

Chroma Therapies Ltd

Data Retention Policy

This Policy is dated:	1 st June 2022
This Policy was approved on:	13 th June 2022
This Policy is due for review on:	31 st May 2023
Responsible Person:	Andrew Bailey

1. Introduction

This Policy sets out the obligations of Chroma Therapies Ltd, a company registered in the UK under number 08745211, whose registered office is at Overross House, Ross Park, Ross-on-Wye, Herefordshire HR9 7US (“the Company”) regarding retention of personal data collected, held, and processed by the Company in accordance with the Data Protection Legislation. “Data Protection Legislation” means all legislation and regulations in force from time to time regulating the use of personal data and the privacy of electronic communications including, but not limited to, the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”), as it forms part of the law of England and Wales, Scotland, and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018, the Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003 as amended, and any successor legislation.

The Data Protection Legislation defines “personal data” as any information relating to an identified or identifiable natural person (a “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.

The Data Protection Legislation also addresses “special category” personal data (also known as “sensitive” personal data). Such data includes, but is not necessarily limited to, data concerning the data subject’s race, ethnicity, politics, religion, trade union membership, genetics, biometrics (if used for ID purposes), health, sex life, or sexual orientation.

Under the Data Protection Legislation, personal data shall be kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. In certain cases, personal data may be stored for longer periods where that data is to be processed for archiving purposes that are in the public interest, for scientific or historical research, or for statistical purposes (subject to the implementation of the appropriate technical and organisational measures required by the Data Protection Legislation to protect that data).

In addition, the Data Protection Legislation includes the right to erasure or “the right to be forgotten”. Data subjects have the right to have their personal data erased (and to prevent the processing of that personal data) in the following circumstances:

- a) Where the personal data is no longer required for the purpose for which it was originally collected or processed (see above);
- b) When the data subject withdraws their consent;
- c) When the data subject objects to the processing of their personal data and the Company has no overriding legitimate interest;
- d) When the personal data is processed unlawfully (i.e. in breach of the Data Protection Legislation);
- e) When the personal data has to be erased to comply with a legal obligation; or
- f) Where the personal data is processed for the provision of information society services to a child.

This Policy sets out the type(s) of personal data held by the Company the period(s) for which that personal data is to be retained, the criteria for establishing and reviewing such period(s), and when and how it is to be deleted or otherwise disposed of.

For further information on other aspects of data protection and compliance with the Data Protection Legislation, please refer to the Company’s Data Protection Policy.

2. Aims and Objectives

- 2.1 The primary aim of this Policy is to set out limits for the retention of personal data and to ensure that those limits, as well as further data subject rights to erasure, are complied with. By extension, this Policy aims to ensure that the Company complies fully with its obligations and the rights of data subjects under the Data Protection Legislation.

- 2.2 In addition to safeguarding the rights of data subjects under the Data Protection Legislation, by ensuring that excessive amounts of data are not retained by the Company, this Policy also aims to improve the speed and efficiency of managing data.

3. Scope

- 3.1 This Policy applies to all personal data held by the Company and by third-party data processors processing personal data on the Company's behalf.
- 3.2 Personal data, as held by the Company is stored in the following ways and in the following locations:
- a) Third-party servers, operated by various providers selected by the Company from time to time
 - b) Computers permanently located in the Company's premises at the Company's registered address;
 - c) Laptop computers and mobile phones provided by the Company to its employees;
 - d) Physical records stored at the Company's registered address;

4. Data Subject Rights and Data Integrity

All personal data held by the Company is held in accordance with the requirements of the Data Protection Legislation and data subjects' rights thereunder, as set out in the Company's Data Protection Policy.

- 4.1 Data subjects are kept fully informed of their rights, of what personal data the Company holds about them, how that personal data is used [as set out in Parts 12 and 13 of the Company's Data Protection Policy], and how long the Company will hold that personal data (or, if no fixed retention period can be determined, the criteria by which the retention of the data will be determined).
- 4.2 Data subjects are given control over their personal data held by the Company including the right to have incorrect data rectified, the right to request that their personal data be deleted or otherwise disposed of (notwithstanding the retention periods otherwise set by this Data Retention Policy), the right to restrict the Company's use of their personal data, [the right to data portability,] and further rights relating to automated decision-making and profiling.

5. Data Disposal

Upon the expiry of the data retention periods set out below in Part 7 of this Policy, or when a data subject exercises their right to have their personal data erased, personal data shall be deleted, destroyed, or otherwise disposed of as follows:

- 5.1 Personal data stored electronically (including any and all backups thereof) shall be deleted;
- 5.2 Special category personal data stored electronically (including any and all backups thereof) shall be deleted;
- 5.3 Personal data stored in hardcopy form shall be shredded;
- 5.4 Special category personal data stored in hardcopy form shall be shredded.

6. Data Retention

- 6.1 As stated above, and as required by law, the Company shall not retain any personal data for any longer than is necessary in light of the purpose(s) for which that data is collected, held, and processed.
- 6.2 Different types of personal data, used for different purposes, will necessarily be retained for different periods (and its retention periodically reviewed), as set out below.
- 6.3 When establishing and/or reviewing retention periods, the following shall be taken into account:
 - a) The objectives and requirements of the Company;
 - b) The type of personal data in question;
 - c) The purpose(s) for which the data in question is collected, held, and processed;
 - d) The Company's legal basis for collecting, holding, and processing that data;
 - e) The category or categories of data subject to whom the data relates;
- 6.4 If a precise retention period cannot be fixed for a particular type of data, criteria shall be established by which the retention of the data will be determined, thereby ensuring that the data in question, and the retention of that data, can be regularly reviewed against those criteria.

- 6.5 Notwithstanding the following defined retention periods, certain personal data may be deleted or otherwise disposed of prior to the expiry of its defined retention period where a decision is made within the Company to do so (whether in response to a request by a data subject or otherwise).
- 6.6 In limited circumstances, it may also be necessary to retain personal data for longer periods where such retention is for archiving purposes that are in the public interest, for scientific or historical research purposes, or for statistical purposes. All such retention will be subject to the implementation of appropriate technical and organisational measures to protect the rights and freedoms of data subjects, as required by the Data Protection Legislation.

Type of Data	Purpose of Data	Review Period	Retention Period or Criteria	Comments
Employee personnel records	Recruitment, administration, compliance and performance management	Annually	3 years following departure as an employee. 6 months following application date	
Therapist Records	Service delivery	Annually	3 months after request to be deleted from Chroma list	Or sooner if requested
Email correspondence	Communication	Annually	4 years	Emails containing personal data deleted from servers
Electronic communication other than email	Communication	Constant	Immediate deletion	Messaging applications such as Slack and Telegram should not be used for discussing clients and any message where individual data is recorded should be immediately deleted. If the information is of importance, it should be copied and filed in the appropriate location
Client Records (Children)	Service delivery	Annually	Up to 25 th or 26 th Birthday. Or within 6 months if records are handed over to the commissioner of the service	Retain until 25 th birthday, or 26 th if the patient was 17 when treatment ended. Client records are made up of the case on iinsight, case proposal folder on sharepoint, case on Pipedrive and any record on My Concern
Client Records (Adults)	Service delivery	Annually	7 years after termination of service delivery. Or within 6 months if records are	Client records are made up of the case on iinsight, case proposal folder on sharepoint,

			handed over to the commissioner of the service	case on Pipedrive and any record on My Concern
Marketing Contacts	Marketing	Annually	12 months	Email sent annually seeking permission to retain info for marketing purposes. If permission declined, record is deleted

7. Roles and Responsibilities

- 7.1 The Company's Data Protection Officer is the Finance Director, dpo@wearechroma.com.
- 7.2 The Data Protection Officer shall be responsible for overseeing the implementation of this Policy and for monitoring compliance with this Policy, the Company's other Data Protection-related policies (including, but not limited to, its Data Protection Policy), and with the GDPR and other applicable data protection legislation.
- 7.3 The Data Protection Officer shall be directly responsible for ensuring compliance with the above data retention periods throughout the Company.
- 7.4 Any questions regarding this Policy, the retention of personal data, or any other aspect of GDPR compliance should be referred to the Data Protection Officer.

8. Implementation of Policy

This Policy shall be deemed effective as of 30 April 2022. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.