

Shine Relief Trust

Data Protection Policy

and

**Data Protection / Confidentiality
Statement**

May 2018

Revised April 26th 2018

Contents

1. Introduction and Overview.....	5
2. Policy Statement.....	6
3. Purpose.....	6
4. Principles.....	6
5. Procedures.....	7
1.1 Internal data records.....	7
Purposes.....	7
Acces	8
Accuracy.....	8
Storage	8
Use of Photographs.....	8
2.1 External data records	9
Purposes.....	9
Consent	9
Access.....	10
Accuracy.....	10
Storage	10
Use of Photographs.....	10
6. Criminal Records Bureau.....	11
7. Responsibilities of staff, volunteers and trustees.....	11
8. Compliance	11
9. Retention of Data.....	11

1. Introduction and Overview

Shine Relief Trust holds three types of information which are covered by this policy

- personal information – information about individuals such as names, addresses
- sensitive personal information – in general this kind of information is only held about employees/volunteers. There are, however, instances where sensitive information is held about other people. For example information about dietary requirements or medication taken from participants for an event might allow a person's religion to be deduced
- organisations - Information about organisations is not covered by the Data Protection Act

The organisations and people about which Shine Relief Trust holds information are referred to in this policy as data subjects.

Shine Relief Trust will not hold information about individuals without their knowledge and consent.

Shine Relief Trust will only hold information for specific purposes. It will inform data subjects what those purposes are.

Information will not be retained once it is no longer required for its stated purpose.

Shine Relief Trust will seek to maintain accurate information by creating ways in which data subjects can update the information held.

Data subjects will be given the option to receive marketing mailings from SHINE RELIEF TRUST or other organisations through opt-in options provided when collecting data.

Data subjects will be entitled to request details about information held about them by SHINE RELIEF TRUST.

Information about data subjects will not be disclosed to other organisations or to individuals who are not members of SHINE RELIEF TRUST staff or Trustee Board except in circumstances where this is a legal requirement, where there is explicit or implied consent or where the information is publicly available elsewhere.

SHINE RELIEF TRUST has procedures for ensuring the security of all personal data. Paper records containing confidential personnel data are disposed of in a secure way.

SHINE RELIEF TRUST has a set of procedures covering all areas of its work which it follows to ensure that it achieves the aims set out above.

The Project Manager has been delegated with day to day controlling of data on behalf of SHINE RELIEF TRUST Board, the Data Controller.

At the beginning of any new project or type of activity the member of staff managing it will consult the Project Manager about any data protection implications which will be reported to SHINE RELIEF TRUST Board, as the Data Controller will

There may be situations where SHINE RELIEF TRUST works in partnership with other organisations on projects which require data sharing. SHINE RELIEF TRUST will clarify which organisation is to be the Data Controller and will ensure that the Data Controller deals correctly with any data which SHINE RELIEF TRUST has collected.

All new staff will be given training on the data protection policy and procedures.

SHINE RELIEF TRUST will carry out an annual review of its data protection policy and procedures.

2. Policy Statement

Shine Relief Trust collects and uses information about people with whom it communicates. This personal information must be dealt with properly and securely however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material. There are safeguards to ensure this in the Data Protection Act 1998.

Shine Relief Trust regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between those with whom it deals.

To this end Shine Relief Trust fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

3. Purpose

The purpose of this policy is to ensure that the staff, volunteers and trustees of SHINE RELIEF TRUST are clear about the purpose and principles of data protection and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against SHINE RELIEF TRUST or its staff, volunteers or trustees.

4. Principles

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this Shine Relief Trust follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are summarised below:

1. Personal data will be processed fairly and lawfully
2. Data will only be collected and used for specified purposes
3. Data will be adequate, relevant and not excessive
4. Data will be accurate and up to date
5. Data will not be held any longer than necessary
6. Data subject's rights will be respected
7. Data will be kept safe from unauthorised access, accidental loss or damage

5. Procedures

The following procedures have been developed in order to ensure that Shine Relief Trust meets its responsibilities in terms of Data Protection. For the purposes of these procedures data collected, stored and used by SHINE RELIEF TRUST falls into 2 broad categories:

1. Shine Relief Trust's internal data records;
 - Staff, volunteers and trustees
2. Shine Relief Trust's external data records;
 - Supporters

Shine Relief Trust as a body is a DATA CONTROLLER under the Act, and the Trustee Board is ultimately responsible for the policy's implementation.

1.1 Internal data records

Purposes

Shine Relief Trust obtains personal data (names, addresses, phone numbers, email addresses), application forms, and references and in some cases other documents from staff, volunteers and trustees. This data is stored and processed for the following purposes:

- Recruitment
- Equal Opportunities monitoring
- Volunteering opportunities

- To distribute relevant organisational material e.g. meeting papers
- Payroll

Access

The contact details of staff, volunteers and trustees will only be made available to other staff, volunteers and trustees. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day to day running of the organisation.

Contact details of staff, volunteers and trustees will not be passed on to anyone outside the organisation without their explicit consent.

A copy of staff, volunteer, trustee emergency contact details will be kept in the Emergency File for Health and Safety purposes to be used in emergency situations e.g. fire/ bomb evacuations.

Staff, volunteers and trustees will be supplied with a copy of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

Shine Relief Trust will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for 6 years after an employee, volunteer or trustee has worked for the organisation and brief details for longer. Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference. The Project Manager has responsibility for destroying personnel files.

Storage

Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data are stored in organised and secure systems.

Shine Relief Trust operates a clear desk policy at all times.

Use of Photographs

Where practicable, Shine Relief Trust will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisations website or in the Newsletter.

2.1 External data records

Purposes

Shine Relief Trust obtains personal data (such as names, addresses, and phone numbers) from supporters. This data is obtained, stored and processed solely to assist staff and volunteers in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the organisation's database.

Consent

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation, in which case the Project Manager will discuss and agree disclosure with the Chair / Vice Chair. Contact details held on the organisation's database may be made available to groups / individuals outside of the organisation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

Informed consent is when

- An Individual/Service User 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.

Shine Relief Trust 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, Shine Relief Trust will ensure that the Individual/Service User:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

Access

Only the organisation's staff, volunteers and trustees will normally have access to personal data. All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it. Information supplied is kept in a secure filing, paper and electronic system and is only accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue. Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

Shine Relief Trust will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for as long as the data owner / client / member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their records will be disposed of in a secure manner. However, unless we are specifically asked by an individual to destroy their details, we will normally keep them on file for future reference.

If a request is received from an organisation / individual to destroy their records, we will remove their details from the database and request that all staff holding paper or electronic details return them to the organisation for destruction. This work will be carried out by the Information Officer. This procedure applies if Shine Relief Trust is informed that an organisation ceases to exist.

Storage

Personal data may be kept in paper-based systems and on a password-protected computer system. Paper-based data are stored in organised and secure systems.

Shine Relief Trust operates a clear desk policy at all times.

Use of Photographs

Where practicable, Shine Relief Trust will seek consent of members / individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisation's website or in the Newsletter.

6. Criminal Records Bureau

Shine Relief Trust will act in accordance with the DBS code of practice. Copies of disclosures are kept for no longer than is required. In most cases this is no longer than 6 months in accordance with the DBS Code of Practice. There may be circumstance where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

7. Responsibilities of staff, volunteers and trustees

During the course of their duties with Shine Relief Trust, staff, volunteers and trustees will be dealing with information such as names / addresses / phone numbers / e-mail addresses of members / clients / volunteers. They may be told or overhear sensitive information while working for SHINE RELIEF TRUST. The Data Protection Act (1988) gives specific guidance on how this information should be dealt with. In short to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. Staff, paid or unpaid must abide by this policy. To help staff, volunteers, trustees meet the terms of the Data Protection Act; the attached Data Protection / Confidentiality statement has been produced. Staff, volunteers and trustees are asked to read and sign this statement to say that they have understood their responsibilities as part of the induction programme.

8. Compliance

Compliance with the Act is the responsibility of all staff, paid or unpaid. Shine Relief Trust will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action. Any employee who breaches this policy statement will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution. Any questions or concerns about the interpretation or operation of this policy statement should in the first instance be referred to the line manager.

9. Retention of Data

No documents will be stored for longer than is necessary. For guidelines on retention periods see the Data Retention Schedule. All documents containing personal data will be disposed of securely in accordance with the Data Protection principles.

10. IT Policy

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.

Data Protection / Confidentiality Statement

1. Personal information

“Personal information” includes details such as addresses / phone numbers and health details supplied by staff / supporters / volunteers. Such information may be shared between staff and volunteers for work reasons, but must not be given to anyone outside SHINE RELIEF TRUST without explicit consent from the staff/supporter / volunteer.

2. New supporters/service users

All requests from supporters/ service users for any service offered by SHINE RELIEF TRUST should be referred to the appropriate member of staff. If the appropriate member of staff is not available, please take a name and contact number only and pass the message on. This is particularly important when dealing with a third party (for example, if a relative or friend phones on behalf of someone else) as SHINE RELIEF TRUST should not collect information about a person who has not given permission to use his/her details. In most cases however, it is assumed that if a representative of a group contacts SHINE RELIEF TRUST then that group has given permission to use their details.

3. Unlawful disclosure of personal information

Under the Data Protection Act you are committing a criminal offence if you disclose personal information ‘knowingly or recklessly’ to anyone you are not supposed to, so please be careful.

As SHINE RELIEF TRUST has an open door policy for members of the public to drop in anytime during opening hours, please seek to ensure that conversations are as private as possible, and be aware that conversations containing personal or sensitive information may be overheard by people who should not have access to such information.

4. Use of files, books and other paper records

In order to prevent unauthorised access and accidental loss or damage to personal information held on paper, please take good care of the files, books and other paper records you use while on duty, and ensure that they are stored safely before you leave the building.

5. Disposal of scrap paper

You should be aware that names / addresses / phone numbers and other information written on scrap paper are also considered to be confidential. Please tear up or shred such notes before disposing of them in the waste paper bin.

6. Emergency Contact Details

Brief personal contact details and next of kin of staff and volunteers must be securely stored in a register in case of emergency. The register will be kept securely by the Project Manager and used only in emergency situations.

7. Your own personal information

You may be interested to know that under the Data Protection Act you are entitled to access any personal information held on you, including that held by SHINE RELIEF TRUST. If you want to see this information, please talk to the Office Manager.

8. References

Unless informed otherwise by you, Shine Relief Trust will supply references to future employers if such information is requested. After 7 years this will only contain brief details of the dates you were employed and the job title of the work undertaken.

9. Passwords

A list of all passwords must be provided to the Project Manager and may not be changed without their knowledge.

10. Handling, Use, Secure Storage, Retention & Disposal of Disclosures and Disclosure

Storage and Access

Disclosure information is be kept securely, in lockable, non-portable, storage containers (e.g. filing cabinet), with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

Retention

Once a recruitment (or other relevant e.g. regulatory or for licensing purposes) decision has been taken, we do not keep Disclosure information for any longer than is necessary for the resolution of disputes or complaints. Unless there are exceptional circumstances certificates will be destroyed within six months of the date of issue. Information will not be retained but destroyed once a decision, recruitment or otherwise has been made. If this happens it will be done in consultation with the Disclosure Unit who will seek advice giving full consideration to the Data Protection and Human Rights legislation. The conditions regarding safe handling and storage will continue to apply.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptacle (e.g. waste-bin or confidential sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non-conviction information supplied by police but not included on the Disclosure. However, despite the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure Certificate and the details of the recruitment decision taken.

Ihave read and understood the above statement.

Signed..... Date.....

Glossary of Terms

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

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

Data Protection Officer – The person(s) responsible for ensuring that **organisations** follow its data protection policy and complies with the Data Protection Act 1998.

Individual/Service User – The person whose personal information is being held or processed by **Shine Relief Trust** for example: a client, an employee, or supporter.

Explicit consent – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of **Shine Relief Trust**, as certain activities may be exempt from notification.

The link below will take to the ICO website where a self assessment guide will help you to decide if you are exempt from notification:

http://www.ico.gov.uk/for_organisations/data_protection/the_guide/exemptions.aspx

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

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 organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within (GROUP).

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings