

# Data Protection Policy

## 1. Policy objectives

The purpose of this policy is to ensure that:

- a) Employees are aware of their obligations and rights concerning their own personal data kept by their employer and how it will be used and disclosed.
- b) Employees are aware of their responsibilities when handling information about members, customers and other employees and that they only have access to records if they are required to be seen during the course of their work and for no other purpose.
- c) Employees are aware that they could be criminally liable if they knowingly or recklessly disclose personal information in breach of the policy and, as a minimum, that serious breaches of the policy will be a disciplinary matter.
- d) Employees are responsible for ensuring that all personal data provided by them to the employer is accurate and updated when appropriate, for example, change of address.
- e) Employees are aware that they have the right to access any personal data about themselves.
- f) Employees are aware of the measures to ensure that all personal data is kept secure.
- g) Ensure employees are aware that any breach of the Data Protection Act 2018 or About With Friends Data Protection Policy is considered to be an offence and in that event About With Friends disciplinary procedures will apply

## 2. Background

The Data Protection Act 2018 is a United Kingdom Act of Parliament which updates data protection laws in the UK. It is a national law which complements the European Union's General Data Protection Regulation and updates the Data Protection Act 1998

## 3. Definitions

- 3.1 **Personal Data** - data relating to a living individual who can be identified from that information, or from that data and other information in possession of the data controller. Includes name, address, and telephone number.
- 3.2 **Sensitive Data** - different from ordinary personnel data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life and criminal convictions. Sensitive data is subject to much stricter conditions of processing.
- 3.3 **Data Controller** - any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data is processed and the way in which the personal data is processed.
- 3.4 **Data Subject** - any living individual who is the subject of personal data held by an organisation.
- 3.5 **Processing** - any operation is related to organisation, retrieval, disclosure and deletion of data and includes obtaining and recording data, accessing, altering adding to, merging, deleting data, retrieval, consultation or use of data disclosure or otherwise making available of data.
- 3.6 **Third Party** - any individual/organisation other than the data subject and the data controller.

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- 3.7 **Relevant Filing system** - any paper filing system or other manual filing system which is structured so that information about an individual is readily available.

### 4. Responsibilities

- 4.1 Sam Harwood, is the Data Protection Officer and is responsible for day-to-day data protection matters and for developing and communicating specific guidance on data protection issues.
- 4.2 Senior management and all those in managerial or supervisory roles are responsible for developing and encouraging good information handling practice.
- 4.3 Compliance with data protection legislation is the responsibility of all About With Friends staff who process personal information.

### 5. Notification

Notification is a legal requirement for every organisation that processes personal information (unless they are exempt), and failure to comply with this obligation is a criminal offence. Notification is the responsibility of the Data Protection Officer.

### 6. Policy in operation

All processing of personal data must be done in accordance with the eight data protection principles.

- 6.1 **Personal data shall be processed fairly and lawfully.**
- 6.2 **Personal data shall be obtained for specific and lawful purposes and not processed in a matter incompatible with those purposes.**
- 6.3 **Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is held.**  
Information, which is not strictly necessary for the purpose for which it is obtained, should not be collected. If data is given or obtained which is excessive for the purpose, it should be immediately destroyed or deleted.
- 6.4 **Personal data shall be accurate and, where necessary, kept up to date.**  
Data which is kept for a long time must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that it is accurate. It is the responsibility of individuals to ensure that data held by About with Friends is accurate and up-to-date. Completion of an appropriate registration or application form etc, will be taken as an indication that the data contained therein is accurate. Individuals should notify About with Friends of any changes in circumstances to enable personal records to be updated accordingly. It is the responsibility of About with Friends to ensure that any notification regarding change of circumstances is noted and acted upon.
- 6.5 **Personal data shall be kept only for as long as necessary.**

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- 6.6 **Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act.**
- 6.7 **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data.**
- 6.8 **Personal data shall not be transferred outside European Economic Area (EEA)** without the explicit consent of the individual. About With Friends staff should be particularly aware of this when putting information on the internet, which can be accessed from anywhere in the globe. This is because transfer includes placing data on a web site that can be accessed from outside the EEA.

## 7 Data Subject Rights

Data subjects have the following rights regarding data processing and the data that is recorded about them.

- a) To ask the nature of information held and to whom it has been disclosed
- b) To prevent processing likely to cause damage or distress
- c) To prevent processing for purposes of direct marketing
- d) To take action to rectify, block erase or destroy inaccurate data
- e) To request the Commissioner to assess whether any provision of the Act has been contravened
- f) To sue for compensation if the suffer damage by any contravention of the act

## 8. Consent

- 8.1 Wherever possible, personal data or sensitive data should not be obtained, held used or disclosed unless the individual has given consent.
- 8.2 About With Friends understands “consent” to mean that the data subject has been fully informed of the intended processing and has signified their agreement, whilst being in a fit state of mind to do so, and without pressure being exerted upon them.
- 8.3 Consent cannot be inferred from non-response to a communication. For sensitive data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.
- 8.4 In most instances, consent to process personal and sensitive data is obtained routinely by About with Friends (e.g. when a new member of staff signs a contract of employment). Individuals should be given a statement explaining what the information is to be used for and to whom it may be disclosed.

## 9. Security

- 9.1 All staff are responsible for ensuring that any personal data (on others) which they hold is kept securely and is not disclosed to any unauthorised third party.

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- 9.2 All personal data should be accessible only to those who need to use it. You should form a judgement based on the sensitivity and value of the information in question, but always consider keeping personal data:
- In a lockable room with controlled access, or
  - In a locked drawer or filing cabinet, or
  - If computerised, password protected, or
  - Kept on disks which are themselves kept securely.
- 9.3 Care should be taken to ensure that PC's and terminals are not visible except to authorised staff and that computer passwords are kept confidential. PC screens should not be left unattended without password protected screen-savers and manual records should not be left where they can be accessed by unauthorised personnel.
- 9.4 Care must be taken to ensure that appropriate security measures are in place for the deletion or disposal of personal data. Manual records should be shredded or disposed of as "confidential waste". Hard drives of redundant PC's should be wiped clean before disposal.
- 9.5 This policy all applies to staff that process personal data "off-site". Off-site processing presents a potentially greater risk of loss, theft or damage to personal data. Staff should take particular care when processing personal data at home or in any other locations outside About with Friends premises.

## 10 Right to Access

Members of About with Friends have the right to access any personal data which is held by About with Friends in electronic format and manual records which form part of a relevant filing system. This includes the right to inspect confidential personal references received by About with Friends about them. Any individual who wishes to exercise this right should apply in writing to the Data Protection Officer.

## 11 Disclosure of Data

About With Friends must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends and government bodies and, in certain circumstances, the Police. All staff and members should exercise caution when asked to disclose personal data held on another individual to a third party. For instance, it would usually be deemed appropriate to disclose a colleague's work contact details in response to an enquiry regarding a particular function for which they are responsible. However, it would not be appropriate to disclose a colleague's work details to someone who wished to contact them regarding a non-work related matter. The important thing to bear in mind is whether or not disclosure of the information is relevant to, and necessary for, the conduct of About with Friends business. Best practice, however, would be to take the contact details of the person making the enquiry and pass them on to the member of staff concerned.

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This policy determines that personal data may be legitimately disclosed where the individual has given their consent and where disclosure is required for the performance of a contract.

The Act permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- To safeguard national security\*
- Prevention or detection of crime including the apprehension or prosecution of offenders
- Assessment or collection of tax duty\*
- Discharge of regulatory functions (includes health, safety and welfare of persons at work)\*
- To prevent serious harm to a third party
- To protect the vital interests of the individual – this refers to life and death situations.

\*Requests must be supported by appropriate paperwork.

When a member of staff receives enquiries as whether a named individual is an employee of About with Friends, the enquirer should be asked why the information is required. If consent for disclosure has not been given and the reason is not one detailed above (i.e. consent not required), the member of staff should decline to comment. Even confirming whether or not an individual is a member of About with Friends may constitute an unauthorised disclosure.

Unless consent has been obtained from the data subject, information should not be disclosed. Instead, the enquirer should be asked to provide documentary evidence to support their request. Ideally a statement from the data subject consenting to disclosure to the third party should accompany the request.

As an alternative to disclosing personal data, About with Friends may offer to one of the following:

- Pass a message to the data subject asking them to contact the enquirer
- Accept a sealed envelope/incoming email message and attempt to forward it to the data subject

## 12 Retention and release of Data

- 12.1 About with Friends discourages the retention of personal data for longer than it is required. Once a member of staff leaves About with Friends, it will not be necessary to retain all the information held on them. Some data will be kept for longer periods than others.

The employee records (hard copies and electronic copies) may contain some or all of the following information. Note this is not a definitive list and other relevant information may be held against individual employees.

- Name/Address/Date of birth
- Home and mobile telephone number/Email address
- Next of kin/Relationship to Employee/Contact telephone number of next of kin
- National insurance number
- Name and address of Bank/Sort code and Account number

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- Curriculum Vitae/References
- Contract/Salary
- Training records
- Sickness absence dates/Return to work interviews following sickness
- Holiday Dates
- Annual appraisals
- Letter of commendation
- Disciplinary interviews
- Copies of Passport or Birth certificate (relevant since Asylum & immigration Act)

**12.2 Employee records** (hard copies) are held with in a locked cabinet in the main office and are only accessible by the those staff involved in HR. Confidential electronic records are held in a secure database. These records are password protected and access is only available to the HR staff.

**12.3 Employee records release - to the employee** –The request must be put in writing to the DPO and must be signed and dated – please refer to Information Governance policy.

**12.4 Employee records release to a third party** – should a request be received to pass information on an employee to a third party, for example a bank or building society for mortgage or loan purposes, the request should be accompanied by the signed permission of the employee. The request will be discussed with the employee in the first instance before action is taken.

### **12.5 Member Records - Retention**

Members attending About with Friends may have some or all of the following information recorded in paper or electronic form. Note this is not a definitive list and other relevant information may be held against individual Members.

- Name/Address/Date of Birth/National Insurance number
- Job Title/Employee number (if applicable)
- Home Address/Home and mobile telephone number/Home and work Email address
- Name, Address and telephone number of GP
- Medication

### **12.6 Member Records Release to the Member**

If a Member requires access to their records, they must submit their request in writing to About with Friends. The request needs to be dated, signed and include the Members full name, date of birth and home address as proof of identity.

The request will be passed to the appropriate Manager who will obtain the medical records and check that the personal details match those within the record. Any discrepancies in the identification information will result in further proof being requested until such that time that there is no doubt about the members identity. Once the members identity has been validated the records will be photocopied and posted

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– marked Confidential – to the member. If the request is for the data to be transferred electronically then all files will be password protected.

### 13 Data Retention Policy

Data is held by About with Friends in either paper or electronic format. When data has been scanned from a paper system onto an electronic system – once the electronic copy has been verified – the paper copy can be securely destroyed.

Paper copies that have not been scanned are held in locked cabinets or rooms within the company.

**NOTE :** The length of time data is held depends on the type of data.

One of the 7 principles of the GDPR is the principle of storage limitation, which is the idea that personal data should only be kept long enough for it to be processed for its stated purpose.

### 14 Disposal of Records

#### **When an individual withdraws consent**

When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing. The personal data was unlawfully processed (in breach of the GDPR). The personal data has to be erased in order to comply with a legal obligation.

Personal data must be disposed of in a way that protects the rights and privacy of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion).

About with Friends should comply with the request and ensure that appropriate action is taken.

#### **Legislation**

*Data Protection Act 2018*