



## Data Protection, Consent and Sharing Policy

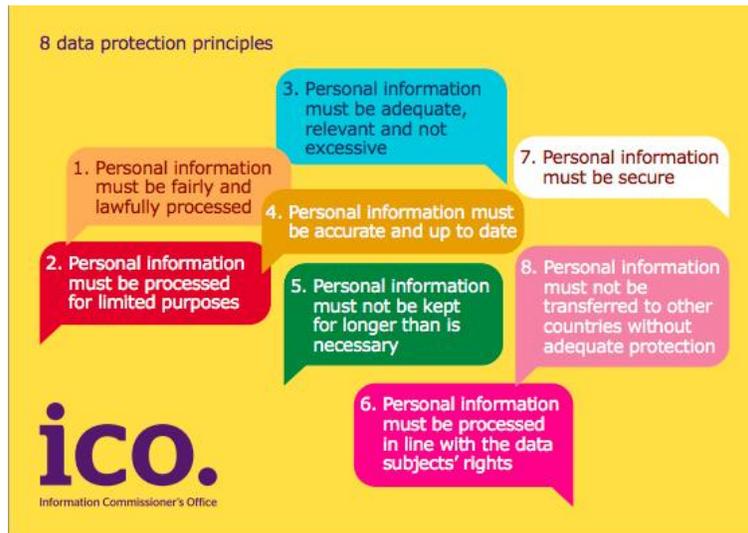
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### Definitions

<b>Charity</b>	means The Living Room Great Yarmouth
<b>GDPR</b>	means the General Data Protection Regulation.
<b>Responsible Person</b>	means Katy Dunn, Chair of The Living Room Great Yarmouth
<b>Register of Systems</b>	means a register of all systems or contexts in which personal data is processed by the Charity.

### Policy Statement

As people offering support to individuals who use this service, we will be privileged to know personal information. This is a relationship of trust, which needs to be respected. Information gained about people must be treated as being confidential. The same is true about information gained about volunteers and staff. We commit to abiding to the 8 principles of data protection:



## 1. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of

the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

The Living Room Great Yarmouth collects data from volunteers, visitors and the general public in order to be able to fulfil its charitable aims. Some of this information will be personal information (including name, date of birth, contact details) and some will be personal sensitive information (including racial / ethnic origin, health conditions and criminal history). Sensitive personal data needs to be treated with the highest level of care and protection.

## **2. General provisions**

- a. This policy applies to all personal data processed by the Charity.
- b. The Responsible Person shall take responsibility for the Charity’s ongoing compliance with this policy.
- c. All volunteers and members of staff will be required to complete a ‘Confidentiality Agreement form.’
- d. This policy shall be reviewed at least annually.
- e. The Charity shall register with the Information Commissioner’s Office as an organisation that processes personal data if it meets the criteria.

## **3. Lawful, fair and transparent processing**

- a. To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

## **4. Lawful purposes**

- a. All data processed by the charity must be done on one of the following lawful

bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).

- b. The Charity shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data. This includes signed statements of having read and consented to the Living Room's data protection principles on each Visitor Agreement form.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

## **5. Data minimisation**

- a. The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

## **6. Accuracy**

- a. The Charity shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

## **7. Archiving / removal**

- a. Personal information about visitors to the Living Room and volunteers at the Living Room will only be stored for 24 months after our last contact with them. After this time period the information will be destroyed and / or deleted.

## **8. Security**

- a. The Charity shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information. The following precautions will be maintained:

- Written documents about visitors or volunteers will be kept in a locked container when not in use.
  - Electronic documents about visitors or volunteers will be stored with a password which is only given to those who need to access the information as part of their duties for The Living Room
  - Written or electronic documents about visitors will not be left in sight of other visitors or people who don't have a need to see them (as detailed above).
  - Handovers and information sharing will be carried out in private, never in the presence of visitors.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

## **9. Breach**

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

## **Photographs, Audio and Film**

- No photographs, video or audio recording of a visitor should be taken without their explicit consent using a consent form.
- Photographs, videos and audio recording should not be captured by volunteers without prior consent from the Management Committee.
- Any photographs, videos or audio recordings made should be transferred to the Management Committee who will store them securely. They should be deleted from the original recording equipment (e.g. phone, video camera, camera etc.)

## **Data Sharing**

Information can be shared in restricted circumstances. Even in restricted circumstances, information can only be shared on a need to know basis. This should be with people who are directly concerned and who are also bound by the rules of confidentiality.

- Information can be shared when it is necessary for the completion of a contract with the data subject
- Information can be shared when it indicates that the person or other individuals are at risk of serious harm. It is necessary to disclose information concerning abuse. This would include instances when the person was engaging in or contemplating serious self-harm. If disclosures are made which are safeguarding related, the Safeguarding policy should be followed.
- Information can be shared when a court has issued an order compelling disclosure; courts of law have the power to compel provision of information.
- Information can be processed when there is a legal obligation.
- Information can be shared when it is required to ensure that the person receives the necessary care and support or to carry out public functions. This includes:
  - Staff who need information to enable them to perform their support duties for visitors
  - Strategies which support the person need to be shared with others working directly with them.
  - Agencies such as social services, health authorities, care standards commission, benefits agencies and housing providers share statutory roles and require information to ensure that financial and support services are maintained.
- Information can be shared when the person concerned has given consent. Efforts must be made to ensure that the persons consent is based on an informed and free choice, and has an understanding of who will use the information and what it will be used for. It is recognised that some people may not be able to give or express their opinion about consent or non-consent. In this case, a decision to share information should be based on a best interest principle and a reasonable assumption that if the person had the capacity, they would consent.

***These are the only circumstances in which information about a person can be shared.***