



Data Protection Policy

DOCUMENT CONTROL PAGE		
TITLE	Title: Data Protection Policy Version: DRAFT v1.1 Reference Number: 6	
SUPERSEDES	Supersedes: DRAFT v1.0 Significant Changes:	
ORIGINATOR / MODIFIER	Originated by: Lisa Tallant, Operations Administration Officer Modified by: Designation: Robert Balfour, CEO	
RATIFICATION	Referred for approval by: Lisa Tallant, Date of Referral: Referral Destination: Board of Trustees Date of Survivors West Yorkshire Board Approval:	
APPLICATION	All Survivors West Yorkshire Staff All Survivors West Yorkshire Volunteers All Survivors West Yorkshire Clients	
CIRCULATION	Issue Date: Circulated by: Lisa Tallant Dissemination & Implementation:	
REVIEW	Review Date: March 2023 Responsibility of: Robert Balfour, CEO	

Version Control

Version	Date Amended	Reason
DRAFT v1.1	03/03/22	Updated job titles & dates

1. Scope

This policy applies to all staff and volunteers of Survivors West Yorkshire.

The purpose of this policy is to enable Survivors West Yorkshire to:

- Comply with the law in respect of the data it holds about individuals;
- Follow good practice;
- Protect Survivors West Yorkshire's clients, staff, volunteers and other individuals;
- Protect the organisation from the consequences of a breach of its responsibilities.

2. Legislation

The Data Protection Act 2018

The Data Protection Act 2018 gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in line with the rights of Data Subjects;
- Secure
- Not transferred to other countries without adequate protection.

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

The General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK. It is part of the wider package of

reform to the data protection landscape that includes the Data Protection Bill. The GDPR applies to 'personal data', which means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The information you supply about the processing of personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

3. Policy Statement

Survivors West Yorkshire will:

- Comply with both the law and good practice
- Respect individuals' rights
- Be open and honest with individuals whose data is held
- Provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently

Survivors West Yorkshire recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. Information about staff, volunteers and clients will be used fairly, securely and not disclosed to any person unlawfully.

Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, Survivors West Yorkshire will seek to give individuals as much choice as is possible and reasonable control over what data is held and how it is used.

Survivors West Yorkshire is the Data Controller and aims to register under the Data Protection Act 2018 when appropriate to its operations. All processing of personal data will be undertaken in accordance with the data protection principles.

Survivors West Yorkshire isn't registered with the Information Commissioners Office (ICO); this can be changed if the Board of Trustees decide it would be in the organisation's best interests.

4. Definitions

The 'Data Subject' is the individual whose personal data is being processed. Examples include:

- Employees – current and past

- Volunteers
- Job applicants
- Donors
- Users
- Suppliers
- Contractors

‘Processing’, in relation to information or data means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- Organisation, adaptation or alteration of the information or data,
- Retrieval, consultation of use of the information or data,
- Disclosure of the information or data by transmission, dissemination or otherwise making available, or
- Alignment, combination, blocking, erasure or destruction of the information or data

The “data controller” means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are or are to be processed.

The “data processor” in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Where personal data are processed only for purposes for which they are required by or under any enactment to be processed, the person on whom the obligation to process the data is imposed by or under that enactment is for the purposes of this Act the data controller.

This means that where an organisation is required by law to process personal data, it must retain data controller responsibility for the processing. It cannot negate its responsibility by ‘handing over’ responsibility for the processing to another data controller or data processor. Although it could use either type of organisation to carry out certain aspects of the processing for it, overall responsibility remains with the organisation with the statutory responsibility to carry out the processing.

5. Responsibilities

The Board of Trustees recognises its overall responsibility for ensuring that Survivors West Yorkshire complies with its legal obligations.

The Information Governance Lead is currently Robert Balfour, who has the following responsibilities:

- Briefing the Senior Management Team on Data Protection Responsibilities
- Reviewing Data Protection and related policies
- Advising other staff on Data Protection issues
- Ensuring that Data Protection induction and training takes place
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Ensuring contracts with Data Processors have appropriate data protection clauses
- Electronic security
- Approving data protection-related statements on publicity materials and letters

Each member of staff and volunteer at Survivors West Yorkshire who handles personal data will comply with the organisations operational procedures for handling personal data (including induction and training) to ensure that good Data Protection practice is established and followed.

All staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data that they may handle in the course of their work.

Significant breaches of this policy will be handled under Survivors West Yorkshire's disciplinary procedures.

6. Confidentiality

Because confidentiality applies to a much wider range of information than Data Protection, Survivors West Yorkshire has a separate Confidentiality Policy.

Survivors West Yorkshire has a 'Confidentiality Statement' for clients, setting out how their information will be used. This is available on request, and a version of this statement will also be used on the Survivors West Yorkshire website (see Appendix 1).

Staff, volunteers and sessional workers are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities (see confidentiality policy).

In order to provide some services, Survivors West Yorkshire will need to share client's personal data with other agencies (third parties). Verbal or written agreement will always be sought from the client before data is shared.

Where managers within Survivors West Yorkshire feel that it would be appropriate to disclose information in a way contrary to the confidentiality policy, or where an official disclosure request is received, this will only be done after discussions with the Data Protection Officer or Provider's Senior Information Risk Owner. All such disclosures will be documented.

7. Security

This section of the policy only addresses security issues relating to personal data. It does not cover security of the building, business continuity or any other aspect of security.

Any recorded information on clients, volunteers and staff will be:

- Kept in locked cabinets;
- Protected by the use of passwords if kept on Survivors West Yorkshire designated computers, mobile devices, or encrypted memory sticks;
- Destroyed if it is no longer needed.

Access to information on the main database is controlled by a password and only those needing access are given the password. Staff and volunteers should be careful about information that is displayed on a computer screen and make efforts to ensure that no unauthorised person can view the data when it is on display.

Notes regarding personal data of clients should be shredded or destroyed when no longer needed.

8. Data recording and storage

Survivors West Yorkshire uses a cloud database to hold basic information about all clients and volunteers.

The Information Governance Lead will regularly review the procedures for ensuring that its records remain accurate and consistent and, in particular:

- The database system is reviewed and re-designed, where necessary, to encourage and facilitate the entry of accurate data recording.

- Data on any individual will be held in a few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets.
- Effective procedures are in place so that all relevant systems are updated when information about any individual changes.
- Staff and volunteers who keep more detailed information about individuals will be given additional guidance.
- Data will be corrected if shown to be inaccurate.

Survivors West Yorkshire stores archived paper records of clients and volunteers securely in a locked filing cabinet and alarmed office.

The Information Governance Lead must be informed of any breach of the Data Protection Policy immediately upon discovery of the breach.

The Information Governance Lead will then record the data breach in the Data Risk Register and take appropriate action, which may include informing the Information Commissioner's Office and/or undertaking SUINM process.

9. Access to data

All clients, volunteers and staff have the right to request access to all information stored about them. Any subject access requests will be handled by the Information Governance Lead within the required time limit.

Subject access requests must be made in writing. All staff and volunteers are required to pass on anything which might be a subject access request to the Information Governance Lead without delay.

All those making a subject access request will be asked to identify any other individuals who may also hold information about them, so that this data can be retrieved.

Where the individual making a subject access request is not personally known to the Information Governance Lead, their identity will be verified before handing over any information.

The required information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.

Survivors West Yorkshire will provide details of information to clients who request it unless the information may cause harm to another person.

All clients should be given a 'Your Information Guide' which sets out Survivors West Yorkshire's duties and how they are delivered.

Staff have the right to access their file to ensure that information is being used fairly. If information held is inaccurate, the individual must notify the Information Governance Lead so that this can be recorded on file.

Staff, volunteers and contractors may not during or after the termination of their engagement or employment, disclose to anyone other than in the proper course of their work with Survivors West Yorkshire or where required by law, any information of a confidential nature relating to the company or its business or customers.

Breach of this clause may lead to dismissal without notice. Guidance on standards expected can be found in the staff code of conduct.

10. Transparency

Survivors West Yorkshire is committed to ensuring that in principle Data Subjects are aware that their data is being processed and:

- For what purpose it is being processed;
- What types of disclosure are likely; and
- How to exercise their rights in relation to the data.

Data Subjects will generally be informed in the following ways:

- Staff, in the staff terms and conditions;
- Volunteers, in the volunteer welcome/support pack;
- Clients, when they request (on paper, online or by phone) services.

Standard statements will be provided to staff for use on forms where data is collected.

Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

11. Consent

Consent will normally be sought for most processing of information about staff. Although staff details will only be disclosed for purposes unrelated to their work for Survivors West Yorkshire (e.g. financial references) with their consent.

Information about clients will only be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.

Information about clients will only be made public with their consent (this includes photographs).

'Sensitive' data about clients (including health information) will be held only with the knowledge and consent of the individual.

Consent should be given in writing, although for some services it is not always practical to do so. In these cases, verbal consent will always be sought to the storing and processing of data. In all cases it will be documented on the database that consent has been given.

All Data Subjects will be given the opportunity to opt out of their data being used in particular ways, such as the right to opt out of direct marketing (see below).

Survivors West Yorkshire acknowledge that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where Survivors West Yorkshire has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

12. Fundraising

Survivors West Yorkshire will treat the following direct communication with individuals as marketing:

- Seeking donations and other financial support;
- Promoting any Survivors West Yorkshire services;
- Promoting any Survivors West Yorkshire events;
- Promoting sponsored events and other fundraising exercises;
- Marketing on behalf of any other external company or voluntary organisation.

Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opt out. If it is not possible to give a range of options, any opt-out which is exercised will apply to all Survivors West Yorkshire marketing. Survivors West Yorkshire does not have a policy of sharing lists, obtaining external lists or carrying out joint or reciprocal mailings.

Survivors West Yorkshire will only carry out telephone marketing where consent has been given in advance, or the number being called has been checked against the Telephone Preference Service (TPS). Wherever email addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.

13. Staff training and acceptance of responsibilities

All staff who have access to any kind of personal data will be given copies of all relevant policies and procedures during their induction process, including the Data Protection Policy. Confidentiality policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.

Data Protection will be included in the induction training for all volunteers. Survivors West Yorkshire will provide opportunities for staff to explore Data Protection issues through training, team meetings and supervisions.

14. Policy review

The policy will be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

Appendix 1

Privacy statement

When you request information from Survivors West Yorkshire or sign up to any of our services, Survivors West Yorkshire obtains information about you.

This statement explains how we look after that information and what we do with it.

We have a legal duty under the Data Protection Act to prevent your information falling into the wrong hands. We must also ensure that the data we hold is accurate, adequate, relevant and not excessive.

Normally the only information we hold comes directly from you. Whenever we collect information from you, we will make it clear which information is required in order to provide you with the information, service or goods you need.

You do not have to provide us with any additional information unless you choose to. We store your information securely on our computer system, we restrict access to those who have a need to know, and we train our staff in handling the information securely.

If you have signed up to a class or other service, we will also pass your details to the professional worker providing that service. That worker may hold additional information about your participation in these activities.

We would also like to contact you in future to tell you about services we provide, to keep you informed of what we are doing and ways in which you might like to support Survivors West Yorkshire.

You have the right to ask us not to contact you in this way. We will always aim to provide a clear method for you to opt out. You can also contact us directly at any time to tell us not to send you any future material.

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you).

To obtain a copy, either ask for an application form to be sent to you or write to the Information Governance Lead at Survivors West Yorkshire. There is a charge of £10 for a copy of your data (as permitted by law). We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.