

Policy and Procedure Name:	Data Protection
Date Effective:	February 2013
Written By:	Josh Bourne
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1) Policy Statement

- a) A1 Health and Safety Cornwall (herein 'A1') collects and uses information about people with whom it communicates.
- b) This personal information must be dealt with properly and securely however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this in the Data Protection Act 1998.
- c) A1 regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between those with whom it deals.
- d) To this end A1 fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

2) Purpose

- a) The purpose of this policy is to ensure that the staff, volunteers and trustees of A1 are clear about the purpose and principles of Data Protection and to ensure that it has guidelines and procedures in place which are consistently followed.
- b) Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against A1 or its staff.

3) Principles

- a) The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.
- b) Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.
- c) To do this A1 follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are summarised below:
 - Personal data will be processed fairly and lawfully
 - Data will only be collected and used for specified purposes
 - Data will be adequate, relevant and not excessive
 - Data will be accurate and up to date
 - Data will not be held any longer than necessary
 - Data subject's rights will be respected
 - Data will be kept safe from unauthorised access, accidental loss or damage
 - Data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.
- d) The principles apply to "personal data" which is information held on computer or in manual filing systems from which they are identifiable. A1 employees who process or use any personal information in the course of their duties will ensure that these principles are followed at all times.

4) Procedures

The following procedures have been developed in order to ensure that A1 meets its responsibilities in terms of Data Protection. For the purposes of these procedures data collected, stored and used by A1 falls into 2 broad categories:

- A1 internal data records (staff)
- A1 external data records (customers)

A1 as a body is a Data Controller under the Act, and the Director is ultimately responsible for the policy's implementation.

5) Internal data records

a) Purposes

A1 obtains personal data (names, addresses, phone numbers, email addresses), application forms, and references and in some cases other documents from staff. This data is stored and processed for the following purposes:

- (1) Recruitment
- (2) Equal Opportunities monitoring
- (3) Volunteering opportunities
- (4) To distribute relevant organisational material e.g. meeting papers
- (5) Payroll

b) Access

The contact details of staff, volunteers and trustees will only be made available to other staff. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day to day running of the organisation.

Contact details of staff, volunteers and trustees will not be passed on to anyone outside the organisation without their explicit consent.

A copy of staff emergency contact details will be kept for Health and Safety purposes to be used in emergency situations e.g. fire/ bomb evacuations.

Staff will be supplied with a copy of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

c) Accuracy

A1 will take reasonable steps to keep personal data up to date and accurate.

Personal data will be stored for a maximum 5 years after a member of staff has worked for the organisation and brief details for longer. Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference.

The Director has responsibility for destroying personnel files.

d) Storage

Personal data is kept in paper-based systems and on a password-protected computer system.

Every effort is made to ensure that paper-based data are stored in organised and secure systems.

A1 operates a clear desk policy at all times.

e) Use of Photographs

Where practicable, A1 will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisations website or in the Newsletter.

6) External data records

a) Purposes

A1 obtains personal data (such as names, addresses, and phone numbers) from customers. This data is obtained, stored and processed solely to assist staff in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the CRM System.

A1 obtains personal data and information from clients and members in order to provide services. This data is stored and processed only for the purposes outlined in the agreement and service specification signed by the client/ member.

b) Consent

Personal data is collected over the phone and using other methods such as e-mail. During this initial contact, the data owner is given an explanation of how this information will be used.

Written consent is not requested as it is assumed that the consent has been granted when an individual freely gives their own details.

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation, in which case the Director will discuss and agree disclosure with the Chair/ Vice Chair. Contact details held on the organisation's database may be made available to groups/ individuals outside of the organisation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

c) Access

Only the organisation's staff, volunteers and trustees will normally have access to personal data.

All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it. Information supplied is kept in a secure filing, paper and electronic system and is only accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue.

Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

d) Accuracy

A1 will take reasonable steps to keep personal data up to date and accurate.

Personal data will be stored for as long as the data owner/ client/ member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their records will be destroyed.

However, unless we are specifically asked by an individual to destroy their details, we will normally keep them on file for future reference.