

Policy statement

The lawful and appropriate management of personal data is extremely important to Home-Start Bradford District. This policy sets our commitment to protecting personal data and how we will implement this with regards to the collection and handling of personal data.

Failure to comply with data protection legislation could lead to financial penalties or regulatory action, as well as reputational damage.

This policy applies to all employees (including temporary staff), trustees / advisers and volunteers.

The Data Protection Principles

Data protection laws describe how organisations must collect, handle and store all personal data. Ensuring and demonstrating compliance is underpinned by the following principles. Personal data must be:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay
- 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
- 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 legislation that this policy conforms to is the General Data Protection Regulations (EU) 2016/679 (GDPR) and the UK Data Protection Act 2018 (DPA2018), as amended by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 and the Privacy and Electronic Communications Regulations (PECR).

Responsibilities for Compliance

- **Trustees** are ultimately responsible for ensuring that the charity meets its legal obligations.
- **All staff** have a responsibility for ensuring personal data is collected, stored and handled appropriately and must ensure that it is handled and processed in line with this policy and data protection principles.
- The **Data Protection Lead** is responsible for monitoring compliance with this policy and data protection legislation; managing data breaches and data subject rights; recording and maintaining appropriate records of processing activities and the documented evidence required for compliance.

Scope

The Policy applies to all personal data that Home-Start Bradford District holds relating to living identifiable individuals regardless of the category of data or the format of the data. Personal data is any data which could be used to identify a living individual, eg. name, address, email, postcode, CCTV image, photograph. Special categories of personal data are any information about racial or ethnic origin, political opinions, religious beliefs, health (mental and physical, including vaccinations), sexual health, trade union membership and criminal convictions.

The policy applies to personal data held or accessed on Home-Start Bradford District premises or accessed remotely via home or mobile working. Personal data stored on personal and removable devices are also covered by this policy.

Compliance

Home-Start Bradford District will comply with its legal obligations and the data protection principles:

Processing Lawfully and Fairly

We will ensure processing of personal data, and special categories, meets the legal basis as outlined in legislation. Individuals will be advised on reasons for processing via a freely available Privacy Notice.

Where data subjects' consent is required to process personal data (eg. use of photos for website / annual report), we will request consent in a manner that is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language. We will advise Data Subjects of their right to withdraw consent and the process for Data Subjects to withdraw consent will be simple.

Purposes

We will only use personal data for the original purposes it was collected for. These purposes will be clear to the Data Subject. If we wish to use personal data for a different purpose, we will notify the Data Subject prior to processing.

Adequate and Relevant data

We will only collect the minimum personal data required for the purpose. Any personal data discovered as excessive or no longer required for the purposes collected for will be securely deleted. Any personal information that is optional for individuals to provide will be clearly distinguished from mandatory information on any forms.

Accurate

We will take reasonable steps to keep personal data up to date and to ensure accuracy. Any personal data found to be inaccurate will be updated promptly. Any inaccurate personal data that has been shared with third parties will also be updated.

Retention

We will hold data for the minimum time necessary to fulfil its purpose. Timescales for retention of personal data are outlined in the Records Retention Schedule (appendix 2). Data will be disposed of in a responsible way to ensure confidentiality and security.

Security

We will implement appropriate security measures to protect personal data. Employees, trustees and volunteers will keep all data secure, by taking sensible precautions and following the relevant Home-Start Bradford District policies and procedures relating to data protection. Personal data will only be accessible to those authorised to access it on a need-to-know basis (appendix 1).

Data Sharing

In certain circumstances we may share personal data with third parties. This may be part of a regular exchange of data, one-off disclosures, or in unexpected or emergency situations. Appropriate security measures will be used when sharing any personal data. Where data is shared regularly a contract or data sharing agreement will be in place to establish what data will be shared and the agreed purpose. We will consider all the legal implications of sharing personal data prior to doing so.

Data Subjects will be advised of any data sharing in the appropriate Privacy Notice.

Data Processors

Where Home-Start Bradford District engage Data Processors (eg. outside contractors such as suppliers of IT systems, payroll or pensions providers) to process personal data on our behalf, we will ensure that:

- Data processors have appropriate technical security measures in place
- No sub-processors are used without prior written consent from Home-Start Bradford District
- An appropriate contract or agreement is in place explaining the full requirements of the data processor.

Security Incident & Breach Management

Home-Start Bradford District may experience a personal data breach, where personal data is:

- lost, for example via misplacing documents or equipment that contain personal data, through human error, or via fire, flood or other damage to premises where data is stored.
- Stolen; theft or as a result of a targeted attack on a network (cyber-attack).
- accidentally disclosed to an unauthorised individual
- inappropriately accessed or used

All security incidents or personal data breaches will be reported and managed by the Data Protection Lead. If required, the Information Commissioner's Office and the individuals affected will be notified promptly. All breaches will be managed using the breach procedures within the Confidentiality Policy.

Individual Rights

Home-Start Bradford District will uphold the rights of data subjects to access and retain control over their personal data held by us. Home-Start Bradford District will comply with individuals':

- **Right to be Informed** – by ensuring individuals are informed of the reasons for processing their data in a clear, transparent and easily accessible form and informing them of all their rights.
- **Right to Access** – by ensuring that individuals are aware of their right to obtain confirmation that their data is being processed; access to copies of their personal data and other information such as a privacy notice and how to execute this right (see appendix 1).
- **Right to Rectification** – by correcting personal data that is found to be inaccurate. We will advise Data Subjects how to let us know that their data is inaccurate, and it will be rectified without undue delay.
- **Right to Erasure** ('the right to be forgotten') – we will advise Data Subjects of their right to request the deletion or removal of personal data where processing is no longer required or justified.
- **Rights to Restrict Processing** – by restricting processing when a valid request is received from a data subject, and informing individuals of how to exercise this right.
- **Right to Data Portability** – by allowing, where possible, data to be transferred to similar organisation in a machine-readable format.
- **Right to Object** – by stopping processing personal data, unless legitimate grounds for the processing can be demonstrated which override the interest, rights and freedoms of an individual, or the processing is for the establishment, exercise or defence of legal claims.

Privacy by Design

Home-Start Bradford District has an obligation to implement technical and organisational measures to demonstrate that we have considered and integrated data protection into our processing activities throughout the organisation. Trustees will be responsible for ensuring that a Data Audit is completed and retained: this becomes a Record of Processing required by Article 30 of GDPR.

When introducing any new type of processing, particularly using new technologies, we will take account of whether the processing is likely to result in a high risk to the rights and freedoms of individuals and carry out a Data Protection Impact Assessment. All new policies including the processing of personal data will be reviewed by the Data Protection Lead to ensure compliance with the law.

Training, monitoring, and reporting

All staff will be aware of good practice in data protection and where to find guidance and support for data protection issues. Adequate and role specific training will be available regularly to everyone who has access to personal data, to ensure they understand their responsibilities when handling data.

Regular audits will be undertaken to check compliance with the law, this policy and relevant procedures.

Any breaches of this policy, may be considered under the Home-Start Bradford District disciplinary procedures, and may result in disciplinary action being taken, including dismissal.

Appendix 1: Access to Records

Information we keep

We have to keep information about the needs that families have, what help they are asking for and what services they receive. This will include personal information such as name, address, family history and any other agencies they are in contact with, as well as keeping a record of our work with families. Like other professionals, such as a doctor, bank manager or employer, we take this responsibility very seriously.

Similarly, we hold files on volunteers which contain personal information and supervision session details.

Confidential information is kept digitally in secure online file storage (protected by multi-factor authentication), or safely on the Home-Start Bradford District premises in locked storage.

Who can access files?

A small number of people can access family and volunteer files at any time to ensure that we are operating as we should, that any safeguarding issues are identified, that needs are being met and that volunteers are being supervised. They are accountable for the safe and effective management of the charity and the service that is provided to families, and have all signed a confidentiality agreement. They are:

- our Chair of Trustees
- our Senior Management Team (Operations Manager, Systems Manager, two named Trustees)
- our Admin and Data Officer
- our Family & Volunteer Coordinators and Direct Support Workers
- named Trustees for the purpose of conducting file checks.

Who cannot access files?

Other than the individuals named above, nobody else has access to your file. Specifically:

- Volunteer or family representatives to the Trustee board (as distinct from Trustees who are also volunteers, or who have been supported family members) cannot access family or volunteer files
- Volunteers cannot access other volunteer files, or any family files (including families they support)
- Families cannot access other family files, or any volunteer files (including their supporting volunteer)
- Other people, including members of a volunteer's family or relatives of families being supported, cannot see files without the volunteer or family's agreement. Similarly, supported family members cannot see anybody else's files, even members of their own family, without their agreement.

Accessing and amending information

Individuals have the right to access the information we hold about them at any time. We will ensure that they are informed of their rights through the Privacy Notice and Consent Statement as detailed in this policy, including details of how to exercise these rights. We will endeavour to respond to requests to access information within two weeks or less, although it may take up to one month.

Access to information can be provided at our office, or we can arrange for access through a secure internet site. If they access information at our office, they may take photocopies or scans of any information held on paper, or digital copies of any information held electronically. They can bring a friend or relative with them for support, and if they have difficulty reading their records a staff member will help them.

What information can't you see?

You won't be able to see information:

- which is given to us in confidence by someone else, unless they give their express permission
- which is about another person, unless you have (and can prove) their permission
- when we believe that serious harm would result to your or somebody else's physical or mental health
- where there are clear legal reasons, for example where the holding of the information is to prevent a crime and giving access to the information would make the crime more likely to occur.

Appendix 2: Record Retention Periods in Home-Start

Any record where an allegation has been made about an individual	Retained until the individual reaches the normal retirement age, or for 10 years if that is longer.
Personnel (employee) files Incl. references, eligibility to work in the UK, sickness and leave records, references and disciplinary records.	In general, the personnel file should be retained for 6 years from the end of employment, but need only contain sufficient information to provide a reference. (Exception: above)
Application form	Successful candidates: duration of employment. Unsuccessful candidates: 6 months after decision.
Recruitment / selection material	Successful candidates: 6 months after decision. Unsuccessful candidates: 6 months after decision.
References provided to others	6 years from the date of the reference request.
Records relating to an injury or accident at work	12 years from the injury or accident, or for an accident book, 12 years from the last recorded incident.
Health & Safety Records	12 years.
Trustee files	6 years after standing down as trustee. (Exception: above)
Volunteer files	12 months after volunteering ceases. Sufficient info in order to provide a reference may be retained. (Exception: above) Volunteers who do not complete the Prep course: at course end Volunteers who do not start the Prep course: at course start
DBS checks	Documented record of each as received and satisfactory (or otherwise) then destroy securely in line with DBS guidance.
Family files where a safeguarding concern was referred by Home-Start Bradford District, the family were subject to a Child Protection or Child in Need Plan, or the file contains a Record of Concern and Action	6 years from the end of Home-Start support.
Family files otherwise	12 months from the end of Home-Start support.
Financial and Asset Records	
Financial records	6 years
Payroll and tax information	6 years
Leases	12 years after lease has expired
Deeds of Title	Permanently
Governance / Health and Safety	
Employers Liability Certificate	40 years
Insurance policies	Permanently
Certificate of Incorporation	Permanently
Minutes of Board of Trustees	Permanently
Memorandum and Articles of Association, and variations	Originals to be kept permanently
Statutory Registers	Permanently
Membership records	10 years from commencement of membership
Rental or Hire Purchase Agreements	6 years after expiry

All records should be stored securely, with a destroy date recorded on them as appropriate, and then securely destroyed as soon as possible after the periods given above.