

CONTROLLED DOCUMENT

N.B. Colleagues should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

DPO DECISION POLICY

CATEGORY:	Policy
CLASSIFICATION:	Information Governance
PURPOSE:	To record Brunelcare's decision as to whether it needs to designate a Data Protection Officer ('DPO')
CONTROLLED DOCUMENT NUMBER:	BC/IG/011
VERSION NUMBER:	V003
CONTROLLED DOCUMENT SENIOR LEADERSHIP TEAM LEAD:	Director of Corporate Services
CONTROLLED DOCUMENT AUTHOR:	Director of Corporate Services
APPROVED BY:	Senior Leadership Team
APPROVED ON:	01 January 2021
IMPLEMENTED ON:	January 2021 (Version V001) July 2024 (version V002) September 2025 (V003)
REVIEW PERIOD:	Every 3 years - unless changes to legislation, best practice or internal roles and responsibilities
REVIEW DATE:	July 2027
ASSOCIATED DOCUMENTS:	Data Protection Policy
Essential Reading for:	SLT

Document Consultation and Review Process

Groups/Individuals who have overseen the development of this Policy:	Corporate Governance Team, Senior Leadership Team
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Document version control:

Date	version	Amendments made	Amendments Approved by
January 2021	V001	Adopted Version	SLT
July 2024	V002	Adopted into BC and initial changes	SLT
September 2025	V003	Updated to reflect new Executive Team structure and adoption of the term colleague for employee	Director of Corporate Services

For the Use of the Corporate Services Team only:

Date added to Register:	January 2021 – V001
Date Published on Hub:	January 2021 – V001 July 2024 – V002 September 2025 – V003
Does it need to be published on website:	No

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DATA PROTECTION OFFICER (DPO) DECISION

1. PURPOSE

- 1.1 The purpose of this document is to record Brunelcare's decision as to whether it needs to designate a Data Protection Officer ('DPO') under the EU General Data Protection Regulation 2016/679 ('EU GDPR') or the UK version adopted on 1 January 2021 ('UK GDPR'). We use 'GDPR' to refer to either or both when there is no difference in the context.

2. BRUNELCARE'S CONTEXT

- 2.1 Brunelcare is established in England.
- 2.2 Our business is the provision and management of housing and care, including Social Housing and providing assistance to help house people and associated facilities, amenities and services for people of lesser means or for the care of aged, disabled (whether physically or mentally) or chronically sick people within the South West of England.
- 2.3 Our target customers are local authorities, NHS organisations, Integrated Care Commissioning Boards and individual consumers.

3. GDPR'S DPO REQUIREMENT

- 3.1 Article 37(1) of both the EU GDPR and the UK GDPR states:

'The controller and the processor shall designate a data protection officer in any case where:

- (a) the processing is carried out by a public authority or body, except for courts acting in their judicial capacity;*
- (b) the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or*
- (c) the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 and personal data relating to criminal convictions and offences referred to in Article 10.'*

4. OUR DECISION

- 4.1 After considering our business and customers, as well as the requirement set out in Article 37(1) including the meaning of terms such as 'core activity' and 'large scale' in this context, we have decided as follows.
- 4.2 We do need a DPO at Brunelcare as our core activities do require processing on a large scale of special categories of personal data (namely health).


5. **THE DPO APPOINTMENT**

We will ensure that Brunelcare's DPO's appointment will be in accordance with the remainder of Article 37 and with Articles 38 and 39 of the GDPR.

6. **REVIEW**

This decision will be kept under review by the Director of Corporate Services, who will review this decision periodically.

Signed on behalf of Brunelcare:

A handwritten signature in black ink that reads "Graham Russell".

Graham Russell
Chair of the Board

A handwritten signature in black ink that reads "Oona Goldsworthy".

Oona Goldsworthy
Chief Executive