

### Introduction

1. The Voluntary Network, hereinafter referred to as the Organisation, needs to keep certain information about its employees, trustees, volunteers, members, clients and other members of the public to enable it to monitor performance and achievements. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies and government fulfilled.
2. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the Organisation must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). In summary these state that personal data must be:
  - i. obtained and processed fairly and lawfully;
  - ii. obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose;
  - iii. adequate, relevant and not excessive for that purpose;
  - iv. accurate and kept up-to-date;
  - v. not be kept for longer than is necessary;
  - vi. processed in accordance with the data subject's rights;
  - vii. kept safe from unauthorised access, accidental loss or destruction;
  - viii. not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.
3. All the Organisation's staff and volunteers who process or use any Personal Information must ensure that they follow these principles at all times. In order to ensure that this happens, the Organisation has adopted this Data Protection Policy.
4. Any member of staff, trustee or volunteer, who considers that this policy has not been followed in respect of personal data about themselves, should raise the matter with the Designated Data Controller initially. If the matter is not resolved, it should be raised as a formal grievance.

### Notification of Data Held and Processed

5. All employees, trustees, volunteers, members, clients and other members of the public have the right to:
  - know what information the Organisation holds and processes about them and why;
  - know how to gain access to it;
  - know how to keep it up-to-date;
  - know what the Organisation is doing to comply with its obligations under the Act.

### The Data Controller and the Designated Data Controllers

6. The Organisation as a registered company and charity is the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. However, Designated Data Controllers will deal with day-to-day matters.
7. The Organisation has one (or more) Designated Data Controller who is: The Manager

### Information Held

8. Personal Information is defined as any details relating to a living, identifiable individual. Within the Organisation this applies to employees, trustees, volunteers, members, clients and other members of the public such as job applicants and visitors. We need to ensure that information relating to all these people is treated correctly and with the appropriate degree of confidentiality.

9. The Organisation holds Personal Information in respect of its employees, trustees, volunteers, members, clients and other members of the public. The information held may include an individual's name, postal, e-mail and other addresses, telephone and facsimile numbers, subscription details, organisational roles and membership status.
10. Personal Information is kept in order to enable the Organisation to understand the history and activities of individuals or organisations within the voluntary and community sector and to effectively deliver services to its members and clients.
11. Some Personal Information is defined as Sensitive Data and needs to be handled with special care (see paragraph 17 below).

### Processing of Personal Information

12. All staff and volunteers who process or use any Personal Information are responsible for ensuring that:
  - Any Personal Information which they hold is kept securely; and
  - Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.
13. Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.
14. Personal information should be:
  - kept in a locked filing cabinet; or
  - in a locked drawer; or
  - if it is computerised, be password protected; or
  - kept only on disk which is itself kept securely.

### Telephone Conversations and Meetings

15. If personal information is collected by telephone, callers should be advised what that information will be used for and what their rights are according to the Act.
16. Personal or confidential information should preferably not be discussed in public areas of the Organisation's work premises or within open-plan office areas. Wherever possible, visitors should be escorted to a private interview room or office and not be permitted to wander about the premises on their own. If possible, visitors should subsequently be escorted out of the premises when the meeting is over. All staff should be aware of the difficulties of ensuring confidentiality in an open plan area and respect the confidential nature of any information inadvertently overheard. Any notes taken during or after an interview should be of relevance and appropriate. It is recommended that such notes are subsequently filed in a legible and coherent manner and that informal notes are retained for a short period (1 year), in a secure place, before being shredded.

### Collecting Information

17. Whenever information is collected about people, they should be informed why the information is being collected, who will be able to access it and to what purposes it will be put. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or it must be necessary for the legitimate business of the Organisation.

### Publication and Use of the Organisation's Information

18. The Organisation aims to make as much information public as is legally possible. In particular information about the Organisation's staff, trustees and members will be used in the following circumstances:
  - The Organisation may obtain, hold, process, use and disclose information in connection with the administration, management and business activities of the Organisation, including making and keeping lists of members and other relevant organisations.
  - The Organisation may publish information about the Organisation and its members including lists of members, by means of newsletters or other publications.

- The Organisation may confirm to any third party whether or not any person is a member of the Organisation.
  - The Organisation may provide approved organisations with lists of names and contact details of members or other relevant organisations only where the members or other relevant organisations have given their consent.
  - The Organisation may use information for anything ancillary or incidental to any of the foregoing.
  - Names of, and a means of contacting, staff and trustees will be published within publicity leaflets and on the website.
  - Photographs of key staff may be displayed at the Organisation or placed on the website with their consent.
  - The Organisation's internal staff contact list will not be a public document and information such as mobile telephone numbers or home contact details will not be given out, unless prior agreement has been secured with the staff member in question.
19. Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Designated Data Controller.

### **Sensitive Information**

20. Sensitive information is defined by the Act as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

### **Disposal of Confidential Material**

21. Sensitive material should be shredded. Particular care should be taken to delete information from computer hard drives if a machine is to be disposed of or passed on to another member of staff or a person outside the Organisation.

### **Staff Responsibilities**

22. All staff are responsible for checking that any information that they provide to the Organisation in connection with their employment is accurate and up-to-date. Staff have the right to access any personal data that is being kept about them either on computer or in manual filing systems.
23. Staff should be aware of and follow this policy, and seek further guidance where necessary.

### **Duty to Disclose Information**

24. There is a legal duty to disclose certain information, namely, information about:
- Child abuse, which will be disclosed to social services; or
  - Drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

### **Retention of Data**

25. The Organisation will keep some forms of information for longer than others. Because of storage problems, information about clients cannot be kept indefinitely, unless there are specific requests to do so. In general information about clients will be kept for a minimum of three years after they use the services, unless other bodies, such as funders, require the Organisation to keep the information longer.
26. The Organisation will also need to retain information about staff. In general, all information will be kept for six years after a member of staff leaves the Organisation. Some information however will be kept for much longer, for example, if required by funders. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. A full list of information with retention times is available from the Designated Data Controller.

27. A statement about Data Protection will be displayed clearly within public spaces within the Organisation's premises and on the website. A copy of the Data Protection Statement is contained in Appendix A.

Approved by Caroline Cowie on 25<sup>th</sup> June 2013.

### Appendix A

#### DATA PROTECTION STATEMENT

##### Sharing Information with Others

- Sometimes we have to confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete giving us the information.
- We will draw up an agreement with the organisation that we need to share the information with as appropriate. This is so that both sides understand why the information is being passed on, and what use can be made of it. In some cases, a third party organisation, such as a funding body, may draw up the agreement.

##### Information Quality

- We will make sure that the information about you is accurate and up-to-date when we collect or use it. You can help us with this by keeping us informed of any changes to the information we hold about you.

##### Information Security

- We will keep information about you secure.
- We will protect your information against unauthorised change, damage, loss or theft.

##### Keeping Information

- We will hold information about you only for as long as the law says. After this, we will dispose of it securely and properly.

##### Openness

- We will tell you what kinds of information we hold and what we do with it.

##### Access and correctness

- Whenever possible, we will let you see the information we hold about you and correct it if it is wrong.

##### In general

- We will comply with the Data Protection Act 1998 and any subsequent legislation on information handling and privacy.
- We will do this through the Organisation's Data Protection Policy.
- We will help you with any questions or problems that you may have with the Data Protection Act 1998, Human Rights Act 1998 or Freedom of Information Act 2000.
- If we cannot help you, we will give you advice on where to write to get the information you may need.

##### Our Commitment

- We will only collect information that is necessary for what we do.
- We will be fair in the way we collect information about you.
- We will tell you who we are and what we intend to do with the information about you.
- Where practicable, we will collect information directly from you.
- If we collect information about you from someone else, we will make sure you know that we have done this whenever possible.