

AGE UK BROMLEY & GREENIWCH

PROCEDURES MANUAL

BS EN ISO 9001 REFERENCE	:	508
TITLE	:	Data Protection Act 1998
RESPONSIBILITY	:	All who interface with clients and who record or access personal data held on computers and/or on paper
SCOPE	:	<u>Compliance with the Act - This policy & procedure should be implemented in conjunction with the Confidentiality and the Document Retention, Archiving & Destruction Policy and Procedure</u>

PROCEDURE

1. Introduction

It is essential for Age UK Bromley & Greenwich and all employees to comply with the Data Protection Act of 1998, particularly in regard to the personal data in respect of both clients, employees, trustees and volunteers. These procedures are designed for both the protection of the **organisation** and the **individual** both being subject to prosecution for failure to comply.

The purpose of these procedures is to provide brief but essential information on data protection. The Act regulates the collection, use, transfer, disclosure and any other processing of personal data held by Age UK Bromley & Greenwich about individuals (referred to as data subjects). This data may be held either as automated data (e.g. on computer) or as paper records (referred to as manual data).

Personal data and any information, which relate to a living individual who can be identified from the data. Examples of personal data include:

- Employee records, with information such as contact details, staff appraisal and staff sickness
- Client records which include information such as contact details, service used, correspondence or opinions.

Some categories of personal data are subject to a stricter data protection regime because of their sensitivity. These are:

- racial or ethnic origin
- political opinions
- religious and other similar beliefs
- membership of a trade union
- physical or mental health condition
- sexual life
- committed or alleged offences, including the proceedings, the judicial decision and sentence.

2. Data Protection Principles

All employees must comply with the eight data protection principles (set out below) as defined in the Act.

2.1 Process data fairly and lawfully:

- Personal data may be processed only if there is a legal basis for doing so and it is in the legitimate business interests of the organisation
- Inform individuals about how their data will be used by the organisation
- Process sensitive data only if the individual has given his/her explicit consent and if it is absolutely necessary

2.2 Obtain data for specified and lawful purpose(s) and process only in accordance with those purposes:

- Use personal data only for the purpose for which it was obtained. Do not use it for other unrelated purposes unless you have obtained the consent of the individual concerned
- Inform your line manager about your use of personal data for existing and new purposes
- Disclose data to third parties only:
 - For legal reasons
 - If the disclosure is in accordance with and necessary to perform the business function/activity it was collected for
 Or
 - If the individual concerned has given consent

Make disclosures only to authorised parties who have been clearly identified e.g. ask for requests for disclosures in writing.

2.3 Keep data adequate, relevant and not excessive in relation to the purpose for which they were obtained

- Do not collect unnecessary and excessive amounts of personal data. Limit data collection to what is necessary for the purpose in question
- Do not keep/record any information relating to an individual which you would not want them to gain access to.

2.4 Keep data up-to-date and accurate

- Check data periodically for inaccuracies
- Amend inaccuracies as soon as they have been detected and communicate any amendments to all parties who have access to/copies of the data

2.5 Keep data for no longer than is necessary

- Disposes of data which is no longer required, if manual use the electronic shredder

2.6 Process in accordance with the rights of the individual

Under the Act, individuals have been given certain rights in relation to their personal data. All employees have a duty and responsibility to respect the rights of individuals. See Point 3.1.on Individual Rights

2.7 Keep data secure

Keep data secure by preventing:

- Any unauthorised or unlawful processing and/or
- Loss, damage or destruction
- Adhere to the confidentiality policy and guidelines

2.8 Adequately protect data transferred outside the European Economic Area

Whilst this principle does not directly relate to Age UK Bromley & Greenwich it is important to bear in mind information transmitted via email can be subject to worldwide onward transmission.

3. The Rights of Individuals

3.1 Right of access

Any individual may demand to see and/or have a copy of all personal data held about him/her, which is held by us. An individual may only apply for information relevant to themselves, not another person, unless they hold power of attorney.

The duties of Age UK Bromley & Greenwich are to provide the following information in response to such a request.

- Whether the information held is processed by us (both automated and manual)
- Where the data is held, purposes for which the data is processed, and recipients to whom data are or may be disclosed
- Communication and sources of data

3.2 Procedures

Age UK Bromley & Greenwich will charge a fee of £10 per subject access request. Access requests to be referred to your line Manager. We will answer within 40 days of the request. The 40 days period starts from:

- The day on which the request has been received
Or
- Where such is the case, the day on which the fee, the information about the identity of the data subject and/or location of data has been received from the data subject concerned.

Age UK Bromley & Greenwich will record:

- Receipt of the subject access request
- Any subsequent action taken in relation to the request
- Any correspondence with the data subject concerned
- Where any exemptions from the data subject right of access are claimed, the reasoning and justification behind such a decision.

3.3 Exemptions from the right of access

Age UK Bromley & Greenwich will make its best efforts to supply the data subject with the requested data. Exemptions to the right of access are limited and will only be relied upon in exceptional circumstances. These circumstances are not reported within the procedures but are held on file by the Data Controller, Chief Executive.

3.4 Right to object to processing causing damage or distress

Every data subject has the right to object to the processing of his/her personal data, where such processing may cause substantial and unwarranted damage or distress. The objection must be made in writing.

Data subjects may not exercise the right to processing in the following situations:

- The data subject has given his/her consent to the processing
- Processing is necessary for performance or entering into a contract with the data subject
- Processing is necessary in order to comply with a legal obligation
- Processing is necessary for of the life of the data subject.

Age UK Bromley & Greenwich has a duty to respond in writing within 21 days of receiving the data subject's written notice of objection.

3.5. Right to correction, blocking and erasure of data

Any data subject has the right to request that Age UK Bromley & Greenwich correct, blocks or erases any personal data that:

- Are inaccurate, i.e. Incorrect or misleading
- Contain information and/or opinions which are based on inaccurate data

3.6 Right to object to direct marketing

Direct marketing is defined as any communication, by any means, or any advertising or marketing material. It covers a wide range of activities. Any offer or a promotion of our organisation's products or services, **including for charitable aims, in a telephone call, via a fax, in a letter or in a publications, constitutes direct marketing, as long as it is directed to a particular individual.**

Age UK Bromley & Greenwich material should therefore have the option for the data subject to decline future contact. This should be recorded on internal records, by the staff member processing the data, to ensure no future unwarranted mail-outs/contacts are made. This internal list must be consulted before any future direct marketing campaigns take place. Mail-shots to organisations without a named addressee do not fall into this category.

3.7 Rights in relation to automated decision taking

Individuals have rights in relation to decisions that significantly affect them, which are taken solely, using automated means, i.e. without any human involvement.

This does not currently apply to Age UK Bromley & Greenwich.

3.8 Rights to Compensation

Any data subject may claim compensation through the courts for any damage, or damage and distress suffered as a result of a breach by your organisation of any of the of the Act.

These procedures are designed to provide protection for both the organisation and the individual. Breaches of the practical guidelines advised within these procedures could result in Age UK Bromley & Greenwich's disciplinary procedures being invoked.

4. Management of data protection compliance

The Chief Executive will fulfil the role of Data Controller on behalf of Age UK Bromley & Greenwich. His/her responsibilities will be:

- Taking appropriate measures to ensure compliance
- Managing and carrying out the organisation's notification with the Data Protection Commissioner
- Conducting training and awareness-raising programmes within the organisation
- Managing a period audit of data protection
- Providing advice and interpretation of the Data Protection Act and responding to employees
- Reviewing the organisation's data protection compliance to ensure that it continues to reflect the law
- Taking account of any changes to the existing data processing practices within the organisation in addition to any new business practices which may involve data processing
- Monitoring development, particularly taking account of:
 - a) any changes to the UK data protection legislation and related legislation such as the UK Human Rights Act
 - b) any additional interpretation of the law, guidance notes and/or codes of practice issued by the Data Protection Commissioner.
 - c) Any additional interpretation of the law provided by the Data Protection Tribunal.

5. Training and awareness

Age UK Bromley & Greenwich will undertake training in data protection awareness on a periodic basis to ensure that staff are made aware of the duties and responsibilities.

In particular we will provide and cover:

- Existing staff members will be given training and periodically reminded
- New Staff will be given data protection guidance within their induction programme
- Volunteers will have data protection training at the time of their induction.
- All training will be documented on the employees training record
- Volunteers will have the training recorded on their induction record.

The Training will include the

- a) All members of staff are required to read the sections relating to data protection in the staff handbook.
- b) Content of the Data Protection Act 1998 with an explanation of the eight data protection principles and other data protection issues such as notification.
- c) How the Act affects the organisation
- d) Where is compliance with data protection legislation essential for the organisation
- e) What are the consequences of breaching the Act for both Age UK Bromley & Greenwich and the staff
- f) The use of lap tops and other mobile devices

g) How to obtain further information

The Staff Manual includes a section on Data Protection to ensure that awareness of our disciplines are linked firmly to our Confidentiality Policy.

6. Auditing

A periodic check will be carried out on both our policies and procedures. The audit will include:

- Review existing processing
- Evaluate the data collection methods to ensure information is obtained fairly.
- Review the notification of data subjects
- Assess existing documentation (e.g. security policy / confidentiality policy)
- Review retention policies/procedures (archiving, weeding and/or deletion)
- Evaluate Age UK Bromley & Greenwich's ability to protect individuals' rights such as: subject access – direct marketing – third parties who process data on our behalf.

7. Practical Instructions for implementing our Data Protection obligations

7.1 Paper-Based Information (Manual Data)

- All client files must be locked in cupboards at the end of the working day with the keys removed and stored safely away from the cupboard.
- Any paper based information and paperwork not in files, which you are still processing, must be stored in the locked cupboards/cabinets overnight.
- Place in the cupboard either in a tray or large reusable envelope.
- All workstations should be free of both confidential and unnecessary paperwork so that management can make a visual check, prior to locking the office suite.
- Where desks have keys/locks, they should be used if you feel you have any confidential information.
- The Chief Executive who is the data controller, with regard to what material should be retained, archived or destroyed, will make regular checks.
- Case workers/outreach workers must ensure that any documents which record personal details (and in particular any sensitive information) must exercise extreme personal care of their belongings. The following guidelines form an important part of our due diligence.
 - a) Do not leave Age UK Bromley & Greenwich documentation in any community location or clients' home that you visit.
 - b) Ensure that you retain with you at all times your bag/briefcase should it contain client information
 - c) Do not leave documentation on display in your motor vehicle and do not leave it in the vehicle overnight.
 - d) Any documentation taken home should be placed in a safe place out of sight of any visitors or family. And locked in a lockable case.

Sensible precautions should be taken where you feel information about our clients could jeopardise client confidentiality and put data protection at risk.

7.2 Information Processed by Computer (Automated Data)

- This includes information, which has been copied or scanned.
- Client records must not be saved to disc
- Client records can only be processed into the authorised database. It is not permissible to create new local databases without the authority of the CEO irrespective of the intended use.
- No material should be saved to the desk top of either an office based or lap top computer.
- Age UK Bromley & Greenwich makes use of a cloud storage system. The cloud is a secure medium in relation to data protection.
- All information should be kept in folders on the cloud.
- All laptops, Tablets and mobiles with cloud access should be password protected.
- Passwords should not be saved in browsers.
- Data sticks or other external storage devices are not to be used for the storage of Age UK Bromley & Greenwich Data.
- Those employees with external e-mail may not send by e-mail client records to any third part without the written consent of the individual on Age UK Bromley & Greenwich's consent forms.
- Those employees with external fax may not send by fax client records to any third party without the written consent of the individual on Age UK Bromley & Greenwich's consent forms.

NB: The word employee also relates 'consultancy' workers and to CVTB Members who have access to client records.

CVTB Volunteers

For some of our services the transmission of client data to volunteers is required. This may be in the form of an email, telephone call or letter. All are subject to the rules as stated above. In particular:-

- a) Email communication - the explicit consent of client is required before their details are emailed to a volunteers.
- b) The volunteer must be made aware that the personal information provided about the client must be kept secure.
- c) The volunteer must be made aware that the information must only be kept for as long as is absolutely necessary, and should be deleted from their system as soon as possible.
- d) Any notes made by the volunteer which has personal details regarding the client should be securely destroyed as soon as is practically possible.
- e) Letters with client details should be securely destroyed as soon as practically possible.
- f) Volunteers should make sure that any documentation taken home should be placed in a safe place out of sight of any visitors or family, and locked in a lockable case, If at all possible.