

# MS-CAS Data Protection Policy

## Introduction

MS-CAS is fully committed to compliance with the requirements of the Data Protection Act 2018 and General Data Protection Regulations (GDPR) and the UKGDPR which came into effect on 1st January 2021, which would have implications should our organisation transfer any data between the UK and EEA.

MS-CAS, acts as both the data controller and processor for the purposes of data protection and will therefore follow procedures that aim to ensure that all employees, trustees, volunteers, contractors or partners of MS-CAS who have access to any personal data held by or on behalf of the organisation, are fully aware of and abide by their duties and responsibilities of the Act and Regulations.

### 1. Statement of policy

In order to operate efficiently, MS-CAS has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required to collect and use information in order to comply with the requirements of funding agreements. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

MS-CAS regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the organisation and those with whom it carries out business.

To this end MS-CAS fully endorses and adheres to the principles of the Act and Regulations.

#### 1.0. Amount of data to be held

MS-CAS will hold the minimum personal data necessary to enable it to perform its functions. Every effort will be made to ensure that data is accurate and up-to-date, and that inaccuracies are corrected quickly.

#### 1.1. Disclosures

Requests for disclosure of personal information, for example from the police for criminal investigations or solicitors for legal proceedings, must be made in writing. These requests will be logged and disclosure will only be granted if it is considered necessary for their purpose.

#### 1.2. Training

It is the aim of MS-CAS that all trustees / staff/ volunteers handling data will be properly trained, fully informed of their obligations under the Data Protection Act and aware of their personal liabilities.

#### 1.3. Storage

Hard data / grant applications will be stored in a locked cupboard/ cabinet for a maximum of 5 years after staff or volunteers have left. All expired data is safely destroyed after staff or volunteers have left including booking forms. All expired data is safely destroyed.

## 2 Purpose

This document sets out MS-CAS's policy regarding data protection. Data Protection Act 2018 and General Data Protection Regulations (GDPR) and the UKGDPR which came into effect on 1st January 2021, and is the basis of this document.

The purpose of the data protection legislation is to regulate the way that personal information about living individuals, whether held on computer or in a manual filing system, is obtained, stored, used, disclosed and destroyed. The legislation grants rights to individuals to see the data stored about them and to require modification of the data if it is wrong.

The 1998 Act requires all processing of personal data to be notified to the Information Commissioner and to be kept and used in accordance with the provisions of the Act.

## 3 Scope

This Data Protection Policy applies to all the systems, people, members and business processes that make up the charities information systems. This includes all Staff and Volunteers of MS-CAS, contractual third parties and agents of MS-CAS who have access to Information Systems or information used for MS-CAS purposes.

It applies to all information held in any format about living individuals, including personal data, sensitive personal data and financial data. This data will include details of, but is not restricted to:

- Trustees
- Staff
- Volunteers
- Members

## 4 Definition

This policy should be applied whenever a user accesses MS-CAS information systems or data in any form.

To aid the understanding of this document and provisions of the Data Protection Act the following definitions are provided:

**Data** is information that:

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose e.g. payroll system
- b) Is recorded with the intention that it should be processed by means of such equipment e.g. on disk or CD ROM
- c) Is recorded as part of a relevant filing system

**Data Controller** means MS-CAS as the organisation who determines how data is processed.

**Data Processor** means any person, other than an employee / volunteer of MS-CAS, who processes data on behalf of the data controller.

**Data Subject** is the individual about whom personal data is held.

**Personal Data** means data about a living individual who can be identified from that information (or from that and other information in the possession of the data controller). This includes an expression of opinion about the individual, but not any indication of the intentions of the data controller or any other in respect of that individual.

**Sensitive Personal Data** means personal data consisting of information as to:

- Racial or ethnic origin of the data subject
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Criminal convictions

**Processing** is very widely drawn and means anything from obtaining, holding and using the information to disclosure or destruction of the information.

**Special Purposes** means any one or more of the following i.e. journalistic, artistic or literary.

**Relevant Filing System** is any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

## 5 Risks

Non-compliance could have a significant effect on the efficient operation of MS-CAS and may result in financial loss and an inability to provide necessary services to our customers. Only names, email addresses, home addresses and contact telephone numbers may need to be stored- no personal financial information will be stored by the charity.

## 6 Principles

The Data Protection Act 1998 and General Data Protection Regulations (GDPR) and the UKGDPR which came into effect on 1st January 2021 contains 8 governing Principles relating to the collection, use, processing and disclosure of data, and the rights of data subjects to have access to personal data concerning them. These Principles are:

- 1 Personal data shall be processed fairly and lawfully and, in particular shall not be processed unless at least one of the conditions in Schedule 2 is met. These can be summarised as consent, contract, legal obligation, vital interests, public interest and balance of interest. In the case of sensitive personal data at least one of the conditions in Schedule 3 must also be met which can be summarised as explicit consent, employment law, vital interests, non-profit associations, manifestly made public, legal claims, justice/statute of the Crown, medical purposes, ethnic monitoring.
- 2 Personal data shall be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant, and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.
- 6 Personal data shall be processed in accordance with the rights of the data subject under this act (this includes the rights of subjects to access the data and to correct it).
- 7 Appropriate technical and organisational measures shall be put in place to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (this relates to data security).
- 8 Personal data shall not be transferred to a country outside the European Economic Area unless that country ensures an adequate level of protection in relation to the processing of personal data.

These principles are regarded as the minimum standards of practice for any organisation with respect to personal data.

## 7 Responsibilities

### 7.1 MS-CAS

Overall responsibility for the efficient administration of the Data Protection legislation lies with MS-CAS.

### 7.2 Data Protection Officer

It is the responsibility of the Data Protection Officer to assist MS-CAS to ensure compliance with this policy and to specify the procedures to be adopted.

The main duties of the Data Protection Officer are:

- Development, updating and publication of data protection procedures for MS-CAS
- Initial contact point for subject access requests and requests for disclosure of personal data from other agencies
- Ensure all other staff / volunteers handling data are adhering to this policy

## 8 Policy Governance

The following table identifies who within MS-CAS is Accountable, Responsible, Applicable or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted during final policy development.
- **Applies to** – the person(s) or groups that this policy is applicable.

## 9 Review & Revision

This policy will be reviewed as deemed appropriate, but no less frequently than every 2 years

**POLICY DATED:** [16/11/2022]

**REVIEW DATE :** *2 years after date of policy*