

Data Protection Policy

Created with reference to the Data Protection and Information Commissioners guidance - www.ico.gov.uk

1. Introduction

Healthwatch Reading (HWR) respects the private lives of individuals and recognises the importance of safeguarding personal privacy. HWR appreciates the responsibility of storing personal information and considers the protection of personal data to always be a priority and a consideration throughout HWR services.

This policy provides guidance for all HWR staff, trustees and volunteers. The guidance outlines the considerations and management of personal data. Specific instructions for each block of information are detailed on a 'Data Control Sheet' and attached as appendices. A review of the management of personal data should be included within staff supervision meetings. Data control sheets exist for the following areas. They are not part of the policy as they will be amended by the data controller as required. The current versions are attached for information.

- A1 Staff administration
- A2 HWR Mailchimp Database and mailing lists/email
- A3 HWR Views Database
- A4 HWR NHS Complaints Advocacy Services

2. Information Commissioners Data Protection Register

HWR has 4 purposes for holding personal data.

1. Staff administration

Purpose description - Appointments or removals, pay, discipline, superannuation, work management and other personnel matters in relation to the staff of the data controller.

Data subjects - staff including volunteers, agents, temporary and casual workers.

2. Fundraising

Purpose description - Fundraising in support of the objectives of the Data Controller.

Data subjects - donors and lenders

3. Information & Databank Administration

Purpose description - Maintenance of information or databanks as a reference tool or general resource. This includes catalogues, lists, directories and bibliographic databases.

Data subjects - staff/volunteers, agents, temporary and casual workers, customers & clients, suppliers, members or supporters, advisers, consultants, other professional experts and employees of other organisations.

4. Realising the objectives of a charitable organisation

Purpose description - The provision of goods and services in order to realise the objectives of HWR.

Data subjects - staff/volunteers, agents, temporary and casual workers, customers and clients, suppliers, members or supporters, complainants, correspondents and enquirers, advisers, consultants and other professional experts.

3. Managing the protection of personal data

Any staff member considering the creation of a new store of data, reviewing the storage of existing data or using existing data in a new way will consider the following questions.

The responsible manager will complete a Data Control Sheet which will be added to the appendices and ensure all relevant staff and volunteers are aware of the Data Control Sheet and understand its contents.

1. *Is the information personal data?*

If the information is going to be processed by a computer or as part of a filing system and it relates to an individual who can be identified then it is personal data and covered by this policy and data protection legislation.

If there is any doubt treat the information as personal data.

2. *What are the risks?*

This is the key question. It is vital that all possible risks are identified and the level of risk should dictate how the data is obtained and managed.

It is important to note that compliance with the processing requirements is not of itself enough.

The paramount consideration must be given to the consequences of the processing to the interests of the end user.

The risks will vary; for example, there may be a small risk of an individual being subjected to direct marketing or a risk that an individual's faith,

ethnicity, or sexual orientation is revealed by association and their home address identified by extremists.

3. *How can we process the personal data lawfully?*

To fulfil its legal requirements HWR is required to be ‘fair’ to the person. To be ‘fair’ to that person he/she must have given his consent to the processing.

Before asking an individual to give consent HWR must ensure they have informed the person of;

- the identity of HWR
- the intended purposes for the data
- any other circumstances or possible outcomes.

HWR will ensure the individual is able to understand the information provided and realises any possible consequences.

If the personal data is ‘sensitive’ then the consent must be ‘**absolutely explicit,**’ which means informed consent from the Data Subject.

“Sensitive’ data reveals the individuals;

- racial or ethnic origin,
- political opinions
- religious beliefs
- trade union membership
- physical/mental health or condition
- sexual life
- criminal record

4. **The storing and managing of personal data**

- The data shall be obtained for specific purposes and will not be used for any other purpose. HWR will only use personal data for the purposes the individual consented to.
- HWR will only request data that is relevant, not excessive, and adequate for its purpose. Data will not be stored on the basis that it may be useful one day.
- HWR will make a reasonable effort to ensure the data obtained is accurate and will provide a method of regular review, in the Data Control Sheet, to keep it up to date if necessary.
- HWR will not keep data for longer than is necessary. A review period will be specified in the Data Control Sheet and any data held that is no longer necessary will be deleted.
- HWR will rectify, delete or cease to hold data within a reasonable time

of a request by the individual.

- HWR will take all measures to prevent unauthorised or unlawful processing of personal data and accidental loss or damage. The measures will be specified in the Data Control Sheet.
- HWR will not transfer personal data outside the European Economic Area.

5. Management of the Data Control Sheets

- HWR will produce a Data Control Sheet for each category of data held.
- The Data Control Sheets will not form part of this policy as the Responsible Manager may need to alter the instructions as circumstances change or produce additional sheets should the storage of additional data be required.

A1 Staff Administration Data Control Sheet

Responsible Manager - Mandeep Kaur Sira

The data subjects:

- Applicants [successful and unsuccessful]
- Former applicants [successful and unsuccessful]
- Employees [current & former]
- Casual staff [current & former]
- Volunteers [current & former]

The information held - Details provided on recruitment, appointments or removals, pay, related to work performance, disciplinary/grievances, superannuation and any other personnel matter.

The purposes of the information - sufficient information to be able to meet the employer duties and be a responsible effective employer.

Potential risks for the data subject - Sensitive information could be revealed. Personnel embarrassment. Contact details/address could be revealed to inappropriate person.

How to eliminate or minimise those risks - store data in a locked cupboard. Delete information once it is no longer needed.

Information to be given prior to consent - That the information will be held for the reasons stated.

How will that information be given - Employee terms and conditions.

How will consent be obtained? - By signing the Employee Terms and Conditions.

How will an individual correct or request removal of their personal data?
By written request to the Healthwatch Reading CEO.

What actions will be taken to ensure the security of the data?
The information will be stored in a locked cupboard and destroyed once it is no longer needed.

For how long will the data be stored?
Unsuccessful applicants - all data should be destroyed as soon as possible and certainly within 6 months. Unless permission is requested and given for details to be retained for future vacancies.

Staff & volunteers - retained for genuine professional necessity and not just in case.

Following employment:

- PAYE records - 3 years
- SSP records - 3 years
- SMP records - 3 years
- Other details other than contact - 6 months
- Any information relating to an industrial accident - 12 years
- ***Information relating to pension contributions for at least 10 years***

A2 Mailchimp and Mailing Lists Data Control Sheet

For Mailing lists and email

Responsible Manager - Mandeep Kaur Sira

The data subjects - Any data subject with whom we have reason to contact whilst pursuing the objectives of HWR.

The information held - Name, home address, telephone number, email address, emails HWR has sent or received.

The purposes of the information - To inform individuals of activities that may be of interest to them, to circulate information.

Potential risks for the data subject - The content of emails or correspondence may contain sensitive information or personal data. Non-HWR staff may access this information. The data subject may receive unwanted mail.

How to eliminate or minimise those risks -

- Only keep hard copies of emails containing personal data if absolutely necessary.
- Only store correspondence that may be needed and review as detailed below.
- Hide email addresses when mailing to a group.
- When sending marketing information or ebulletins give the receiver the option to be excluded from future mailings or to update their details and always action this request **promptly**.

Information to be given prior to consent - The nature of any mail they may receive.

How will that information be given - In a registration form or via an email.

How will consent be obtained? -

- By saying they wish to be included on a mailing list.
- By signing a consent form e.g. on a training booking form agreeing to being sent information on future training courses.
- By not taking the option to opt out that must be included in all mailings.

For how long will the data be stored?

Until it is no longer needed.

Until the data subject requests its removal.

Up to a maximum of 5 years.

How will an individual correct or request removal of their personal data?

By telephone, in person, by letter, email.

What actions will be taken to ensure the security of the data?

The data will be stored electronically allowing access to HWR staff and volunteers. The option to hide email addresses' will be taken when possible.

A3 - Views Database Data Control Sheet

Responsible Manager - Mandeep Kaur Sira

The data subjects - Individuals and local organisations.

The information held - Name, home address, telephone number, email address, their responsibilities within the listed organisation, their profession, age, gender, ethnicity, sexual orientation, their issues/concerns/enquiry, actions taken by HWR staff, organisations involved and other individuals involved in the query.

The purposes of the information - To record contacts HWR receive.

Potential risks for the data subject - Sensitive information could be revealed. Personnel embarrassment. Contact details/address could be revealed to inappropriate person. Legal challenge. Non-HWR staff may access this information.

How to eliminate or minimise those risks -

- Make sure the individual or organisation providing the information is fully aware of the consequences.
- Obtain the individuals or organisations consent. Sensitive information includes, racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental health or condition, sexual life, criminal record.
- The database is password protected and only to be accessed by staff and volunteers.

Information to be given prior to consent - how the data will be stored, what the data will be used for and possible consequences for providing sensitive data.

How will that information be given - Verbally or consent form.

For how long will the data be stored - For the period of existence of the organisation.

When will the data be reviewed - Every 2 years.

How will an individual correct or request removal of their personal data?
By telephone, in person, by letter, email.

What actions will be taken to ensure the security of the data? - The data will be stored electronically allowing access to HWR staff and volunteers.

A4 HWR NHS Complaints Advocacy Services Data Control Sheet

Responsible Manager - Merlyn Barrett

The data subjects - Individuals who use this service.

The information held - Name, home address, telephone number, email address, their responsibilities within the listed organisation, their profession, age, gender, ethnicity, sexual orientation, their issues/concerns/enquiry, actions taken by HWR staff, organisations involved and other individuals involved in the query.

The purposes of the information - To support individual cases.

Potential risks for the data subject - Sensitive information could be revealed. Personnel embarrassment. Contact details/address could be revealed to inappropriate person. Legal challenge. Non-HWR staff may access this information.

How to eliminate or minimise those risks -

- Make sure the individual or organisation providing the information is fully aware of the consequences.
- Obtain the individuals or organisations consent. Sensitive information includes, racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental health or condition, sexual life, criminal record.
- The database is password protected and only to be accessed by staff and volunteers.

Information to be given prior to consent - how the data will be stored, what the data will be used for and possible consequences for providing sensitive data.

How will that information be given - Verbally or consent form.

How will consent be obtained? - By the data subject signing a consent form.

For how long will the data be stored?

Once the case is closed all personal data and records will be destroyed within XX months, or when the data subject requests its' removal, whichever is sooner.

How will an individual correct or request removal of their personal data?

By telephone, in person, by letter, email.

What actions will be taken to ensure the security of the data?

The data will be stored electronically allowing access to HWR staff and volunteers. Any hard copies will be stored in a locked cabinet.