

General Data Protection Policy and Procedure

Charitable Incorporated Organisation No: 1180096



Effective Date: August 2021

Policy created by: Trish Riches

Review Date: August 2024 or sooner if there are changes in legislation

Signature:  **Trustee**

Policy Statement

Disability North East Suffolk (DANES) collects, stores and uses personal data in the course of its activities, in order to provide information and advice. DANES will ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purpose for which they are processed and the objectives of the organization.

1: Scope

DANES is committed to processing data in accordance with its responsibilities under the GDPR.

Personal data of paid staff, volunteers, trustees and clients will be collected used and stored for legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Suppliers who are appointed to manage data for DANES, such as IT, Data Base, HR, Phone contracts, Payroll, website, social media and printers/copiers etc. will be required to demonstrate that they have a Data Protection Policy in place and in line with GDPR regulations.

Data will be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

DANES will take reasonable steps to ensure personal data is accurate. Where necessary for the lawful basis on which data is processed, steps will be put in place to ensure that personal data is kept up to date.

DANES does not subscribe to any services or organisations that sell or trade personal data.

3: Data Collection

Data may be collected in the following ways, and logged into DANES's Data Base at the time.

- Verbally for example through phone enquiries
- In person either by attending DANES's office, or at an outreach location or event
- Electronically through email, social media or text messages
- In writing through the completion of forms or letters

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4: Legal Basis

Personal data will be collected, used and stored, in line with any of three lawful bases:

Consent:

Verbal, written or electronic consent will be sought in the first instance, for the collection of any and all personal data. This will be used and stored in the course of DANES as set out in the Charitable Objectives. Clients, callers and others who engage with us, will have the right to withdraw their consent at any time.

Clients, callers and others, who do not wish to give consent to their personal details being collected, used and stored, will be eligible for as much of the service that is practical, in the absence of that data.

Consent will also apply to anyone enquiring about, or applying for a paid or unpaid position with DANES.

Legitimate Use:

Legitimate Use as a basis will apply when a client, their appointee or legal representative requests that DANES and its representatives act on their behalf.

For example, if an appellant wishes for their appeal documents to be shared/copied to their DANES representative, legitimate use will apply. This will also be the case when referring a client to another organisation. In such cases the client, appointee or legal representative will be required to sign a Form of Authority document confirming their agreement for the information to be shared.

5: Storage, Retention and Disposal of Personal Data

Personal data may be stored in hard or electronic systems. Each system will have its own security system to ensure the risk of data breach is minimised.

Items containing a person's personal data will not be removed from DANES office. Any paper copies will be stored in a locked filing cabinet.

Only authorised personnel will have access to personal data.

All clients who we have had contact with will remain as "clients" on our database for 3 years from the last point of contact. After which time the client will be moved to "Archive" on our database and will remain there for a further 4 years, when they will be destroyed.

In the event of renewed contact with the client, their records will be taken out of Archive and the client will be made active again.

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All information for staff will be kept for six years from when the staff member leaves the organization. Some information may be kept longer, if required by funders, for example. This includes information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references.

Personal data including personal email addresses and phone numbers will be deleted from all mobile devices and telephone systems 12 months after the last contact. This applies to paid and unpaid staff and clients.

6: Access to personal data, right to amend or remove personal data

An individual, their appointee or legal representative who has given consent (be it verbal, written or electronic) has the right to access data which we hold. In the same way an individual, their appointee or legal representative retains the right to have the personal data amended, partially or fully moved.

In order to do this the person must put their request in writing to the manager in the first instance. Proof of identity will be required as may proof of right to represent another person. Access will be will whenever possible, be arranged within 15 working days.

If an individual, their appointee or legal representative wishes to have copies (paper or electronic) of any or all records we hold about them, they may request that we provide them. Proof of identity will be required in all cases.

If copies are to be collected, DANES must ensure that the person collecting the records are eligible to do so and will record as much on the database record. If copies are to be sent electronically an initial email will be sent to the email address provided by the client, their appointee or legal representative requesting that they reply and provide an appropriate form of identity (ideally a National Insurance number) Upon receipt of that information the records as requested will be sent as an attachment by reply.

Using the postal or similar delivery service for sending client records is to be discouraged, however if that is the only means, it must be made clear to the client, their appropriate or legal representative that DANES cannot be held liable for any data breach that may incur and of which is beyond their control.

7: Roles and Responsibilities

The Board of Trustees holds overall responsibility for Data Protection/ GDPR in all instances. The Board of Trustees may delegate responsibility to the Manager, who will become the Data Controller.

All staff, volunteers and Trustees will by default be Data Processors.

All staff, volunteers and Trustees will be required to read and apply this Policy (including updates) and any procedures or documentation cascading from it and/or procedures out in place by the Data Controller to ensure Data Protection is maintained at all times.