



# **Colne Valley Help Data Protection GPDR**

January 2021

Review date before: 14 January 2023

# Colne Valley Help – Data protection policy

## Outline

This document is a statement of the aims and principles of the charity, for ensuring the confidentiality of sensitive information relating to trustees, volunteers, users and staff.

## Introduction

Colne Valley Help (afterwards referred to as CVH) needs to keep certain information about its employees, trustees, volunteers, staff, and other users to allow it to monitor health and safety, for example, and for use in relation to the everyday running of the charity.

It may also be necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. 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, CVH must comply with the Data protection principles which are set out in the Data Protection Act 1998 (the 1998 Act).

In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

CVH and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the charity has developed this Data Protection Policy.

## Internet / Website

CVH will never pass on your Personal Information for marketing purposes to anyone. We are currently not using email or websites for personal information. However, we do use encrypted messages such as WhatsApp with limited information.

If you decide to instruct us to cease using your Personal Information as contemplated in this Policy, and notify us either in writing or by email as mentioned above, we shall destroy any retained personal information, unless it legally required to be held on file (e.g. Gift Aid details).

### **Use and disclosure of Personal Information**

If you contact the charity, we reserve the right to keep a record of that correspondence and incorporate the information it contains into our database.

If we are required by law or requested by the police or a regulatory or government authority investigating potentially illegal activities to provide information concerning your activities whilst using the network we shall do so.

We may also disclose personal information to appropriate third parties to assist in anti-fraud checks and investigations.

### **Status of this Policy**

This policy does not form part of the contract of employment for staff, or membership of the Trust, but it is a condition of employment that employees / charity members / volunteers / trustees will abide by the rules and policies made by the Charity from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

### **The Data Controller and the Designated Data Controllers**

The Charity as a body is the Data Controller under the 1998 Act, and the Trustees are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day-to-day matters.

The Charity has three Designated Data Controllers: They are the Company Secretary, Richard the Chair, Matthew and the Advisor, Lisa.

Any individual who considers that the Policy has not been followed in respect of personal data about himself or herself should raise the matter with one of the Designated Data Controllers.

### **Responsibilities of trustees / charity users / staff / volunteers**

All persons listed above are responsible for:

- Checking that any information that they provide to the Charity in connection with their work for the Charity is accurate and up to date.

- Informing the Charity of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The Charity cannot be held responsible for any errors unless the individual has informed the Charity of such changes.

If and when, as part of their responsibilities, individuals collect information about other people (e.g. for Charity membership, opinions about ability, references to other institutions, or details of personal circumstances), they must comply with the guidelines as set out in the Trust's Data Protection Code of Practice.

## **Data Security**

All individuals are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Individuals should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive that is regularly backed up and on cloud storage; and
- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

## **Rights to Access Information**

All individuals are entitled to:

- Know what information the Charity holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the Charity is doing to comply with its obligations under the 1998 Act.

This Policy document and CVH's Data Protection Code of Practice address in particular the last three points above. To address the first point, CVH will, upon request, provide all relevant users with a statement regarding the personal data held about them. This will state all the types of data the CVH holds and processes about them, and the reasons for which they are processed.

All relevant users have a right under the 1998 Act to access certain personal data being kept about them either on computer or in certain files. Any person who wishes to exercise this right should ask the Designated Data Controller.

CVH will make a charge of £10 on each occasion that access is requested, although CVH has discretion to waive this.

CVH aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

### **Subject Consent**

In many cases, CVH can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to CVH processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to operate other CVH policies, such as the Equal Opportunities Policy. Because this information is considered sensitive under the 1998 Act, such persons will be asked to give their express consent for the CVH to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

### **Retention of Data**

CVH has a duty to retain some personal data for a period of time following their departure from the Trust, mainly for legal reasons, but also for other purposes. Different categories of data will be retained for different periods of time.

### **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of the Trust.

Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

This policy was formally agreed and adopted by the Board of Trustees of CVH and will be reviewed within 2 years by the board of trustees.

Approved at board meeting of 25<sup>th</sup> January 2021