

## ***Henry, Duke of Cleveland Charity***

***Registered charity No. 221407***

***Member of the Almshouse Association (No. 1360)***

# **Data Protection Policy**

## **Introduction**

The purpose of this policy is to enable the Henry, Duke of Cleveland Charity to comply with The Data Protection Act (DPA) 1998 in respect of the data it holds about individuals.

The Charity Will:

- follow good practice
- protect residents, trustees, staff, volunteers and other individuals by respecting their rights
- demonstrate an open and honest approach to personal data and
- protect the charity from the consequences of a breach of its responsibilities.

This policy applies to all the information that we control and process relating to identifiable, living individuals including contact details, bank details, photographs, audio and digital recording.

## **Data Storage and processing:**

Henry, Duke of Cleveland Charity recognises that data is held about:

- residents
- trustees
- staff
- volunteers

This information is always stored securely and access is restricted to those who have a legitimate need to know. We are committed to ensuring that those about whom we store data understand how and why we keep that data and who may have access to it. We do not transfer data to third parties without the express consent of the individual concerned.

## **Rights of individuals**

All individuals who come into contact with Henry, Duke of Cleveland Charity have the following rights under the DPA:

- a right of access to a copy of their personal data
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to prevent processing for direct marketing
- a right to object to decisions being taken by automated means
- a right, in certain circumstances, to have inaccurate personal data rectified, blocked, erased or destroyed and
- a right to claim compensation for damages caused by a breach of the DPA.

Archived records are stored securely and the charity has clear guidelines for the retention of information.

The trustees recognise their overall responsibility for ensuring that the charity complies with its legal obligations. The Clerk is currently Kevin Allen and is responsible as follows:

### **Roles and Responsibilities:**

- briefing trustees 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.

All trustees, 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 roles.

Significant breaches of these policies will be handled under disciplinary procedures.

### **Key risks to the safety of data control and process:**

The trustees have identified the following potential key risks:

- breach of confidentiality (information being given out inappropriately)
- individuals being insufficiently informed about the use of their data
- misuse of personal information by staff or volunteers
- failure to up-date records promptly
- poor IT security and
- direct or indirect, inadvertent or deliberate unauthorised access.

The trustees will review the charity's procedures regularly, ensuring that the charity's records remain accurate and consistent and in particular:

- IT 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 trustees and staff will be discouraged from establishing unnecessary additional data sets
- effective procedures will be in place so that relevant systems are updated when information about an individual changes.

If a breach of data security is suspected or occurs the trustees/Data Protection Officer should be notified immediately.

### **Subject Access Requests**

Any individual who wants to exercise their right to receive a copy of their personal data can do so by making a Subject Access Request, ('SAR') to the clerk. The request must be made in writing and the individual must satisfy the clerk of their identity before receiving access to any information.

A SAR must be answered within 40 calendar days of receipt by the charity.

## Collecting and using personal data

The Henry, Duke of Cleveland Charity typically collects and uses personal data in connection with the provision of Almshouses accommodation. The charity collects personal data mainly in the following ways:

- *by asking applicants for accommodation to complete paper forms*
- *by asking residents for personal information for administration purposes recorded electronically and on paper*
- *to enable the Charity to communicate to residents via email, telephone and in written form*
- *to communicate with third parties within the terms of this policy and relevant legislation*

The Henry, Duke of Cleveland Charity will:

- not use any of the personal data it collects in ways that have unjustified adverse effects on the individuals concerned
- be transparent about how it intends to use the data and give individuals appropriate privacy notices when collecting their personal data
- handle people's personal data only in ways they would reasonably expect
- not do anything unlawful with the data.

## Keeping Data Secure

Henry, Duke of Cleveland Charity will take all appropriate measures to prevent unauthorised or unlawful processing of personal data and to protect personal data against loss, damage or destruction. This means that:

- *personal files for residents, trustees, and employees and applications for accommodation will be kept physically secure at all times with access only by authorised staff*
- *trustees' details will be kept physically secure with access only by the Clerk*
- *electronic files containing personal data will be password protected and passwords will be changed on a regular basis*
- *backed up electronic data will be held securely on an alternative site or when off-site it will be encrypted, password protected and only accessed by named staff*
- *if any data is taken from the designated official administration address (e.g. to work at home) the data must be held securely at all times whilst in transit and at the location the data is held.*

## Retention of personal data

Henry, Duke of Cleveland Charity will not keep personal data for longer than is necessary. This means that:

- *a resident's file will be completely destroyed after three years of the resident leaving or passing away*
- *records of complaint/investigations concerning residents will be destroyed six years after the resident leaves or passes away*
- *application forms for unsuccessful applicants will be destroyed three years after the date of application.*
- *trustees will destroy and delete all charity documents held within their own records twelve months after receipt, including all computer data and paper copies*
- *trustees personal files will be destroyed one year after ceasing to be a trustee*
- *staff personal files will be destroyed 6 years after employment ceases.*

## More information

Full information about the Data Protection Act, its principles and definitions and the The General Data Protection Regulation 2018, can be found at [www.ico.gov.uk](http://www.ico.gov.uk).

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Date \_\_\_\_\_

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