

Data Protection Policy

September 2023

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1. Introduction

1. Audlem and District Community Action (ADCA) needs to collect and use certain types of information about the people who come into contact with it in order to carry out our work. This personal information must be collected and dealt with appropriately – whether on paper, in a computer, or recorded on other material – in accordance with the Data Protection Act 1998 and subject to the General Data Protection Regulation (GDPR) 2018 and following current guidance issued by the Information Commissioner’s Office.
2. The lawful and correct treatment of personal information is very important to successful working, and to maintaining the confidence of those with whom we deal. To this end, ADCA will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.
3. The **Principles of Data Protection** require that personal information:
 - a) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
 - b) shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes;
 - c) shall be adequate, relevant and not excessive in relation to those purpose(s);
 - d) shall be accurate and, where necessary, kept up to date;
 - e) shall not be kept for longer than is necessary;
 - f) shall be processed in accordance with the rights of data subjects under the Act;
 - g) shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information;
 - h) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

2. Definitions

Words and phrases in italics are also defined terms.

Data Controller	The person who (either alone or with others) decides what personal information ADCA will hold and how it will be held or used.
Data Protection Act 1998	The UK legislation that provides a framework for responsible behaviour by those using personal information.
Data Protection Officer	The person(s) responsible for ensuring that ADCA follows its Data Protection Policy and complies with the Data Protection Act 1998 and the General Data Protection Regulation 2018.
Data Subject	The individual whose personal information is being held or processed by ADCA (for example: a member, an employee, a volunteer).
‘Explicit’ consent	A freely given, specific and informed agreement by a <i>Data Subject</i> to the <i>processing</i> of their <i>personal information</i> . Explicit consent is needed for processing <i>sensitive data</i> .

Notification	Notifying the Information Commissioner about ADCA's data processing activities, as certain activities may be exempt from notification.
Information Commissioner	The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.
Processing	Collecting, amending, handling, storing or disclosing <i>personal information</i> .
Personal Information	Information about living individuals that enables them to be identified – for example: name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within ADCA.
Sensitive data	Data about: <ul style="list-style-type: none"> • racial or ethnic origin • political opinions • religious or similar beliefs • trade union membership • physical or mental health • sexual life • criminal record • criminal proceedings relating to a data subject's offences

3. Policy implementation

1. ADCA's **Data Controller**, who determines what purposes personal information held by ADCA will be used for, is the **ADCA Chair**.
2. The Data Controller is also responsible for notifying the Information Commissioner about the data ADCA holds.
3. ADCA's **Data Protection Officer**, with specific responsibility for ensuring compliance with Data Protection law, is the **Community Services Manager**.
4. Queries about this policy should be addressed to the **Community Services Manager** in the first instance.
5. ADCA will ensure that:
 - everyone processing personal information understands that they are **contractually obliged** to follow good data protection practice and to follow ADCA's **Data Entry Protocol** when entering information in the ADCA Database.
 - everyone processing personal information is appropriately **trained** to do so
 - everyone processing personal information is appropriately **supervised**
 - anybody wanting to make enquiries about handling personal information knows what to do
 - all staff are aware that a **breach of the rules and procedures** identified in this policy may lead to **disciplinary action**.

6. ADCA will

- clearly describe how it handles personal information
- deal promptly and courteously with any enquiries about handling personal information
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- regularly review and audit how it holds, manages and uses personal information
- ensure that the information it holds is kept up to date
- update this policy as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

4. Data access

1. All Data Subjects have the right to access the data ADCA holds about them. Queries about or requests to see this data should be addressed to the **Community Services Manager**.
2. ADCA will
 - expect to respond to most queries within the course of normal operations – for example, checking contact details. These would be dealt with informally
 - aim to respond to all requests for information within 2 weeks, and within no less than 1 calendar month
 - require confirmation of the applicant's identity when responding to a formal request
 - make no alteration to any personal information held on an individual after a request has been received without the consent of that individual
 - provide this information free of charge in most cases but reserves the right to charge a fee of (£10) where the matter is complex

5. Data collection

Criteria and controls

1. When collecting any personal information about Data Subjects, ADCA will apply strict criteria and controls to ensure that it can
 - fully satisfy the conditions for fair collection and use of information
 - meet its legal obligations to specify the purposes for which information is used
 - collect and process appropriate information to the extent needed to fulfil its operational needs or to comply with any legal requirements
 - confirm the accuracy of information used
 - guarantee that the rights of individuals about whom information is held can be fully exercised, including:
 - the right to be informed that processing is being undertaken
 - the right of access to one's personal information
 - the right to prevent processing in certain circumstances
 - the right to correct, rectify, block or erase information which is regarded as wrong information
 - properly safeguard personal information
 - prevent personal information from being transferred abroad without suitable safeguards.

Informed consent

2. A Data Subject can only give 'informed consent' to the collection and use of their personal information when they clearly understand **why** their information is needed, **who** it will be shared with, and the possible **consequences** of **agreeing** or **refusing** the proposed use of the data
3. ADCA will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.
4. When collecting data, ADCA will ensure that every Data Subject
 - has sufficient information to understand why their data is needed and how it will be used
 - understands the consequences should they decide not to consent to processing
 - is competent (as far as is reasonably practicable) to give consent
 - freely gives explicit written or verbal consent, as far as is possible, for data to be processed.

6. Data disclosure

1. ADCA may share data with other agencies, such as the local authority, funding bodies and other voluntary agencies.
2. The Data Subject will be made aware in most circumstances how and with whom their information will be shared.
3. The law allows ADCA to disclose data (including sensitive data) without the Data Subject's consent in certain circumstances:
 - a) carrying out a legal duty or as authorised by the Secretary of State
 - b) protecting vital interests of a Data Subject or other person
 - c) where the Data Subject has already made the information public
 - d) conducting any legal proceedings, obtaining legal advice or defending any legal rights
 - e) monitoring for equal opportunities purposes – i.e. race, disability or religion
 - f) providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent – for example, where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

7. Data storage

1. Information and records relating to ADCA members will be stored securely and will be accessible only to authorised Trustees, staff and volunteers.
2. Information will be stored only for as long as it is needed, or required by statute, and will be disposed of appropriately.
3. ADCA's Chair is responsible for ensuring that all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed on or sold to a third party.

Approved by the Trustees on 1 September 2023

Associated documents: Consent Form; Verbal Consent Script; Data Entry Protocol