ Rights**

We will ensure that the rights of Data Subjects are respected and maintained by:

* The issue and promotion of a Privacy Notice detailing data processed, its origin and any disclosures, the Lawful Bases for processing, and the rights of Data Subjects
* The maintenance of a Subject Access process and the appointed Data Protection Officer to oversee that process and to advise on compliance
* A legitimate interest assessment ensuring individuals’ rights are balanced with the legitimate needs of the dental laboratory.
* A Data Retention schedule
* An Information Security policy
* A Data Breach Policy
* Contractual assurance of adequate safeguards if data is processed outside the European Union

**5.       Subject Access Requests**

All data subjects may submit a request to be informed of the data we hold about them, its lawful basis and from whom it is/was obtained and to whom it may be disclosed.  We will provide this information without charge and as soon as is reasonably possible and in any event within one month of a valid request being received.  Access requests should be addressed (or forwarded without delay) the management of North Wilts Dental Laboratory.

**6.      Training and Compliance**

We will ensure that all staff are aware of their duty of strict confidentiality regarding personal data, both professional and under the Data Protection law.  We will provide training and assure compliance and will review and refresh training on a regular basis.

It is a condition of continuing employment that all staff are aware of, sign their acceptance of, and comply with, their obligations under this Policy. Any queries or concerns must be immediately addressed to the management of North Wilts Dental Laboratory. A breach of this Policy may amount to misconduct and result in disciplinary action. Serious or persistent breaches may result in dismissal.

**7.       Security of Data**

The dental laboratory will publish and maintain an Information Security policy to assure against any loss, damage, unlawful disclosure or non-compliant erasure of data. All staff will be trained and advised of their obligations under this Policy.

We are a Data Processor under the terms of the Data Protection Act 2018 and the requirements of the EU General Data Protection Regulation.

Clinics we work alongside are considered data controllers. Data controllers collect and handle patient data (i.e. personal data) both paper form and digital form. Compliance is the respective clinic's responsibility. This also includes appropriate legal safeguards for sharing patient data with e.g. a dental lab or other data processors.

Dental laboratories are considered a data processor when they, on behalf of clinics, are storing cases containing personal data to deliver the ordered dental appliance/device. Compliance including respecting retention periods etc. and is therefore the respective lab's responsibility.

As a dental processor, North Wilts Dental Laboratory will:

1. Process the Personal Data only on documented instructions from the Controller
2. Ensure that persons authorised to process the Personal Data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality
3. All data information is stored under password protection on our dental lab system, and only authorised personnel have access and are subject to a duty of confidence.
4. We the processor agree that any personal data supplied to us will only be used for the construction of the custom-made appliance
5. Assist the Controller in ensuring compliance with the obligations in accordance to Articles 32 to 36 of the GDPR, relating to security of Processing, Personal Data Breaches and data protection impact assessments
6. At the choice of the Controller, delete or return all the Personal Data to the Controller after the end of the provision of services relating to Processing, and delete existing copies unless applicable law requires storage of the Personal Data

**Types of Personal Data**

The dental laboratory holds personal data in the following categories:

1. Patient lab sheets and health data and correspondence.
2. Staff employment data.
3. Contractors’ data.

**Why we process Personal Data**

“Process” relates to why we obtain, store, update and archive data.

1. Patient data is held for the purpose of providing patients with appropriate, high quality, safe and effective dental appliances/devices.
2. Staff employment data is held in accordance with Employment, Taxation and Pensions law.
3. Contractors’ data is held for the purpose of managing their contracts.

**What is the Lawful Basis for processing Personal Data?**

The Law says we must tell you this:

1. We hold patients’ data because it is in our legitimate interest to do so. Without holding the data we cannot work effectively. Also, we must be able to track and invoice for the work whilst in the laboratory. The invoice will then be used to return the work either via hand, post or courier. The invoice will display the job number, patient number/patient id/patient name (whichever is provided by the Data Controller), return address and laboratory address. The invoice will also have a brief description of the work carried out. It will also contain a patient statement in accordance with GDC.
2. We hold staff employment data because it is a legal obligation for us to do so.
3. We hold contractors’ data because it is needed to fulfil a contract with us.

**Who might we share your data with?**

We will only share data if it is done securely, and it is necessary to do so.

1. Patient data may be shared with other healthcare professionals who need to be involved in the patient’s care (for example if we need to use a different laboratory to design and print chrome framework for a patient). Patient data is also securely stored for back-up purposes with our computer software.
2. Employment data will be shared with government agencies such as HMRC.

**Your Rights**

You have the right to:

1. Be informed about the personal data we hold and why we hold it.
2. Access a copy of your data that we hold by contacting us directly: we will acknowledge your request and supply a response within one month or sooner.
3. Check the information we hold about you is correct and to make corrections if not
4. Have your data erased in certain circumstances.
5. Transfer your data to someone else if you tell us to do so and it is safe and legal to do so.
6. Tell us not to actively process or update your data in certain circumstances.

**How long is the Personal Data stored for?**

1. This Agreement shall continue in effect for so long as the Processor is processing Personal Data on behalf of the Controller. This Agreement shall be governed by the laws of England and Wales and subject to the exclusive jurisdiction of the courts of England and Wales.
2. We must store employment data for six years after an employee has left.
3. We must store contractors’ data for seven years after the contract is ended.