

Data Protection Policy

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Date approved by the BoM		Distribution to	All Staff
Policy Owner / Job Title	Director of Finance & Business Support	Method of delivery	SharePoint

1. Policy Statement

- 1.1 Brighter Futures is committed to meeting its legal obligations under both the Data Protection Act 2018 (DPA 2018) and the UK General Data Protection Regulations (GDPR).
- 1.2 Brighter Futures is registered with the Information Commissioners Office (ICO) in respect of processing personal data and sensitive personal data (special categories of personal data) to enable us to provide social housing accommodation and support services and be an employer.
- 1.3 Brighter Futures is committed to the data protection principles of the GDPR of:
 - Collect minimum personal data
 - Control the access of personal data
 - Keep personal data for the minimum time necessary and delete thereafter.

2. Who is affected by this Policy

- I. Brighter Futures Board of Management
- II. Full and part-time employees
- III. Volunteers
- IV. Students
- V. Contractors/suppliers, and
- VI. Residents and customers.

3. Introduction to the DPA 2018 and GDPR

- 3.1. The DPA 2018 and the GDPR form part of the data protection regime in the UK and aim to protect the personal data/privacy of all citizens, ensure that data is gathered, stored and used for approved legitimate purposes and to prevent data breaches.
- 3.2. The GDPR applies to personal data and sensitive personal data (special categories of personal data). This data is information that relates to an identified or identifiable individual. Personal data should be:
 - processed lawfully, fairly and in a transparent manner
 - collected for specified, explicit and legitimate purposes
 - adequate, relevant and limited to what is necessary
 - accurate and where necessary kept up to date
 - kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed
 - processed in a manner that ensures appropriate security of the personal data.
- 3.3. In addition, the GDPR provides the following rights for individuals:
 - the right to be informed

- the right of access
- the right of rectification
- the right to erasure – also referred to as ‘the right to be forgotten’
- the right to restrict processing
- the right to data portability
- the right to object
- rights in relation to automated decision making and profiling.

These rights are dealt with separately in Section 10 of this policy.

3.4. The GDPR also imposes restrictions on the transfer of personal data outside the European Union, to ‘third’ countries or international organisations:

- These restrictions are in place to ensure that the level of protection of individuals afforded by the GDPR is not undermined.
- Transfers may be made where the ICO has decided that a ‘third’ country, a territory or one or more specific sectors in the ‘third’ country, or an international organisation ensures an adequate level of protection.

4. Terms and Definitions as used in relation to the GDPR

4.1. Personal data - any information related to a living person or ‘Data Subject’, that can be used to directly or indirectly identify the person and can include:

- name
- address
- date of birth
- NI number
- photograph
- CCTV image

4.2. Sensitive personal data – in the GDPR, sensitive personal data is referred to as “special personal data” and can include:

- ethnicity
- political opinions
- religious beliefs
- Trade Union membership
- physical or mental health conditions
- sexual life
- criminal records.

4.3. Data Subject – any living individual, including a child, whose data is being processed can be a data subject. At Brighter Futures, examples include:

- job applicants (successful and unsuccessful)
- former job applicants (successful and unsuccessful)
- employees (current and former)

- agency staff (current and former)
- board members and shareholders (current and former)
- volunteers (current and former)
- residents/tenants (current and former)
- customers (current and former)
- contractors/suppliers (current and former).

4.4. Processing - any operation performed on personal data, whether or not by automated means. This data may be held electronically or physically, in hard copy and at Brighter Futures this may include:

- obtaining and retrieving personal data
- holding and storing personal data
- making personal data available within or outside the organisation
- printing, sorting, matching, comparing, destroying personal data.

4.5. Data Controller - the entity that determines the purposes, conditions and means of the processing of personal data. For the purpose of this policy Brighter Futures is the Data Controller.

4.6. Data Processor - the entity that processes data on behalf of the Data Controller.

4.7. Data Protection Officer – employed as an expert to work independently and to advise on data privacy. The Director of Finance and Business Support is Brighter Futures' Data Protection Officer and is registered as such with the ICO.

5. Confidentiality

5.1. As confidentiality applies to a much wider range of information than Data Protection, Brighter Futures has a separate confidentiality policy which should be read in conjunction with this policy.

6. Security and Personal Data Security Details

6.1. This section of the policy only addresses security issues relating to personal data. It does not cover security of the building, business continuity or any other aspect of security.

6.2. Any recorded information on residents, customers, volunteers, employees, workers, students, and suppliers/contractors will be:

- Kept in locked cabinets [physical data, including paper files] when not in use
- Protected by the use of passwords if kept on computer
- Securely deleted and destroyed if it is no longer needed or when it becomes out of date.

- 6.3. Access to information on our databases [SharePoint and Omniledger] is controlled by using individually owned passwords. Leavers access are disabled/removed upon departure.
Staff and volunteers should be careful about information that is displayed on their screen and should:
- make efforts to ensure that no unauthorised person can view the data when it is on display
 - lock the display screen if they move away from their computer.
- 6.4. Personal Data Security Breaches or suspected Personal Data Security Breaches must, in the first instance, be reported immediately to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX or customerservices@brighter-futures.org.uk
- 6.5. Director of Finance and Business Support will follow established ICO guidelines for Personal Data Security Breach investigation and reporting. Brighter Futures is required to report data breaches to the ICO within 72 hours.
- 7. Data Sharing (Disclosure)**
- 7.1. Brighter Futures will seek permission to share/disclose customer personal data with appropriate support agencies at the time an individual enters a scheme or service.
- 7.2. Brighter Futures will not share or disclose any personal data without an individual's permission except in certain circumstances which may include:
- situations when we have concerns that an individual is at risk of serious harm
 - where disclosure is required by law, for example, by the police.
- 8. Retention of Personal Data**
- 8.1. Brighter Futures will keep personal data for as long as a relationship exists or the law requires. Once the relationship has ended or the required retention period has expired, we will retain the data securely for as long as reasonably required as stated in our Retention Policies or when it becomes out of date. Data will then be securely deleted and destroyed.
- 9. Rights of Individuals the GDPR provides the following rights for individuals, briefly:**
- 9.1. The right to be informed – individuals have the right to be informed about the collection and use of their data:
- Further details are contained within the Brighter Futures Privacy Statement.

- 9.2. The right of access – individuals have the right to access their personal data. This is commonly referred to as subject access:
- Requests can be made verbally or in writing and we have one month to respond
 - We would not normally charge a fee to deal with the request
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response.
- 9.3. The right of rectification – individuals have the right to have inaccurate personal data rectified or completed if it is incomplete:
- Requests can be made verbally or in writing and we have one month to respond
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response.
 - In certain circumstances we may have to refuse a request for rectification, and this would be clarified in our response.
- 9.4. The right of erasure – individuals have the right to have personal data erased. This is also known as ‘the right to be forgotten’:
- Requests can be made verbally or in writing and we have one month to respond
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response
 - The right is not absolute and only applies in certain circumstances – this would be clarified in our response.
- 9.5 The right to restrict processing – individuals have the right to request the restriction or suppression of their personal data:
- Requests can be made verbally or in writing and we have one month to respond
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response
 - When processing is restricted, we are permitted to store the personal data but not use it

- The right is not absolute and only applies in certain circumstances – this would be clarified in our response.
- 9.6 The right of data portability – individuals have the right to receive personal data they have provided to a controller in a structured, commonly used and readable format:
- The right to data portability only applies in certain circumstances and only if we are carrying out the processing by automated means (i.e. excluding paper files)
 - Requests can be made verbally or in writing and we have one month to respond
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response
 - If we are unable to comply fully then the reason would be stated in our response.
- 9.7 The right to object – individuals have the right to object to the processing of their personal data in certain circumstances:
- Individuals have an absolute right to stop their data being used for direct marketing
 - Requests can be made verbally or in writing and we have one month to respond
 - All requests should be made to the Director of Finance and Business Support at Brighter Futures, Suite 1, Ground Floor, Three Counties House, Festival Way, Hanley, Stoke-on-Trent, ST1 5PX who will oversee the process and/or response
 - If we are unable to comply fully then the reason would be stated in our response.
- 9.8 Rights in relation to automated decision making - the GDPR applies to all automated individual decision-making and profiling:
- Brighter Futures do not process personal data for automated decision-making or profiling purposes.

10. **Responsibilities**

10.1 Corporate Responsibilities:

- Analysing and documenting the type of personal data we hold
- Checking procedures to ensure they cover all the rights of the individual
- Identify the lawful basis for processing data
- Ensuring consent procedures are lawful
- Implementing and reviewing procedures to detect, report and investigate personal data breaches
- Store data in safe and secure ways

- Assess the risk that could be posed to individual rights and freedoms should data be compromised.

10.2 Employee responsibilities:

- Fully understand your data protection obligations
- Check that any data processing activities you are dealing with comply with our policy and are justified
- Do not use data in any unlawful way
- Do not store data incorrectly, be careless with it or otherwise cause us to breach data protection laws and our policies through your actions
- Comply with this policy, data protection procedures and data sharing agreements at all times
- Raise any concerns, notify any breaches or errors, and report anything suspicious or contradictory to this policy or our legal obligations without delay to the Information Commissioner's Office (ICO).

10.3 Data Protection Officer responsibilities:

- Keeping the board updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Arranging data protection training and advice for all staff members and those included in this policy
- Answering questions on data protection from staff, board members and other stakeholders
- Responding to individuals such as clients and employees who wish to know which data is being held on them by us
- Checking and approving with third parties that handle the Association's data any contracts or agreement regarding data processing
- Addressing data protection queries from clients, target audiences or media outlets adhere to data protection laws and the Association's Data Protection Policy.

10.4 IT Responsibilities

- Ensure all systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services that may be used to store or process data.

10.5 Brighter Futures makes Data Protection training available to all staff and volunteers.

10.6 Significant breaches of this policy may be dealt with under the Brighter Futures' disciplinary policy and procedures.

11. Associated Policies/Procedures:

- Confidentiality Policy
- Draft Privacy Impact Assessment Procedure
- Draft Data Breach Procedure
- Email/Internet Use and Data Transmission Policy
- Data Retention Schedule Guidance
- Privacy Policy Statement