

Wheelhouse Square Flats

Data Protection Policy

Aims of this Policy

Wheelhouse Square Flats needs to keep certain information on its residents, Trustees, employees and volunteers to carry out its day to day operations to meet its objectives and to comply with legal obligations.

Wheelhouse Square Flats is committed to ensuring any personal data will be dealt with in accordance with the provisions of the General Data Protection Regulation 2016. To comply with the law personal information will be collected and used fairly stored safely and not disclosed to any other person unlawfully.

The aim of this policy is to ensure that everyone handling personal data is fully aware of the requirements and acts in accordance with data protection procedures. This document also highlights key data protection procedures within the charity.

This policy covers residents, Trustees, employees and volunteers.

Definitions

In accordance with the General Data Protection Regulation principles Wheelhouse Square Flats will ensure that personal data will:

- be obtained fairly and lawfully and shall not be processed unless certain conditions are met
- be obtained for a specific and lawful purpose
- be adequate, relevant but not excessive
- be accurate and kept up to date
- not be held longer than necessary
- be processed in accordance with the rights of data subjects
- be subject to appropriate security measures
- not be transferred outside the European Economic Area (EEA)

The definition of 'data' is any information which will be processed or used on or by a computerised system including information contained within a "relevant filing system" of information which includes paper based filing systems. Data can therefore be written, taped, photographic or digital.

The definition of 'personal data' is data which relates to an individual who can be identified:

- from that data; or
- from that data and other information which is in the possession of, or is likely to come into the possession of Wheelhouse Square Flats and includes any expression of opinion about the individual and any indication of the intentions of Wheelhouse Square Flats or any other person in respect of the individual.

Examples of personal data include:

- names
- gender
- date of birth
- emails, telephone numbers and personal addresses

Some personal data is regarded as 'sensitive data' which means data which relates to sensitive aspects of an individual's life.

Examples of sensitive data include:

- income
- physical or mental health
- ethnicity, sexual orientation, religion, marital status etc.
- criminal convictions
- religious beliefs
- membership of trade unions

The definition of 'processing' is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes paper based personal data as well as that kept on computer.

The General Data Protection Regulation suggests five key principles of good data governance on which best practice is based. Wheelhouse Square Flats will seek to abide by this code in relation to all the personal data it processes:

- **Accountability:** those handling personal data follow publicised data principles to help gain public trust and safeguard personal data.
- **Visibility:** data subjects should have access to the information about themselves that an organisation holds which includes the

right to have incorrect personal data corrected and to know who has had access to this data.

- **Consent:** the collection and use of personal data must be fair and lawful and in accordance with the General Data Protection Regulation 's eight data protection principles (see above). Personal data should only be used for the purposes agreed by the data subject. If personal data is to be shared with a third party or used for another purpose the data subject's consent should be explicitly obtained.
- **Access:** everyone should have the right to know the roles and groups of people within an organisation who have access to their personal data and who has used this data.
- **Stewardship:** those collecting personal data have a duty of care to protect this data throughout the data life span.

Type of information processed

Wheelhouse Square Flats processes the following personal information:

- information on applicants for employment including references.
- employee information – including names, gender, dates of birth, contact details, bank account numbers, payroll information, supervision and appraisal notes.
- information on Trustees – including names, gender, dates of birth, contact details.
- information on Residents – including names, gender, dates of birth, contact details, case notes, financial information, physical and mental health.
- information on Volunteers – including names, gender, dates of birth, contact details, references, supervision and appraisal notes.

Personal information is kept in both paper based and computer based systems.

Groups of people within the charity who will process personal information are:

- employees;
- Trustees; and
- volunteers

Sensitive personal information will not be shared without consent.

Notification

The needs Wheelhouse Square Flats has for processing personal data are recorded on the public register maintained by the Information Commissioner. Wheelhouse Square Flats notifies and renews its notification on an annual basis as the law requires.

If there are any interim changes these will be notified to the Information Commissioner within 28 days.

The name of the Data Controller within Wheelhouse Square Flats as specified in its notification to the Information Commissioner is Ian Brabbs who is a Trustee of Wheelhouse Square Flats.

Responsibilities

Under the Data Protection Guardianship Code (see above) overall responsibility for personal data in a not for profit organisation rests with the governing body. In the case of Wheelhouse Square Flats this is the board of Trustees.

The Trustees delegate tasks to the Data Controller (see above).

The Data Controller is responsible for:

- understanding and communicating obligations under the Regulation
- identifying potential problem areas or risks
- producing clear and effective procedures
- notifying and annually renewing notification to the Information Commissioner plus notifying of any relevant interim changes

All employees, Trustees and volunteers who process personal information must ensure they not only understand but also act in accordance with this policy and the data protection principles (see above).

Breach of this policy will result in disciplinary proceedings (see below).

Breach of this policy may result in:

- Trustees being held personally liable for any penalty arising for any breach for which he/she is responsible
- Trustees being removed from their office of trustee
- employees being dismissed from their employment
- volunteers having their volunteering agreement terminated

Where any breach of this policy is likely to result in risk to the rights of freedom of an individual including damage to reputation, financial loss, loss of confidentiality or other significant economic or social disadvantage the breach will be reported to the Information Commissioner and where the risk is high to the individual concerned.

Policy Implementation

To meet Wheelhouse Square Flats' responsibilities Trustees, employees and volunteers will:

- ensure any personal data is collected in a fair and lawful way;
- explain why it is needed at the start;
- ensure that only the minimum amount of information needed is collected and used;
- ensure the information used is up to date and accurate;
- review the length of time information is held;
- ensure it is kept safely;
- ensure the rights people have in relation to their personal data can be exercised

Wheelhouse Square Flats will ensure that:

- everyone managing and handling personal information is trained to do so;

- anyone wanting to make enquiries about handling personal information whether a Trustee, employee, or volunteer knows what to do; and
- any disclosure of personal data will be in line with this policy.

Enquiries about handling personal information will be dealt with swiftly and politely.

Training

Training and awareness raising about the General Data Protection Regulation and how it is followed at Wheelhouse Square Flats will take the following forms:

On induction:

- provision of a copy of this policy and Wheelhouse Square Flats' CCTV policy
- an explanation of the provisions of this policy and the CCTV policy
- recipients sign for information received as proof of receipt and understanding
- instructions on not disclosing passwords and keeping files locked and location of keys private

General training/ awareness raising:

- periodic reminders of the terms of this policy and the CCTV policy in an appropriate meeting(s) with Trustees, employees and volunteers.

Gathering and checking information

Before personal information is collected Wheelhouse Square Flats will consider:

- what details are necessary for Wheelhouse Square Flats purposes; and
- how long Wheelhouse Square Flats is likely to need this information

Wheelhouse Square Flats will inform people whose information is gathered about:

- what the information will be used for; and
- who will have access to their information (including third parties such as local authorities and other voluntary bodies)

Wheelhouse Square Flats will take the following measures to ensure that personal information kept is accurate:

- regular reminders will be sent to all residents, Trustees, employees and volunteers asking them to check their details and to report any amendments or corrections required to ensure that the information held is accurate

Personal sensitive information (including information about ethnic origin, political opinions, religious beliefs, membership of a trade union, finances physical or mental health and criminal convictions) will not be processed apart from the exact purpose for which permission was given.

Data Security

Wheelhouse Square Flats will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. The following measures will be taken:

- password protection on all personal information files
- use of lockable cupboards with restricted access to keys
- computer systems with restricted access to certain areas
- no personal data to be taken off site (as hard copy on laptop or on memory stick)
- back up of data on computers (either onto a separate hard drive or onto tapes kept off site)
- password protected attachments for sensitive personal information sent by email

Any unauthorised disclosure of personal data to a third party by an employee may result in disciplinary proceedings.

Any unauthorised disclosure of personal data to a third party by a Trustee, employee or volunteer may result in:

- Trustees being held personally liable for any penalty arising for any breach for which he/she is responsible
- Trustees being removed from their office of trustee
- employees being dismissed from their employment
- volunteers having their volunteering agreement terminated

Where any breach of this policy is likely to result in risk to the rights of freedom of individual including damage to reputation, financial loss, loss of confidentiality or other significant economic or social disadvantage the breach will be reported to the Information Commissioner and where the risk is high to the individual concerned.

Disclosure

Wheelhouse Square Flats may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The individual concerned will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows data to be disclosed (including sensitive data) without the individual's consent.

These are:

- carrying out a legal duty or as authorised by the Secretary of State
- protecting vital interests of an individual or other person
- the individual has already made the information public
- conducting any legal proceedings obtaining legal advice or defending any legal rights
- monitoring for equal opportunities purposes – i.e. race, disability or religion
- providing a confidential service where the individual's consent cannot be obtained or where it is reasonable to proceed without consent: for example where Wheelhouse Square Flats would wish to avoid forcing stressed or ill individuals to provide consent signatures.

Wheelhouse Square Flats regards the lawful and correct treatment of personal information as very important to successful working and to maintaining the confidence of those with whom it deals.

Subject Access Requests

Anyone whose personal information Wheelhouse Square Flats processes has the right to know:

- what information the charity holds and processes on them
- how to gain access to this information
- how to keep information up to date
- how to delete or erase information (the so called “right to be forgotten”) when it is no longer necessary or consent has been withdrawn
- what Wheelhouse Square Flats is doing to comply with the General Data Protection Regulation.

They also have the right to prevent processing of their personal data in some circumstances and the right to correct rectify block or erase information regarded as wrong.

Individuals have a right under the General Data Protection Regulation to request access certain personal data being kept about them and a right to request that data be rectified if inaccurate or incomplete. Any person wishing to exercise either of these rights should apply in writing to the Data Controller at Wheelhouse Square Flats, Dean Road, Scarborough YO12 7SP.

No fee is payable unless the request is considered to be manifestly unfounded, excessive or repetitive in which event an administrative charge will be made to cover the administration costs involved.

The following information will be required before the request is considered:

- the full name and contact details of the person making the request ; and
- the applicant’s relationship with Wheelhouse Square Flats (such as former/ current employee, Trustee, volunteer or resident)

Wheelhouse Square Flats may also require proof of identity before the request is granted. If so the following forms of identification will be required:

- passport; or
- birth certificate

Enquiries about handling personal information will be dealt with swiftly and politely.

Wheelhouse Square Flats will aim to comply with requests as soon as possible but will ensure compliance within one month as required by the General Data Protection Regulation from receiving the written request, evidence of identity and if required the administration fee. Where the request is complex or numerous more time may be required but will be complied with within 2 months. If more than one month is required this will be notified before the end of the month.

Review

This policy will be reviewed regularly by the Trustees of Wheelhouse Square Flats to ensure it remains up to date and compliant with the law.

Declaration

I confirm I have read and understood Wheelhouse Square Flats' Data Protection Policy and will act in accordance with it.

I am connected with Wheelhouse Square Flats in my capacity as a(n)

- employee
- volunteer
- Trustee

Signature:

Print name:

Date:

Please return this form to the Data Controller Wheelhouse Square, Dean Road, Scarborough YO12 7SP

This Policy was approved by the Trustees of Wheelhouse Square Flats at a meeting held on XX day of XXXXX 2018

