



## Centre Peace Homes

### GDPR - Data Protection

<b>Authorised by Elaine Randall</b>	<b>15<sup>th</sup> November 23</b>	<b>Issue number 1</b>
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### Legislative Framework and Guidance

This policy is written in accordance with the legislation [Data Protection Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)

### Relevant Policies and Procedures

- Access and storage of young person's case records and information sharing Policy
- Record Keeping Policy

### Aim

All persons working for CentrePeace Homes Ltd (CPH) has a responsibility to ensure that personal information collated and recorded on the children in our care is stored securely and that when it is shared with other agencies this is done appropriately and in accordance with the law.

### Legal Framework

The Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR) provide a legal framework to ensure that personal information which is collected and processed by organisations and services is done so fairly and lawfully.

Information is to remain, factual, accurate and relevant, stored securely (for no longer than necessary) and that, when it is shared, this is done appropriately and lawfully

However, this legislation does not prevent, or limit, the sharing of information for the purposes of keeping children safe.

### Guidance

The UK GDPR provides several reasons, which set out when personal information of the type collated by or held within children / young person's accommodation can be shared between organisations and/or Services - a child / young person may consent to their information being shared.

If there is a safeguarding risk, then information may be shared to promote the welfare, protection and safety of a child.



## Centre Peace Homes

It is important staff understand the data protection principles, which allow them to share personal information. The UK GDPR and Data Protection Act 2018 emphasise the need for organisations to be transparent and accountable in relation to their use of data.

All organisations handling personal data must ensure they have comprehensive and proportionate arrangements for collecting, storing, and sharing information. This also includes arrangements on informing children (and their families) about the information that the service will collect about them and how this may be shared.

### Personal Data

Under the UK GDPR, personal data covers information which could be used to identify a person (also sometimes called the 'data subject'). This includes for example, a person's name, address, or an identification / file number.

### Special category data

Special category data relates to information about children, which is particularly sensitive and therefore needs greater protection before it is shared. This includes, for example, information about a child's race and ethnic origin, their health and sexual preference.

### Consent

Where the child / young person has given clear consent for a person to process their personal data for a specific purpose. However, the UK GDPR sets a high standard for consent to share information and requires that it must be specific, time limited and able to be withdrawn.

Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build trust and engagement.

### Lawful Bases for Sharing Information

The UK GDPR provides practitioners with a number of lawful bases for sharing information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child, providing there is another lawful basis for the sharing

It is important to always choose the lawful basis that most closely reflects the true nature of your relationship with the individual and the purpose of the processing.

Where there is a clear risk of significant harm to a child, or serious harm to adults the adults will be supported to feel confident that they can (and should) share information.

Whenever any information is shared it should be proportionate and a record will be kept of what has been shared, with whom and for what purpose and the justifications behind it.



## Centre Peace Homes

### Security, integrity and confidentiality

#### Protecting Personal Data

Personal Data is maintained and stored to prevent unauthorised or unlawful processing, and against accidental loss, destruction or damage.

CPH maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:

- Confidentiality means that only people who have a need to know and are authorised to use the Personal Data can access it.
- Integrity means that Personal Data is accurate and suitable for the purpose for which it is processed.
- Availability means that the team at CPH can access the Personal Data when they need it for authorised purposes.

#### Reporting a Personal Data Breach

Any person within the service (Data Controller) should notify any personal data Breach to the Data Protection Officer who will recommend a course of action which, in certain instances will include the child / young person / staff member involved (Data Subject).

Do not attempt to investigate the matter yourself and immediately contact the DPO and preserve all evidence relating to the potential Personal Data Breach.

### Data Subject's rights and requests

Data Subjects have rights when it comes to how we handle their Personal Data. These include rights to:

- (a) withdraw Consent to Processing at any time;
- (b) receive certain information about the Data Controller's Processing activities;
- (c) request access to their Personal Data that we hold;
- (d) prevent our use of their Personal Data for direct marketing purposes;
- (e) ask us to erase Personal Data if it is no longer necessary in relation to the purposes for which it was collected or Processed or to rectify inaccurate data or to complete incomplete data;
- (f) restrict Processing in specific circumstances;
- (g) challenge Processing which has been justified on the basis of our legitimate interests or in the public interest;
- (h) request a copy of an agreement under which Personal Data is transferred outside of the EEA;
- (i) object to decisions based solely on Automated Processing, including profiling (ADM);



## Centre Peace Homes

- (j) prevent Processing that is likely to cause damage or distress to the Data Subject or anyone else;
- (k) be notified of a Personal Data Breach which is likely to result in high risk to their rights and freedoms;
- (l) make a complaint to the supervisory authority; and
- (m) in limited circumstances, receive or ask for their Personal Data to be transferred to a third party in a structured, commonly used and machine readable format.

You must verify the identity of an individual requesting data under any of the rights listed above (do not allow third parties to persuade you into disclosing Personal Data without proper authorisation).

You must immediately forward any Data Subject request you receive to the Data Protection Officer.

### Accountability

The CPH Data Protection Officer (DPO) is Lubna Shah.

The DPO is responsible for overseeing this policy and, as applicable, developing related Policies and Privacy Guidelines. The DPO is also required to ensure all staff has undergone mandatory training to enable them to comply with these data privacy laws and have signed to acknowledge they have read the policy.