

Herts Aid Data Protection Policy

Introduction

Herts Aid needs to collect and use certain types of information about the Data Subjects who come into contact with it in order to carry on our work. This personal information must be collected and dealt with appropriately; whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the Data Protection Act 1998, and within the General Data Protection Regulation (EU) 2016.

The following list below of definitions of the technical terms used is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal information Herts Aid will hold and how it will be held or used.

Data Processor - The person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

General Data Protection Regulation (GDPR) (EU) 2016 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU.

Data Protection Officer – The person(s) responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998 is Suzanne Bannister, Herts Aid Executive Director.

Data Subject/Service User – The individual whose personal information is being held or processed by Herts Aid (for example: a service user, an employee, a volunteer, a trustee)

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data

* See definition

Notification – Notifying the Information Commissioner about the data processing activities of Herts Aid as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998, and the General Data Protection Regulation (EU) 2016.

Processing – means collecting, amending, handling, storing or disclosing personal information

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about companies and agencies but applies to named persons or employees within Herts Aid

Sensitive data – means data about:

- ❖ Racial or ethnic origin
- ❖ Political opinions
- ❖ Religious or similar beliefs
- ❖ Trade union membership
- ❖ Physical or mental health
- ❖ Sexual life
- ❖ Criminal record
- ❖ Criminal proceedings relating to a data subject’s offences

Data Controller

Herts Aid is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for. Herts Aid will ensure that it is registered each year with the Information Commissioner as a Data Controller. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Data Processor

Herts Aid can also be defined as the Data Processor when required to deliver a contract on behalf of a third party Data Controller (such as Hertfordshire County Council).

Disclosure

Herts Aid may share data with other agencies such as clinicians, the NHS, the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Herts Aid to disclose data (including sensitive data) without the data subject's consent. These are:

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting vital interests of a Data Subject or other person
3. The Data Subject has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion
6. Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Herts Aid regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal. Herts Aid intends to ensure that personal information is treated lawfully and correctly.

To this end Herts Aid will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998, and within the General Data Protection Regulation (EU) 2016.

Specifically, the Principles require that personal information:

1. shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
2. shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. shall be adequate, relevant and not excessive in relation to those purpose(s)
4. shall be accurate and, where necessary, kept up to date,
5. shall not be kept for longer than is necessary
6. shall be processed in accordance with the rights of data subjects under the Act,
7. shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

Herts Aid will, through appropriate management, strict application of criteria and controls:

Herts Aid Data Protection policy, v1 Created June 10, updated: Jan 15, Jun 17, May 18

- observe fully conditions regarding the fair collection and use of information,
- meet its legal obligations to specify the purposes for which information is used,
- collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- ensure the quality of information used,
- ensure that the rights of people about whom information is held, can be fully exercised under the Act.

These include:

- the right to be informed that processing is being undertaken,
- the right of access to one's personal information
- the right to prevent processing in certain circumstances and
- the right to correct, rectify, block or erase information which is regarded as wrong information,
- take appropriate technical and organisational security measures to safeguard personal information,
- ensure that personal information is not transferred abroad without suitable safeguards,
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- set out clear procedures for responding to requests for information.

Data collection

Informed consent

Informed consent is when

- a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- and then gives their consent.

Herts Aid will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Herts Aid will ensure that the Data Subject

- clearly understands why the information is needed
- understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- as far as reasonably possible, grants explicit written consent, for data to be processed
- is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- has received sufficient information on why their data is needed and how it will be used

Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Service User records will be stored for a period of time to ensure availability in case of any legal claims, complaints or for safeguarding purposes. Documents will be stored for ten years from the point the record is archived, after which they will be disposed of appropriately.

Personnel records will be stored for a period of time to ensure availability for unexpected legal purposes. Documents will be stored for five years from termination of contract.

Records relating to Volunteers, Trustees and 'Friends' of Herts Aid will be stored for a period of time to ensure availability for unexpected legal purposes. Documents will be stored for five years from termination of contract where applicable.

Application forms, shortlisting and selection records of unsuccessful candidates for recruitment will be stored for a minimum of seven months and a maximum of one year.

Payroll information will be stored for six years from the end of the tax year to which the information applies.

It is Herts Aid's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party.

Data access and accuracy

All Data Subjects have the right to access the information Herts Aid holds about them. Herts Aid will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Herts Aid will ensure that:

- 1. it has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection,**
- 2. everyone processing personal information understands that they are contractually responsible for following good data protection practice,**
- 3. everyone processing personal information is appropriately trained to do so,**
- 4. everyone processing personal information is appropriately supervised,**
- 5. anybody wanting to make enquiries about handling personal information knows what to do,**
- 6. it deals promptly and courteously with any enquiries about handling personal information,**
- 7. it describes clearly how it handles personal information,**
- 8. it will regularly review and audit the ways it holds, manages and uses personal information**
- 9. it regularly assesses and evaluates its methods and performance in relation to handling personal information**
- 10. all staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them**

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998 and within the General Data Protection Regulations (EU) 2016.

In case of any queries or questions in relation to this policy please contact the Herts Aid Data Protection Officer.

Further Information:

- <http://www.informationcommissioner.gov.uk>
- Data Protection for Voluntary Organisations by Paul Ticher