

## DATA PROTECTION POLICY

The Data Protection Act 1998 came into force on 1 March 2000. It gives effect in UK law to E.C. Directive 95/46/EC. The Act replaces the Data Protection Act 1984. There are a number of important differences between the two Acts. However in implementing the provisions of the new Act, Highfields Community Association (HCA) is required to adopt a Data Protection Policy, which is outlined below.

The Act introduces some terminology. In particular the definition of "processing" in the new Act is very wide, and include simply "holding".

### 1. GENERAL STATEMENT OF POLICY

1.1 HCA adheres to the Principles of Data Protection, which are listed below:

- i. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
- ii. at least one of the conditions in Schedule 2 is met, and
- iii. in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
- iv. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- v. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- vi. Personal data shall be accurate and, where necessary, kept up to date.
- vii. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- viii. Personal data shall be processed in accordance with the rights of data subjects under this Act.
- ix. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- x. Personal data 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 data.

1.2 In order to comply with the Data Protection Principles, HCA will be expected to follow a number of good practices. These are listed in the table below against each principle.

PRINCIPLE	ACTION BY HCA
First Principle	<ol style="list-style-type: none"> <li>1. You must satisfy at least one of the conditions for processing under Schedule 2 (see Annex A)</li> <li>2. You must also satisfy at least one of the conditions for Processing under Schedule 3, if you are processing sensitive data (see Annex B).</li> <li>3. If you obtain personal data directly from data subjects, you should inform them of your identity as a data controller, the purpose to which you are going to put the data and any other information which is required to make the processing fair.</li> </ol>
Second Principle	Identify the purposes for which you are processing data.
Third Principle	<ol style="list-style-type: none"> <li>1. Conduct a needs assessment to establish what information you need to collect and why.</li> <li>2. Audit your data holding against your needs assessment.</li> <li>3. Establish effective data retention and disposal policies.</li> </ol>
Fourth Principle	<ol style="list-style-type: none"> <li>1. Establish methods for validating data whatever the source.</li> <li>2. Establish policies and procedures for determining which information is actively used by the Group.</li> <li>3. Establish procedures for keeping 'live' data up to date.</li> </ol>
Fifth Principle	<ol style="list-style-type: none"> <li>1. Review why you are keeping the data</li> <li>2. Review whether you need it for current purpose audit/legal purposes research purposes</li> <li>3. Review whether personal data that you no longer need should be deleted.</li> </ol>
Sixth Principle	<ol style="list-style-type: none"> <li>1. To comply with the Sixth Principle you must manage your operations so that you enable data subjects to exercise their rights properly and fully.</li> <li>2. These rights include the right to be told by a data controller that they are processing their personal data the right to obtain a copy of their personal data from the data controller the right to prevent the use of their personal data for direct marketing purposes and, the right to prevent processing in certain circumstances.</li> </ol>
Seventh Principle	<ol style="list-style-type: none"> <li>1. Install appropriate physical and electronic security measures.</li> <li>2. Establish mechanisms that protect data from accidental loss or destruction or damage through malfunctioning systems or equipment.</li> </ol>
Eight Principle	<ol style="list-style-type: none"> <li>1. To comply with the Eight Principle you must not transfer data in whatever form to a country outside the European Economic Authority which does not have an adequate level of protection.</li> </ol>

## 2. NOTIFICATION OF DATA HELD AND PROCESSED

2.1 All individuals about whom data is held are entitled to:

- i. Know what information HCA hold and processes about them and why it is being held.
- ii. Know how to gain access to the information
- iii. Know how to keep the information up to date
- iv. Know what HCA is doing to comply with its obligations under the Data Protection Act 1998.

2.2 HCA will therefore provide all individuals about whom data is held with a standard form of notification on request. This will state the types of data HCA holds and processes about them, and the reason for which it is processed.

## 3. DATA SECURITY

3.1 HCA is responsible for ensuring that:

- i. Any personal data which they hold is kept securely
- ii. Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party
- iii. Passwords are not shared
- iv. Former members of HCA cannot get access to the systems

3.2 Personal Information should be

- i. Kept in a locked filing cabinet; or
- ii. In a locked draw; or
- iii. Kept only on disk which is itself kept securely

## 4. RIGHTS TO ACCESS INFORMATION

4.1 Individuals have the right to access any personal data that is being kept about them either on computer or in certain files.

4.2 Any person who wishes to exercise this right should complete an 'Access to Information' form and send it to the designated data controller.

4.3 In order to gain access, an individual may wish to receive notification of the information currently being held. This request should be made in writing using the 'Access to Information' form attached.

4.4 HCA aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within forty working days unless there is good reason for delay. In such cases the reason for delay will be explained in writing to the individual making the request.

## **ANNEX A**

### **Schedule 2 Conditions for processing all personal information**

Does your processing meet one of the following conditions?

- 1) The data subject has consented to the processing.
- 2) The processing is necessary for you to comply with a legal obligation
- 3) The processing is necessary to protect the interest of the data subject
- 4) The processing is necessary for:
  - 5) the administration of justice;
  - 6) the exercise of a function under an enactment;
  - 7) the exercise of a function of the Crown, a minister of the Crown or a government department;
  - 8) the exercise of a public function in the public interest.
- 9) The processing is necessary for the purposes of legitimate interests pursued by you or by a third party to whom the data is disclosed, except where in any particular case, the processing is unwarranted because it would prejudice the rights and freedom of the data subject.

## **ANNEX B**

### **Schedule 3 conditions for processing sensitive information**

Does your processing of sensitive data meet one of the following conditions?

- 1) You have the explicit consent of the data subject
- 2) You are protecting the interest of the data subject or another and consent cannot be given or cannot reasonably be sought
- 3) The processing is carried out in the course of your legitimate activities as a non-profit making organisation, which:
  - 4) exists for political, philosophical, religious or trade union purposes;
  - 5) processes in a way that safeguards the rights and freedoms of data subjects who are individuals in contact with you; and
  - 6) does not disclose personal data to third parties without the consent of the data subject.
- 7) The information has deliberately been made public by the data subject
- 8) Subject to any additional conditions set by the Secretary of State (none at present) you are necessarily processing the information:
- 9) for the purpose of , or in connection with, legal proceedings;

10)for the purpose of obtaining legal advice; or

11)for the purposes of establishing, exercising or defending legal rights.

12)The process is necessary for:

13)the administration of justice;

14)the exercise of a function under an enactment

15)the exercise of a function of the Crown, a minister of the Crown or a government department.

The processing is necessary for medical purposes, and you are a health professional or someone who, in the circumstances, owes a duty of confidence equivalent to that which would be owed if you were a health professional.

Note: The retention period for ESF Documents will be up to the 31st of December 2030.

Date: 24<sup>th</sup> June 2021

Reviewed by: Priya Thamotheram

Next Review Date: 24<sup>th</sup> June 2022

Policy Owned by: Highfields Centre Governing Body