



DATA PROTECTION POLICY & PROCESSES

Policy	Data Protection Policy & Processes
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Data Protection Policy and Processes

1. POLICY INTENT

- 1.1 This policy sets out how Holt & District Dementia Support intends to meet its legal obligations to respect and safeguard the security and confidentiality of personal, confidential data held in respect of either clients or volunteers with the Organisation.
- 1.2 The policy reflects the commitment of the Organisation to data privacy and to ensuring full compliance with the requirements of the Data Protection Act (DPA) 1998 and the General Data Protection Regulation (GDPR) EU 2016/679.

2. BACKGROUND LEGISLATION

2.1 Data Protection Act 1998 (DPA)

- 2.1.1 The DPA is a UK Act which seeks to *'further protect individuals by controlling the collection, use, storage and movement of personal data'*. In general terms it gives individuals the right to:
- Privacy;
 - Know the purposes for which their data is being held and processed;
 - Know who their data is being disclosed to;
 - Access to their data and
 - Prevent the use of their data in certain circumstances.
- 2.1.2 The DPA places statutory obligations on everyone who processes data and is underpinned by eight principles which govern all those processing personal data:
1. Personal data shall be processed fairly and lawfully;
 2. Personal data shall be processed for a specified purpose and not be subject to further processing that is not compatible with the original purpose;
 3. Personal data shall be adequate, relevant but not excessive to those purposes;
 4. Personal data shall be accurate and where necessary kept up to date;
 5. Personal data shall be kept for no longer than is necessary;
 6. Personal data shall be processed in accordance with the rights of the data subject;
 7. Appropriate measures shall be taken to prevent unauthorised or unlawful processing of personal data, accidental loss or destruction;
 8. Personal data shall not be transferred to countries outside the EU without adequate protection.

2.2 General Data Protection Regulation 2016 (GDPR)

- 2.2.1 The GDPR aims to give control back to citizens and residents over their personal data and to simplify the regulatory environment by unifying the regulation across the European Union. It is a directive and does not require individual countries to pass domestic legislation to bring it into force.
- 2.2.2 The GDPR sets out the lawful basis for data processing and provides for a strengthened regulatory environment in which the individual's consent to their data processing must be explicit and provides for a number of additional and strengthened rights to the individual data subject.
- 2.2.3 Data can only be processed if there is at least one lawful basis to do so. The lawful bases for processing data are:

- The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- Processing is necessary for the performance of a contract to which the data subject is party;
- Processing is necessary for compliance with a legal obligation to which the controller is subject;
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

2.3 **Mental Capacity Act 2005 (MCA)**

2.3.1 The Mental Capacity Act 2005 and its Code of Practice 2008 together provides a statutory framework for people who lack the capacity to make decisions for themselves.

3. **SCOPE**

3.2 This policy relates to all personal confidential data received, transferred or communicated both within and outside the Organisation.

3.3 Personal identifiable information will include, but not be restricted to, the following:

- Paper records or documents
- Computer records or printouts
- Fax messages
- Telephone conversations
- Emails and attachments
- Photographs
- CDs, memory sticks or other portable media

4. **DEFINITIONS**

4.1 **Breach of confidentiality**

4.1.1 A breach of confidentiality is the unauthorized disclosure of personal, confidential data that was provided in confidence.

4.2 **Data subject**

4.2.1 The data subject is the individual who is the subject of the personal data, it cannot refer to a group or organisation.

4.2.2 The data subject must be a living individual.

4.3 **Data controller**

4.3.1 The data controller is a person who (alone, jointly or in common with other persons) determines the purposes for which, and the manner in which any personal data is, or will be, processed.

4.3 **Personal, confidential data**

4.3.1 Personal data is any information relating to an individual, whether it relates to his or her private, professional or public life.

4.3.2 Key confidential data includes:

- Individual's name, address, post code and telephone number
- Date of birth
- Email address
- Electronic social data
- Computer IP address
- Photographs and videos
- Identifiable codes that can be traced back to the individual.

4.3.3 Sensitive personal data includes:

- Physical or mental health conditions
- Data related to race, ethnic origin, religious belief or sexuality
- Data on commissioned, or allegedly commissioned, criminal offences.

5. **DUTIES AND RESPONSIBILITIES**

5.1 **The Trustees**

5.1.1 The Trustees are required to exercise responsibility on behalf of Holt & District Dementia Support to ensure that the Organisation has in place the policy, processes and training to enable the Organisation to meet its commitment to maintaining the privacy and confidentiality of individuals' personal data and that it is fully compliant with the requirements of the DPA, GDPR and MCA.

5.2 **Working Committee**

5.2.1 The Working Committee has a delegated responsibility to ensure that in exercising its operational duties, it ensures at all times that its actions and communications adhere to the statutory requirements of the DPA, GDPR and MCA.

5.3 **Coordinators**

5.3.1 In addition to his or her responsibilities as a volunteer, a coordinator will be required to exercise additional responsibility for maintaining the security and confidentiality of all data held by the coordinator in relation to 'In Case of Emergency' information.

5.4 **Volunteers**

5.4.1 In applying to become a volunteer, all volunteers will be required to accept personal responsibility for maintaining the confidentiality and security of personal data held or accessed by the Organisation and for complying with due process when handling, communicating or storing such data.

5.4.2 Volunteers will be required to maintain confidentiality external to the Organisation in relation to confidential data obtained due to their position as a volunteer with Holt & District Dementia Support.

5.5 Home Visiting volunteers

- 5.5.1 Volunteers who visit clients in their own home will be expected to exercise particular responsibility for maintaining the confidentiality of the additional information obtained about the client, their health problems and their personal home circumstances.

6. PROCESS FOR OBTAINING PERSONAL DATA

6.1 Clients and carers

- 6.1.1 Clients and their carers who decide to attend one of Holt & District Dementia Support's activities, or seek the support of the Home Visiting service, will be requested to provide specific information to enable the Organisation to best meet their needs and to ensure the safety of the individual, other clients and the volunteers.

- 6.1.2 No data will be collected or held without the specific consent of the individuals concerned.

- 6.1.3 In those circumstances in which the individual client is assessed as not having the capacity to consent to the sharing of their personal data, consent will be sought from the carer and the data will be obtained in the best interests of the client.

- 6.1.4 Personal data sought and held will include:

- Name and address
- Date of birth
- Contact telephone number
- Carer's name or the name of the Agency providing carers
- Contact telephone number and identity of person to be contacted in case of emergency. If this is not a relative the contact details of the next of kin will also be sought.
- A 'This is Me' summary of each individual client

- 6.1.5 Carers who have requested support from the Home Visiting service will in addition be requested to provide information on the client's:

- Medical problems
- Personal care
- Preferences

6.2 Volunteers

- 6.2.1 Individuals offering to volunteer with the Organisation will be requested to provide personal data as part of the recruitment process to assist the Organisation in understanding the level of experience of the individual, determining their suitability as a volunteer and enabling communication to take place about the Organisation's activities.

- 6.2.2 No data will be collected or held without the specific consent of the individuals concerned.

- 6.2.3 Should Holt & District Dementia Support wish to use this data in a different way to that which was initially envisaged, volunteers will be individually contacted to seek additional consent.

6.2.4 Personal data sought and held will include:

- Name, address and contact telephone number
- Email address
- The name and telephone number of who to contact in case of emergency
- Background information about previous relevant experience
- References

7. STORAGE OF DATA

7.1 Recruitment data and 'In Case of Emergency' forms will be held in paper form by Holt & District Dementia Support and stored securely at the home of the Chair of the Organisation.

7.2 Paper 'In Case of Emergency' forms from clients and carers for the café or sports activities will also be held securely at the home of the Chair of the Organisation.

7.3 Paper assessment forms for the Home Visiting service will be held securely at the home of the coordinator for that service.

7.4 In Case of Emergency information will be held and maintained centrally in an electronic format by Holt & District Dementia Support administrator and distributed in hard copy to each of the coordinators.

7.5 Coordinators are required to secure the information securely in their individual homes and to transport it in a confidential and secure manner with them when coordinating one of the Organisation's activities.

7.6 No confidential data will be held in any of the venues that support the Organisation's activities.

8. SHARING INFORMATION

8.1 Information will only be shared on a need to know basis to support the Organisation's activities and to ensure the safety of clients, carers and volunteers.

8.2 No information will be shared to third parties except in a medical emergency when some data may be given to the emergency services or the local GP practice. This will be limited to what is required to manage the emergency.

9. DATA SUBJECT RIGHTS

9.1 Subject access requests

9.1.1 The GDPR provides additional rights to data subjects including the right to access particular personal data held about them.

9.1.2 Holt & District Dementia Support commits to respond to all such requests within one month of receiving such a request and the response will include:

- Details of all information held on the individual;
- The purpose for which that information is being held;
- The details of whom that information is being shared with.

9.2 **Right to rectification**

- 9.2.1 The data subject has the right to rectify inaccurate personal data held about them and Holt & District Dementia Support commits to rectify any data held on an individual within one month if it is shown to be inaccurate.

9.3 **Right to erasure**

- 9.3.1 The data subject has the right to obtain erasure of personal data on a number of grounds and Holt & District Dementia Support commits to erasing any personal data held by the Organisation should such a request be received.
- 9.3.2 Holt & District Dementia Support will not hold personal data beyond the period in which it supports the safe activities of the Organisation. All data held on data subjects once they leave the Organisation, either as volunteers or clients, will be retained for six months and then securely destroyed.

9.4 **Right to restriction of processing**

- 9.4.1 The data subject has the right to restrict the processing of their data in certain circumstances. Holt & District Dementia Support will commit to being responsive to any such request and to working with the data subject to protect and share their data in accordance with their wishes and the safe provision of its services and activities.

10. **COMMUNICATION**

- 10.1 Holt & District Dementia Support will ensure that its commitment to maintaining the confidentiality of personal data and the rights of individuals in relation to that data is outlined on all its documentation requesting data from clients, carers or volunteers.

11. **TRAINING**

- 11.1 The Working Committee of Holt & District Dementia Support will periodically organise training for all volunteers in order to promote understanding of their responsibilities to protect the privacy of data held by the Organisation and to ensure confidentiality when processing personal information in relation to the clients and service users.
- 11.2 Records of training will be kept by Holt & District Dementia Support to ensure that all volunteers have access to the training required to safely deliver the activities and services of the Organisation.

12 **DATA BREACHES**

- 12.1 Holt & District Dementia Support will endeavour at all times to maintain the security and privacy of all the personal information in its possession but should a breach occur it will inform the data subject immediately, undertake to rectify the breach as soon as possible and record the breach.

13. REFERENCES

- 13.1 Data Protection Act 1998
<https://www.legislation.gov.uk/ukpga/1998/29/contents>
- 13.2 General Data Protection Regulation
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>
- 13.3 Mental Capacity Act 2005
<https://www.legislation.gov.uk/ukpga/2005/9/contents>