



# Northern Devon Healthcare

## NHS Trust

### Recording, retention and deletion of user records (paper and electronic) in SWIMS Network libraries

#### Purpose of this policy

To provide good practice guidance on the recording, retention and deletion of records of personal data about individual library service users. The primary records are generally library membership forms, the data from which is used to create user records within the SWIMS library management system, and which may also be used within other library systems e.g. WinCHILL or Clio, lists or databases for current awareness alerts, library-managed door access systems, etc. This policy relates to the primary records and the 'derivative' records.

Guidance for other systems used by library and knowledge services is made available by the managers of those systems.

#### Context

The two most important reference documents for this policy are the **General Data Protection Regulation (2018)** [link to follow] and the [Records Management Code of Practice for Health and Social Care 2016](#) (Information Governance Alliance).

#### Background

Article 5 of the **General Data Protection Legislation (2018)** requires that personal data shall be:

- a) "processed lawfully, fairly and in a transparent manner in relation to individuals;
- 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 not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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;
- 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 subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- 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.”

The [Information Commissioners Office](#) (ICO) provides further guidance

The **Records Management Code of Practice for Health and Social Care 2016** (Information Governance Alliance) is a guide to the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England. It includes minimum retention schedules for different types of record, and notes that retention for longer may be justified due to ongoing administrative need.

### **Responsibilities of libraries**

1. To abide by the relevant legislation when processing user data and to process user data in line with the relevant privacy policy. Note that the ultimate responsibility for management of user data at each location rests with the local library manager and their Trust data protection officer/corporate records manager. Should there be any discrepancy with local policy, the local policy should prevail.
2. To display a privacy policy notice on a suitable website.
3. To retain a record for each newly registered user that they consent to their data being held and used in accordance with the privacy policy.
4. To respond to subject access requests, i.e. any requests for what information is held, within one month of the request being made.
5. To ensure that all library staff are aware of the functionality the systems they use to be able to fulfill their obligations.

### **Responsibilities of system managers and hosts**

1. To ensure that data security is maintained.
2. To monitor for changes to data protection legislation and create guidance accordingly.