

# Bexley United Charities

## Data Protection Policy

### Introduction:

The purpose of this policy is to enable the Bexley United Charities to comply with the law (The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA)) in respect of the data it holds about individuals.

Bexley United Charities will ensure that the information they hold about its residents, beneficiaries, employees etc. is used in accordance with the law. The Charities will only collect and use personal data in compliance with this policy and the rules set out below.

The Charities 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 Charities from the consequences of a breach of its responsibilities.

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

Bexley United Charities will comply with General Data Protection Regulations 2018 as follows:

1. **Transparency:** The Charities will be open and transparent in the way they use and share personal data. There may be limited circumstances where the Charities do not have to comply with the transparency requirement but in such instances the Charities will obtain further advice from the ICO. Individuals will be provided with information about how their personal data is collected and stored.
2. **Collecting and Using Personal Data for Lawful Purpose only.** The Charities will only collect and use the minimum amount of personal data if relevant for the purpose of the Charities and where the Charities can rely on a lawful basis (or bases) and where the purposes have been identified in a privacy notice provided to individuals. When collecting personal data from individuals the Charities will ensure that the individuals are aware of the purposes for which the personal data will be used.

In addition, when collecting personal data, the Charities will only collect those details which are necessary for the purposes for which that personal data is being obtained. Any use of personal data will be for the identified purposes and any different or new

purposes will have a lawful basis. Personal data that is not necessary for any legitimate business purpose will not be collected or accessed.

Bexley United Charities has identified that they have a legitimate interest in keeping personal data about residents as trustees must be satisfied that each resident qualifies as a beneficiary of the Charities in accordance with the Charity Commission Scheme of 1 April 1980 (as amended).

The Charities consider the processing and storing of such personal data is necessary to comply with the Charity Commission Scheme. All personal data, including (where held) details of residents' next of kin and GPs, will be stored securely. Data on computer will be password protected and paper copies of data will be kept in a locked filing cabinet. Only authorised members of staff and trustees will have access to personal data.

3. **Privacy Impact Assessments and Privacy by Design.** The trustees consider that the use of personal data is unlikely to result in significant risks for the rights and freedoms of individuals and therefore a Privacy Impact Assessment is not necessary. Where used, the Charities will ensure that systems, databases and tools that collect and use personal data are designed to promote privacy protection.
4. **Ensuring data quality.** Processing inaccurate information can be harmful to individuals and the Charities. The main way of ensuring that personal data is kept accurate and up to date is by ensuring that the sources the Charities use to obtain personal data are reliable. Individuals will be actively encouraged to inform the Charities should their personal data change.

To ensure that personal data is accurate, it will generally be collected directly from individuals. All residents will be actively encouraged to update their contact details, and those of their next of kin and GP, by notifying the Charities of any changes in their personal data.

5. **Retaining and disposing of data.** Any personal data must only be kept where there is a business or legal need to do so. When the Charities dispose of personal data, this will be undertaken in a secure manner.

Documents (including paper and electronic versions and email) containing personal data will not be kept indefinitely and will always be securely deleted and destroyed once they have become obsolete or when that personal data is no longer required. Paper based documents will be disposed of externally as confidential waste. Electronic data will be permanently deleted from all drives and electronic media.

Personal data will not be retained simply on the basis that it might come in useful one day without any clear view of when or why.

The Charities data retention policy is:

The Charities will not keep personal data for longer than is necessary. This means that:

- *Information pertaining to individual residents will be destroyed three years after the resident leaves or passes away;*
- *Records of complaints/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 three years after receipt, including all computer data and paper copies;*
- *Trustees' personal files will be destroyed one year after ceasing to be a trustee; and*
- *Staff personal files will be destroyed 6 years after employment ceases.*

6. **Honouring Individuals' Rights.** The Charities will reply to queries and complaints from individuals about how the Charities use their personal data within 30 days.

Individuals are entitled by law (by making a request) to be supplied with a copy of any personal data held about them (including both electronic and paper records). Individuals are also entitled to know the logic involved in decisions made about them.

An individual also has the right to seek erasure of their data and to request portability of their data i.e. that the Charities provides their data to them in a structured, commonly used and machine-readable format.

Where the Charities receive a request from an individual exercising their legal right to control their personal data, the Charities will respond promptly. If a valid request concerns a change in that individual's personal data, such information will be rectified or updated, if appropriate to do so.

7. **Taking appropriate security measures.** Personal data will be kept secure. Technical, organisational, physical and administrative security measures (both computer system and non-computer system related steps) are necessary to prevent the unauthorised or unlawful processing or disclosure of personal data, and the accidental loss, destruction of, or damage to personal data.

The Charities will monitor the level of security applied to personal data and take into account current standards and practices. As a minimum the Charities will ensure that:

- Information pertaining to individual residents, trustees and employees are kept in a locked filing cabinet at all times with access only by authorised staff;
- Applications for accommodation are kept in a locked filing cabinet at all times with access only by authorised staff;
- Electronic files containing personal data are password protected and passwords will be changed on a regular basis; and
- If any personal data is held at home by trustees or employees, it will be held securely at all times at the location where held.

Any suspicion of any data security breach should be reported immediately to the Chair of Trustees. When the Charities become aware of a breach, protective measures will be taken to effectively mitigate the consequences of the breach.

8. **Using Subcontractors and Vendors.** Under data protection law, where a provider of a service has access to personal data, the Charities will impose strict contractual obligations dealing with the purposes and ways personal data may be used and the data security of that information. These are third parties who act as processors (i.e. only holding the personal data according to the Charities instructions). For the avoidance of doubt, Housing Benefit and Government offices are not vendors and do not have obligations to the Charities in this regard.

The Charities will carry out appropriate due diligence on any potential third party to which personal data is being provided and ensure that the third party's Data Privacy Policy is adequate.

The Charities will always enter into a written contract with any vendor that deals with personal data being provided by the Charities. The contract will meet the requirements under the GDPR Article 28.

At the present time, the Charities do not provide personal data to any subcontractors or vendors.

9. **Disclosure to Third Parties.** At times, the Charities may disclose personal data to vendors, contractors, service providers and other selected third parties.

Prior to disclosing personal data to these parties, the Charities will take reasonable steps to ensure that: (i) the disclosure of personal data is appropriate; (ii) the recipient of such information is identified; and (iii) where appropriate or required by law, the third party is contractually committed to complying with this Policy and/ or the Charities instructions concerning the use of personal data as well as implementing appropriate security measures to protect personal data, limiting further use of personal data, and complying with applicable laws.

In certain circumstances, the Charities may be required to disclose personal data to third parties when required by law, when necessary to protect the Charities legal rights, or in an emergency situation where the health or security of an individual is endangered. Prior to such disclosures, the Charities will take steps to confirm that the personal data is disclosed only to authorised parties and that the disclosure is in accordance with this Policy and applicable law.

10. **Safeguarding the use of special categories of data.** Special categories of data is information revealing an individual's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, processing of genetic data or biometric data (for the purpose of uniquely identifying an individual), health and sex life or sexual orientation. Since this information is more intrusive, the Charities will only use it where absolutely necessary and often with the explicit consent of the individual affected.

The Charities do not currently hold any special categories of data on any individual, and if in the future it was to do so, then it would only make this data available with the explicit consent of the individual involved or if it was under a legal obligation to do so. This may be the case, for example, where the charity holds information about an individual's health where this is necessary to exercise any obligation conferred by law on the Charities.

Although they currently have no need to do so, the Charities may potentially collect and use special category data where:

- Use of personal data is required to provide support for a particular disability or medical condition;
- Use of personal data is necessary for providing confidential counselling, advice or support;
- Use of their personal data is necessary for protecting an individual from negligence or physical, mental or emotional harm; or
- Use of personal data is necessary for the purpose of protecting the economic well-being of an individual at economic risk.

The Charities will always assess whether special categories of data are essential for the proposed use and will only collect special categories of data when it is absolutely necessary in the context of the organisation.

Consent must be demonstrable. Therefore, if it is collected verbally it will be recorded in such a form as to prove that the requisite information was provided to the individual and their response was able to be verified.

Where consent is not relied upon, the Charities will take steps to ensure that there is another lawful basis under applicable law for the collection and use of such information. In certain circumstances, the Charities may be required to consult with the Information Commissioner's Office about the proposed use of such special categories of data.

### **Data Storage and processing:**

Bexley United Charities recognises that data is held about residents, trustees and employees.

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.

Archived records are stored securely and the Charities have clear guidelines for the retention of information as set out in Point 5 above.

### **Rights of individuals**

All individuals who come into contact with Bexley United Charities 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.

The trustees recognise their overall responsibility for ensuring that the Charities comply with its legal obligations. The Chair of Trustees is responsible as follows:

### **Roles and Responsibilities:**

- Briefing trustees on Data Protection responsibilities;
- Reviewing Data Protection and related policies;
- Advising staff on Data Protection issues; and
- Handling subject access requests.

All trustees and employees 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 Charities procedures regularly, ensuring that their records remain accurate and consistent and in particular:

- IT systems, where used, 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 employees will be discouraged from establishing unnecessary additional data sets; and
- Effective procedures will be in place so that relevant systems are updated when information about an individual changes.

### **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 Chair of Trustees. The request must be made in writing and the individual must satisfy the Chair of their identity before receiving access to any information.

A SAR must be answered within 30 calendar days of receipt by the Charities.

### **Collecting and using personal data**

Bexley United Charities typically collects and uses personal data in connection with the provision of the objects of the Charities. The Charities currently collect personal data mainly in the following ways:

- By asking applicants for accommodation to complete paper forms;
- By asking residents to sign the licence and to provide information on next of kin and GP; and
- By asking residents to give the Clerk ad hoc information verbally.

Bexley United Charities 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; and
- Not do anything unlawful with the data.

### **Keeping Data Secure**

Bexley United Charities 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:

- Information pertaining to individual residents, trustees and employees, and applications for employees, are kept in a locked filing cabinet at all times with access only by authorised staff;
- Electronic files containing personal data are password protected and passwords will be changed on a regular basis; and
- If any personal data is held at home by trustees or employees, it will be held securely at all times at the location where held.

### **More information:**

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

***This Policy has been approved for issue by the board of trustees of Bexley United Charities***