

Data Protection Policy and Procedure

Background

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is;

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the rights of Data Subjects
- Secure
- Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Legal Framework

Healthwatch Telford and Wrekin (HWT&W) shall act in accordance with the following legislation:

- Data Protection Act 1998
- Freedom of Information Act 2000

Policy

This policy applies to all staff, members and volunteers of HWT&W. The purpose of this policy is to enable HWT&W to;

- comply with the law in respect of the data it holds about individuals
- follow good practice
- protect clients, staff, volunteers and other individuals
- protect the organisation from the consequences of a breach of its responsibilities

HWT&W will:

- comply with both the law and good practice
- respect individuals' rights
- be open and honest with individuals whose data is held
- provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently

HWT&W recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. Information about staff, volunteers and clients will be used fairly, securely and not disclosed to any person unlawfully.

Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, HTW&W will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.

HTW&W is the Data Controller and is registered under the Data Protection Act 1998. All processing of personal data will be undertaken in accordance with the data protection principles.

Procedures

1. Definitions

1.1 The Data Subject is the individual whose personal data is being processed.

Examples include:

- employees - current and past
- volunteers
- job applicants
- users
- suppliers

Processing means the use made of personal data including:

- obtaining and retrieving
- holding and storing
- making available within or outside the organisation
- printing, sorting, matching, comparing, destroying

1.2 The Data Controller is the legal ‘person’, or organisation, that decides why and how personal data is to be processed. The Data Controller is responsible for complying with the Data Protection Act.

1.3 The Data Processor - the Data Controller may get another organisation to be their data processor, in other words to process the data on their behalf. Data Processors are not subject to the Data Protection Act. The responsibility of what is processed and how remains with the Data Controller. There should be a written contract with the Data Processor who must have appropriate security.

The Data Protection Officer is the name given to the person in organisations who is the central point of contact for all data compliance issues. HTW&W’s Data Protection Officer is Fiona Doran.

2. Responsibilities

2.1 The Board recognises its overall responsibility for ensuring that HTW&W complies with its legal obligations.

The Data Protection Officer has the following responsibilities.

- Briefing the Project Management Team 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
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Ensuring contracts with Data Processors have appropriate data protection clauses
- Electronic security
- Approving data protection-related statements on publicity materials and letters

2.2 Each Director, member of staff and volunteer who handles personal data will comply with the organisation’s operational procedures for handling personal data (including induction and training) to ensure that good Data Protection practice is established and followed.

2.3 All 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 work.

2.4 Significant breaches of this policy will be handled under the disciplinary procedure.

3. Security

Any recorded information on the Management Team, members, volunteers and staff will be:

- Kept in locked cabinets
- Protected by the use of passwords if kept on computer
- Destroyed confidentially if it is no longer needed

Access to information on the main database is controlled by a password and only those needing access are given the password. Staff and volunteers should be careful about information that is displayed on their computer screen and make efforts to ensure that no unauthorised person can view the data when it is on display. Notes regarding personal data of clients should be shredded or destroyed.

4. Data Storage and Recording

HTW&W has a single database holding basic information about all clients and volunteers. The back-ups of data are kept off site in a secure data centre. Further information can be found in the Database policy and procedure.

5. Access to Data

Individuals have the right to access information stored about them. Further information can be found in the Freedom of Information policy and procedure.

6. Transparency

HTW&W is committed to ensuring that in principle Data Subjects are aware that their data is being processed and for what purpose it is being processed;

- what types of disclosure are likely; and
- how to exercise their rights in relation to the data.

Data Subjects will generally be informed in the following ways;

- Staff: in the staff terms and conditions
- Volunteers: in the volunteer welcome/support pack
- Clients: when they request (on paper, on line or by phone)

Standard statements will be provided to staff for use on forms where data is collected.

Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

7. Consent

7.1 Consent will normally not be sought for most processing of information about staff.

7.2 Information about volunteers will be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.

7.3 Information about members will only be made public with their consent. (This includes photographs.) 'Sensitive' data about members (including health information) will be held only with the knowledge and consent of the individual. Consent should be given in writing, although for some services it is not always practicable to do so. In these cases, verbal consent will always be sought to the storing and processing of data. In all cases it will be documented on the database that consent has been given.

7.4 HTW&W acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where there is no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

8. Training

All staff who have access to any kind of personal data will be given copies of all relevant policies and procedures during their induction process, including the Data Protection policy, Confidentiality policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.

Data Protection will be included in the induction training for all volunteers. HTW&W will provide opportunities for staff to explore Data Protection issues through training, team meetings, and supervisions.

Disclaimer

This policy applies to all staff and volunteers, when acting under the cover of 'Healthwatch Telford and Wrekin' also whilst carrying out 'Healthwatch Telford and Wrekin's specific activities.