



## Inspiring Communities Together Data Protection policy and procedure

Date first adopted: December 2012

### Review dates:

Date of review	Amendments/Updates made	Reviewed & accepted	Proposed next review
August 2013		ICT board	August 2015
Sept 2016		ICT board	Sept 2018
May 2018	Amended for GDPR		May 2021
October 2021	Policy expanded, sections added including governance.	ICT board	October 2023

### Introduction

Inspiring Communities Together recognises the importance of the correct and lawful treatment of personal data; it maintains confidence in the organisation and provides for successful operations. In order to ensure effective delivery of services, Inspiring Communities Together is required to maintain certain personal data about individuals in order to carry out our work and legal obligations. This personal information must be collected and dealt with appropriately.

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.

The Data Protection Legislation (Data Protection Act 2018) governs the use of information about people (personal data). Personal data can be held on computer or in a manual file, and includes email, minutes of meetings, and photographs.

Inspiring Communities Together will remain the data controller for the information it collects and holds. Inspiring Communities Together, its board members, staff and volunteers will be personally responsible for processing and using personal information in accordance with the current legislation. All board members, staff and volunteers working with Inspiring Communities Together who have access to personal information, will be expected to read and comply with this policy. Non compliance with this policy could result in disciplinary action, loss of job (or volunteering placement), personal fines and potentially imprisonment.

You can find a definition of the key terms used in this policy at the end of the document. This Data Protection Policy is part of our Information Governance Framework.



## 1. Principles

The Data Protection Legislation sets out seven key principles (Article 5(1)) which are summarised as follows:

- Lawfulness,
- Fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation and storage of personal data and lie at the heart of the GDPR.

Compliance with the spirit of these key principles are the fundamental building blocks for good data protection practice and compliance. Inspiring Communities Together fully endorses and adheres to these principles. Employees and any others who obtain, handle, process, transport and store personal data for Inspiring Communities Together must adhere to these principles. Inspiring Communities Together will provide training to our staff and volunteers on Data protection and information governance, this takes place on induction and then annually as part of our mandatory training programme.

## 2. Responsibilities

Inspiring Communities Together Board will ultimately take responsibility for the implementation of this policy and take into account legal requirements to ensure that it is properly implemented. Our named lead is: Mike Duddy.

Inspiring Communities Together is currently not legally required to have a Data Protection Officer. However, a Data Protection Lead has been identified and will be responsible for ensuring that the policy is implemented and will have the responsibility:

- To inform and advise the organisation, the board and its employees about their obligations to comply with Data Protection Legislation.
- To monitor compliance with Data Protection Legislation, including managing internal data protection activities, advise on data protection Impact assessments; train staff and conduct internal audits.
- To ensure ICT continues to be registered with the Information Commissioner and that our details remain up to date,
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, service users, members etc).

Staff and Volunteers are actively encouraged and supported through training and their line manager to report any concerns that they may have in order to improve both our data protection and services to users.



However, all staff and volunteers are also aware that a deliberate breach of the rules and procedures identified in this policy may result in disciplinary action being taken against them. This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to legislation. In case of any queries or questions in relation to this policy please contact the Inspiring Communities Together Data Protection Lead:

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Inspiring Communities Together ensures that our details are registered with the Information Commissioner. The current certificate expires on 03 February 2022. A copy of the notification is located in the ICT office. You can see ICT's registration online on the Data Protection Register by going to <https://ico.org.uk/ESDWebPages/Entry/ZA164895>

### **3. Data collection**

Inspiring Communities Together will only collect data that is 'necessary' to conduct its operational and contractual requirements. It will identify the lawful basis for processing and ensure that this is communicated clearly within its privacy notices and that appropriate documentation of our processing activities is recorded. When collecting data, Inspiring Communities Together will ensure that the individual:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what will happen if they decide they do not want their information to be used (processed) in this way
- c) Where necessary, grants explicit consent, either written or verbal for data to be processed.
- d) Is, as far as reasonably practicable, able to understand what processing would require and able to give consent where necessary.
- e) Has received sufficient information on why their data is needed and how it will be used.
- f) Further information on the data we collect including how we do this and why can be found in the Inspiring Communities Together Privacy Policy. There is a copy of this on our website.

### **4. Data Storage, Retention and Disposal**

Personal Information and records relating to Inspiring Communities Together business and service delivery will be stored securely and will only be accessible to authorised staff and volunteers. Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

The retention period for relevant data is recorded in Inspiring Communities Together's Data Retention and Archiving Policy and Procedure.



Inspiring Communities Together will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. The measures taken include:

- Personal Data will be kept in locked filing cabinets with access restricted to those people who have authority to access the data
- Password protection on personal information files
- Restricted access to computer files, drives and systems.
- Internal drives protected by 2 factor authentication.
- Use of secure VPN mechanisms to ensure personal data does not need to be duplicated unnecessarily
- Data, including personal data, is backed up daily and information kept off site using secure cloud services
- Suitable encrypted attachments for sensitive personal information sent by email

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

The Board and directors are accountable for compliance of this policy. A director could be personally liable for any penalty arising from a breach that they have made.

Any deliberate unauthorised disclosure made by a volunteer may result in the termination of the volunteering agreement.

It is Inspiring Communities Together responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party. Any external destruction of data will be undertaken under contract and undertaken to any relevant British Standard.

Further information can be found in Inspiring Communities Together Retention Policy and Procedure.

## **5. Data Accuracy**

Inspiring Communities Together will undertake reasonable steps to ensure data is kept accurate and up to date. This includes:

- To limit errors, data will only be held where necessary
- Asking data subjects whether there have been any changes to their information
- Ensuring that when inaccuracies are found that records are updated e.g. an out of date phone number is deleted from files
- Investigating and acting upon any notifications by individuals of inaccuracies.

## **6. Training**

Training and awareness raising about the Data Protection Legislation and how it is followed in this organisation will take the following forms:

On induction: All new staff, trustees and volunteers will have an assessment of their understanding of Data Protection during the induction process.

Following this assessment staff will have a session which will outline Data Protection regulations, the organisations policy and procedures in respect of Data Protection and their responsibilities as staff volunteers of Inspiring Communities Together Staff and Volunteers will be asked to sign a declaration confirming they understand and will adhere to the policy.



General training/ awareness raising: Information will be placed around the building and distributed via regular email updates to remind staff of the principles of data protection. This will be in the form of simple do's and don'ts. Staff will be reminded of their responsibilities at team meetings and in line management. Where required staff will offered additional training as part of staff training and professional development opportunities.

Inspiring Communities Together 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 member of staff, volunteer or service user, knows what to do;
- Any disclosure of personal data will be in line with our procedures.
- Queries about handling personal information will be dealt with swiftly and politely.

## **7. Data Protection by Design**

Inspiring Communities Together is committed to considering data protection and privacy issues upfront in everything we do. Inspiring Communities Together are committed to integrating data protection into all our activities and practices, from the design stage right through delivery lifecycles. This includes:

- Anticipating risk and privacy invasive events through the organisational risk register and taking steps to prevent harm to individuals.
- Considering data protection issues as part of the planning, design and implementation of systems, projects, services and delivery. Both through broader tools and Data Protection Impact Assessments as required.
- Only processing the personal data that we need for our purposes(s), and that we only use the data for those purposes.
- Providing the identity and contact information of those responsible for data protection both within our organisation and to individuals.
- Ensuring that data processors can provide sufficient guarantees of the measures for data protection.
- Using 'plain language' policy with any public documents and privacy notices so that individuals easily understand what we are doing with their personal data.

## **8. Individual Data subject rights**

The GDPR provides the following rights for individuals:

### **1. The right to be informed.**

This includes an obligation on organisations processing personal information to provide fair processing information, typically through a privacy notice and be transparent over how they use personal data.

Detailed information about the type of personal information Inspiring Communities Together collects, how we do this, why we collect it, how we use it and how we keep it safe is contained in our Privacy Policy and privacy notices:

- Privacy Notice for Staff
- Privacy Policy
- Individual project privacy notices

## 2. **Right of access** (subject access request)

Under legislation individuals have the right to access data held about them as well as the right to be 'forgotten' where there is no longer a compelling reason to continue processing.

A subject access request can be considered as any enquiry whether written (any format, including email or webform) or verbal that asks for information Inspiring Communities Together hold about the person. Individuals can only request access to their own data (or must provide evidence that they are legitimately acting on another person's behalf). Inspiring Communities Together may request proof of identity to ensure this.

Members of the public may request certain information from statutory bodies under the Freedom of Information Act 2000. The Act does not apply directly to Inspiring Communities Together. However if at any time we undertake the delivery of services under contracts with relevant statutory bodies we may be required to assist them to meet the Freedom of Information Act request where we hold information on their behalf.

3. **The right to rectification.** Personal data will be corrected if it is inaccurate or incomplete.
4. **Right to erasure.** This is also known as the right to be forgotten. It allows an individual to request the deletion or removal of personal information where there is no compelling reason for its continued processing. E.g. it is no longer necessary for the purpose it was originally collected.
5. **Right to restrict processing.** Individuals have a right to block or suppress the processing of personal data. The data can still be stored, but must not be further used. The circumstances in which processing may be restricted could be where an individual contests the accuracy of personal data, and wants it to be verified, or where the organisation no longer needs the data, but the individual does (for a legal claim for example)
6. **Right to data portability.** This gives individuals the right to obtain and reuse their personal data for their own purposes across different services. This right only applies to data provided by the individual, based on consent or for performance of a contract and where processing is carried out by automated means.
7. **Right to object.** Individuals have the right to object to direct marketing and processing based on legitimate interests. Inspiring Communities Together gives all our service users choices about their marketing preferences when they first contact us and these preferences can be changed at any time.
8. **Rights related to automated decision making including profiling.** This is related to automated individual decision making and profiling. At present Inspiring Communities Together does not engage in this activity.

In case of any requiring further information on this aspect of the policy please read Inspiring Communities Together Individual Rights Procedure or contact the Inspiring Communities Together Data Protection Lead.



## 9. Disclosure & Data Sharing

Inspiring Communities Together may need to share data with other agencies such as local authorities, funding bodies and other community and voluntary agencies as part of its work. The Data Subject will be made aware in most circumstances how and with whom their information will be shared as part of the Privacy Notice process.

However, there are some limited circumstances (where legislation allows) in which Inspiring Communities Together may disclose data (including sensitive data) without the data subject's knowledge. These include:

1. When required to by law – This may as simple as providing information to HMRC for tax purposes or if required by the police in relation to a crime.
2. Protecting vital interests of a Data Subject or other person – This includes safeguarding concerns where an individual may be at risk or in cases of medical emergencies.
3. The Data Subject has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights

Inspiring Communities Together regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Inspiring Communities Together will ensure that personal information is treated lawfully and correctly. Staff or Volunteers who are unsure about whether they can legitimately disclose personal data to an individual or organisation should seek advice from their line manager or the Data Protection Lead.

## 10. Risk Management

The consequences of breaching Data Protection can cause harm or distress to service users if their information is released to inappropriate people, or they could be denied a service to which they are entitled. This policy and the supporting policies and procedures are designed to minimise the risks and to ensure that the reputation of Inspiring Communities Together is not damaged through inappropriate or unauthorised access and sharing.

Data Protection is everyone's responsibility if staff or volunteers know or suspect that a personal data breach has occurred, then they should immediately contact the Data Protection Lead.

Inspiring Communities Together makes every effort to avoid data protection incidents, however, it is possible that mistakes will occur on occasions. Examples of how personal data incidents might occur include through:

- Loss or theft of data or equipment
- Ineffective access controls allowing unauthorised use
- Equipment failure
- Unauthorised disclosure (e.g. email sent to the incorrect recipient)
- Human error
- Hacking attack

In the event of a breach leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Inspiring Communities Together will promptly assess the risk to individuals concerned and if appropriate report this breach to the ICO (more information is available on the ICO website). If a reportable breach has occurred Inspiring Communities Together is required to notify the Information Commissioner's Office as soon as possible, and not later than 72 hours after becoming aware of it.



Staff and Volunteers are actively encourage to report any incidents or concerns that they may have in order to improve both our data protection and services to users. However, staff and volunteers are also aware that they can be personally liable if they deliberately or maliciously use service user's personal data inappropriately. Inspiring Communities Together have a detailed Personal Data Breach Response Plan to guide managers in addressing any breaches that do occur.

## **11.Related Policies**

Data protection is an organisation wide process and this policy does relate to other policies and documents within Inspiring Communities Together including but not limited to Individual rights procedure, Data Retention and Archiving Policy and Procedure, Organisation Risk Register, IT Acceptable Usage Policy, and Business Continuity.

## **12.Policy review**

This policy will be reviewed regularly by the Inspiring Communities Together board (see schedule table above)

## **13. Further Information**

If staff, volunteers or members of the public/or stakeholders have specific questions about information security and data protection in relation to ICT please contact the Data Protection Lead:

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The Information Commissioner's website ([www.ico.gov.uk](http://www.ico.gov.uk)) is another source of useful information



## Appendix i

### Glossary of Terms

The following list contains definitions of the technical terms we have used.

**Data Controller** – The person who (either alone or with others) decides what personal information ICT will hold and how it will be held or used.

**Data Protection Act 2018** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Impact Assessments (DPIA)** - is a process to help you identify and minimise the data protection risks of a project.

**Data Protection Lead** – The person(s) responsible for ensuring that ICT follows its data protection policy and complies with legislation.

**Individual/Service User** – The person whose personal information is being held or processed by ICT for example: a client, an employee, or member.

**Information Commissioner (ICO)**– The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 2018.

**Processing** – means collecting, amending, handling, storing or disclosing personal information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, including service users, individual volunteers or employees

**Sensitive data** – refers to data about:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation