



DATA PROTECTION POLICY

1.0 Introduction

1.1 Scope of Policy

This policy applies to:

- the office and work locations of YMCA Edinburgh;
- all sessional workers operating on behalf of YMCA Edinburgh;
- to paid staff and volunteers.

1.2 Policy preparation and renewal

The policy has been prepared by Emma Brown, Chief Executive who is responsible for data protection and has been approved by the Board of Management. The policy will be reviewed every 2 years.

1.3 Purpose of Policy

The purpose of this policy is to enable YMCA Edinburgh to:

- comply with the law in respect of the data it holds about individuals;
- follow good practice;
- protect YMCA Edinburgh's supporters, staff and other individuals
- protect the organisation from the consequences of a breach of its responsibilities.

2.0 Introduction to Data Protection 1998

2.1 The **Data Protection Act 1998 (DPA)** is an **Act** of Parliament of the United Kingdom of Great Britain and Northern Ireland which defines UK law on the processing of **data** on identifiable living people. It is the main piece of legislation that governs the **protection** of personal **data** in the UK. The [Data Protection Act](#) controls how your personal information is used by organisations, businesses or the government.

2.2 Everyone responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully

- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the [European Economic Area](#) without adequate protection

There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual health
- criminal records

- 2.3 This policy applies to information relating to identifiable individuals, even where it is technically outside the scope of the Data Protection Act, by virtue of not meeting the strict definition of 'data' in the Act.

3.0 Policy Statement

YMCA Edinburgh 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

YMCA Edinburgh recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. In the main this means:

- keeping information securely in the right hands, and
- holding good quality information.

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, YMCA Edinburgh will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.

3.1 Key Risks

YMCA Edinburgh has identified the following potential key risks, which this policy is designed to address:

- Breach of confidentiality (information being given out inappropriately)
- Insufficient clarity about the range of uses to which data will be put — leading to Data Subjects being insufficiently informed
- Failure to offer choice about data use when appropriate

- Breach of security by allowing unauthorised access
- Failure to establish efficient systems of managing changes leading to personal data being not up to date.
- Harm to individuals if personal data is not up to date
- Insufficient clarity about the way sessional workers' or volunteers' personal data is being used e.g. given out to general public.
- Failure to offer choices about use of contact details for staff, volunteers or sessional workers

4.0 Responsibilities

- 4.1 The Board of Management recognises its overall responsibility for ensuring that YMCA Edinburgh complies with its legal obligations.
- 4.2 The Data Protection Officer is currently Emma Brown, Chief Executive, with the following responsibilities:
- Briefing the board 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
 - Notification
 - Handling subject access requests
 - Approving unusual or controversial disclosures of personal data
 - Approving contracts with Data Processors
- 4.3 Each work area where personal data is handled is responsible for its own operational procedures (including induction and training) to ensure that good Data Protection practice is established and followed.
- 4.4 All staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.
- 4.5 Significant breaches of this policy will be handled under YMCA Edinburgh's disciplinary procedures.

5.0 Confidentiality

Because confidentiality applies to a much wider range of information than Data Protection, this policy does not include information about the following which is included in the Code of Conduct;

- Information about the organisation (and its plans or finances, for example)
- Information about other organisations, since Data Protection only applies to information about individuals
- Information which is not recorded, either on paper or electronically
- Information held on paper, but in a sufficiently unstructured way that it does not meet the definition of a "relevant filing system" in the Data Protection Act

5.1 Access

Access to the data collected and held on the database will only be by staff at YMCA Edinburgh and office volunteers. Access will be defined on a “need to know” basis; no one should have access to information unless it is relevant to their work. This may be relaxed in the case of information which poses a low risk: for example, a list of registered attendees may be made generally available, even if this means people having access who don’t strictly need it apart from data entry.

5.2 Sharing

Access to data may however be passed on through our sharing agreements where specific case information can be shared with other organisations who are working with individuals or a family. This will only be shared to best support those we work with and if consent has been given in advance.

5.3 Risks

Information disclosed will not generally be shared with a parent unless there is immediate concern or harm to a child’s life. We would actively encourage children to discuss information disclosed with parents where possible.

5.4 Break in Confidentiality

The exception to confidentiality will be if there is information shared which could bring harm to the Data Subject or others, in this case we have a legal obligation to share and confidentiality would need to be broken. This will be discussed with service users when we are working with them and reviewed on a case by case basis.

5.5 Communication with Data Subjects

YMCA Edinburgh will have a privacy statement for Data Subjects, setting out how their information will be used. This will be available on request, and a version of this statement will also be used on the YMCA Edinburgh’s web site. (See Appendix A.)

Staff, volunteers and sessional workers will be required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See Appendix B.)

5.6 Authorisation for disclosures not directly related to the reason why data is held

Where anyone within YMCA Edinburgh feels 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 with the authorisation of the Data Protection Officer. All such disclosures will be documented.

6.0 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.

6.1 Specific Risks

YMCA Edinburgh has identified the following risks:

- Information passing between the main office and offsite locations or meetings

- Staff or volunteers with access to personal information could misuse it.
- Sessional workers or, more likely, volunteers could continue to be sent information after they have stopped working for YMCA Edinburgh, if their records are not updated promptly.
- Poor web site security might give a means of access to information about individuals once individual details are made accessible on line.
- Staff may be tricked into giving away information, either about supporters or colleagues, especially over the phone

6.2 Setting Security Levels

Access to information on the main computer system will be secured with passwords and two step log in authentication used for the database for staff members accessing through mobile devices and offsite.

6.3 Security Measures

The following measures are in place for the protection of data;

6.3.1 Clear desk policy

Staff should not be leaving sensitive information lying on office desks which contains information on staff, volunteers or service users when they are not in the building. This should be locked away.

6.3.2 Password Protection

Passwords should be set for each piece of electronic equipment that is the property of YMCA Edinburgh and these passwords should not be shared. The Chief Executive will have access to passwords through a password encrypted file as a backup. Passwords can be reset by individuals online for database.

6.3.3 Entry control to office

Access to the offices is limited by the key entry fob system. Staff need to ensure doors are not propped open or left unlocked when they leave the building. Any filing cabinets within the office with sensitive information should be locked when you leave the building.

6.3.4 Backups

Backups of the computers are carried out weekly and held online. A backup of the database Lamplight is carried out by the host and held offsite.

6.3.5 Personal Safety

Personal safety guidelines are set out in YMCA Edinburgh's lone working policy.

7.0 Data Recording and Storage

YMCA Edinburgh is moving towards a single database holding basic information about all supporters and volunteers. Work areas will for the time being, however, continue to hold separate registers of their members, and sessional workers may also keep separate information about those they are supporting.

YMCA Edinburgh will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- ICT systems will be designed, where possible, to encourage and facilitate the entry of accurate data.
- Data on any individual will be held in as few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets.
- Effective procedures will be in place so that all relevant systems are updated when information about any individual changes.

Staff or volunteers who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.

Data held on service users should be updated annually.

7.1 Storage

Any paper copies of information on service users should be kept in a locked cabinet in the office and not left on desks where others can access. Care should be taken if taking personal information on service users in sessions, to ensure no-one has access to this information who does not need to i.e. other service users.

7.2 Retention Periods

YMCA Edinburgh will establish retention periods for at least the following categories of data:

- Members
- Supporters and users of services who elect not to become members
- Volunteers
- Staff
- Sessional workers

7.3 Archives

Archived paper records of members are stored securely.

8.0 Subject Access

Any subject access requests will be handled by the Data Protection Officer.

8.1 Procedure for Making a Request

Subject access requests must be in writing. All staff and volunteers are required to pass on anything which might be a subject access request to the Data Protection Officer without delay.

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

8.2 Provision for Verifying Identity

Where the individual making a subject access request is not personally known to the Data Protection Officer their identity will be verified before handing over any information.

8.3 Charging

There will be no charge for subject access.

8.4 Procedure for granting access

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

9.0 Transparency

YMCA Edinburgh 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.

9.1 Procedure

Data Subjects will generally be informed in the following ways:

- Staff: in the staff handbook
- Volunteers: in the volunteer handbook
- Sessional workers: in the staff handbook
- Members: in the welcome pack
- Supporters: when they sign up (on paper, on line or by phone) for services or purchase products

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.

10.0 Consent

Consent will normally not be sought for most processing of information about **staff** and **sessional workers**, with the following exceptions:

- Staff details will only be disclosed for purposes unrelated to their work for YMCA Edinburgh (e.g. financial references) with their consent.
- Sessional workers, or other staff working from home, will be given the choice over which contact details are to be made public.

Information about **volunteers** will 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 **members** and **supporters** will only be made public with their consent. (This includes photographs.)

‘Sensitive’ data about members and supporters (including health information) will be held only with the knowledge and consent of the individual.

10.1 Forms of Consent

Consent will be given by staff and volunteers by completing a medical form and ticking the appropriate consent fields regarding; publicity, sharing information and photographs.

10.2 Withdrawing consent

Once given consent can be withdrawn, however not retrospectively. There may be occasions where the YMCA Edinburgh has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn i.e. finance records.

11.0 Direct Marketing

YMCA Edinburgh will treat the following unsolicited direct communication with individuals as marketing:

- seeking donations and other financial support;
- promoting any YMCA Edinburgh services;
- promoting events;
- promoting membership to supporters;
- promoting sponsored events and other fundraising exercises;

marketing on behalf of any other external company or voluntary organisation.

11.1 Opting Out

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 YMCA Edinburgh marketing.

11.2 Sharing Lists

YMCA Edinburgh does not share their lists or undertake to obtain external lists.

11.3 Electronic Contact

YMCA Edinburgh will NOT carry out telephone marketing, phone numbers will only be used to contact about sessions they attend.

Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.

12.0 Staff Training and Acceptance of Responsibilities

Information for staff and sessional workers is contained in the staff handbook and all staff who have access to any kind of personal data will have their responsibilities outlined during their induction procedures. All staff will be asked to sign to agree to understanding and following the procedures for YMCA Edinburgh in relation to Data Protection and be provided opportunities to explore Data Protection issues through training, team meetings, and supervisions.

13.0 Policy Review

The next policy review will be carried out by the Chief Executive and the Board of Management. Any changes will be discussed in the team meeting, with line managers responsible for disseminating information. The review is to take place in February-April 2018.

14.0 Notes - Terms

Data Controller

The Data Controller is the legal 'person' responsible for complying with the Data Protection Act. It will almost always be the organisation, not an individual staff member or volunteer. Separate organisations (for example a charity and its trading company) are separate Data Controllers. Where organisations work in close partnership it may not be easy to identify the Data Controller. If in doubt, seek guidance from the Information Commissioner.

Data Processor

When work is outsourced, which involves the contracting organisation in having access to personal data, there must be a suitable written contract in place, paying particular attention to security. The Data Controller remains responsible for any breach of Data Protection brought about by the Data Processor.

Fair processing conditions

Schedule 2 of the Data Protection Act lays down six conditions, at least one of which must be met, in order for any use of personal data to be fair. These are (in brief):

- With consent of the Data Subject
- If it is necessary for a contract involving the Data Subject
- To meet a legal obligation
- To protect the Data Subject's 'vital interests'
- In connection with government or other public functions
- In the Data Controller's 'legitimate interests' provided the Data Subject's interests are not infringed

Notification

All Data Controllers have to consider whether they are exempt from Notification. If they are not exempt, they have to Notify. This means completing a form for the Information Commissioner, and paying a fee of £35 a year. The Notification form covers:

- The purposes for which personal data is held (from a standard list) and for each purpose (again from standard lists):

- The types of Data Subject about whom data is held
- The types of information that are held
- The types of disclosure that are made
- Any transfers abroad

There is probably no need to mention the details of the organisation's Notification in the policy. The Notification entry has to be reviewed each year, and may have to change if the organisation changes its processing in significant ways.

Subject access

Individuals have a right to know what information is being held about them. The basic provision is that, in response to a valid request (including the fee, if required), the Data Controller must provide a permanent, intelligible copy of all the personal data about that Data Subject held at the time the application was made. The Data Controller may negotiate with the Data Subject to provide a more limited range of data (or may choose to provide more), and certain data may be withheld. This includes some third party material, especially if any duty of confidentiality is owed to the third party,

and limited amounts of other material. (“Third Party” means either that the data is about someone else, or someone else is the source.)

Appendix A: Privacy statement

When you request information from YMCA Edinburgh or sign up to any of our services, YMCA Edinburgh 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, or services 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.

We would also like to contact you in future to tell you about other services we provide, and ways in which you might like to support YMCA Edinburgh. 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 marketing 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 Data Protection Officer at YMCA Edinburgh. There is no charge for a copy of your data. We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.

[For the web site, additional information is usually included. This would cover:

- *Does the web site collect IP addresses, and if so does it link them to the individual in order to track their future visits?*
- *Does the web site set any cookies, and if so what are they used for?]*

Appendix B: Confidentiality statement for staff and volunteers

When working for YMCA Edinburgh, you will often need to have access to confidential information which may include, for example:

- Personal information about individuals who are service users, supporters or otherwise involved in the activities organised by YMCA Edinburgh.
- Information about the internal business of YMCA Edinburgh.
- Personal information about colleagues working for YMCA Edinburgh.

YMCA Edinburgh is committed to keeping this information confidential, in order to protect people and YMCA Edinburgh itself. 'Confidential' means that all access to information must be on a need to know and properly authorised basis. You must use only the information you have been authorised to use, and for purposes that have been authorised. You should also be aware that under the Data Protection Act, unauthorised access to data about individuals is a criminal offence.

You must assume that information is confidential unless you know that it is intended by YMCA Edinburgh to be made public. Passing information between YMCA Edinburgh and a mailing house, or *vice versa* does not count as making it public, but passing information to another organisation does count.

You must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular, you must:

- not compromise or seek to evade security measures (including computer passwords);
- be particularly careful when sending information between YMCA Edinburgh and other organisation's (secure email should be used or coding)
- not gossip about confidential information, either with colleagues or people outside YMCA Edinburgh;
- not disclose information — especially over the telephone — unless you are sure that you know who you are disclosing it to, and that they are authorised to have it.
- be careful in discussions which take place in a public place not on YMCA Edinburgh premises in disclosing sensitive information to members of public

If you are in doubt about whether to disclose information or not, do not guess. Withhold the information while you check with an appropriate person whether the disclosure is appropriate.

Your confidentiality obligations continue to apply indefinitely after you have stopped working for YMCA Edinburgh.

I have read and understand the above statement. I accept my responsibilities regarding confidentiality.

Signed:

Date: