Student Volunteering Cardiff (SVC)

Data Protection Policy

August 2016

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	Data Protection Policy
1.0	**Purpose**
	This policy makes use of the following words and phrases; **Data** – Information which is or intended to be processed automatically or recorded manually as part of the relevant filing system. This can be electronic, photographic, printed, verbal or written. **Data Controller** – The person who determines the purpose and manner in which personal data is held and processed. **Data Subject** – The individual who is the subject of the personal data. **Personal Data** – Data that relates to a living person who can be identified directly or indirectly from the data which may come into the possession of the Data Controller. **Processing** – Obtaining, recording or holding information or data or carrying out operations on information or data. This policy draws no distinction between protection of data for staff, volunteers or beneficiaries. The Data Protection Act (DPA) 1998 is a law designed to protect personal data stored on computers or in an organised paper filing system. The Data Protection Act is mandatory and applies if you are established in the UK and use equipment in the UK to process data. It is essential therefore that SVC fully complies with the Act. This policy aims to demonstrate that SVC operates with due diligence and responsibility with the collection, storage and sharing of any sensitive data. Personal data are defined in the Data Protection Act, as follows:- Data which relate to a living individual who can be identified from that data; or other information which is in the possession of, or is likely to come into the possession of, the Data Controller and includes any expression of opinion about the individual and any indication of the intentions of the Data Controller or any other person in respect of the individual. SVC is a data controller under the 1998 Data Protection Act. https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/ As an aide to operating effectively, SVC needs to collect, maintain and use certain personal information about SVC staff, volunteers and beneficiaries to monitor performance, achievements, health and safety, and legal obligations (e.g. to funding bodies, local authorities, grant making trusts etc) fulfilled.

	All such personal information, whether held on computer, paper or other media, must be obtained, handled, processed, transported and stored lawfully and correctly, in accordance with the safeguards contained in the Data Protection Act 1998 (DPA). SVC will only use data relevant to carrying out its legitimate purposes and functions as a charity in a way that is not prejudicial to the interests of individuals and will take due care in the collection, storage and sharing of any sensitive data. SVC will do its utmost to keep all data accurate, timely and secure. Such information must be collected and used fairly, stored safely and not disclosed unlawfully. SVC must therefore comply with the Data Protection Principles set out in the 1998 Act. In summary these state that personal data shall: • be obtained and processed fairly and lawfully and not be processed unless certain conditions are met, • be obtained for a specified and lawful purpose and not be processed in any manner incompatible with that purpose, • be adequate, relevant and not excessive for that purpose, • be accurate and kept up to date, • not be kept for longer than is necessary for that purpose, • be processed in accordance with the data subject's rights, • be kept safe from unauthorised access, accidental loss or destruction, • not be transferred to a country outside the European Economic Area unless that country has equivalent levels of protection for personal data. In order to comply with the data protection principles SVC will: 1) observe fully all conditions regarding the fair collection and use of personal / sensitive information, 2) meet its legal obligations to specify the purpose for which information is used, 3) collect and process appropriate personal information only to the extent that it is needed to fulfil operational needs or to comply with legal obligations, 4) ensure the quality of the personal information used, 5) apply strict checks to determine the length of time personal information is held, 6) ensure that individuals about whom information is held are able to exercise their rights under the DPA, including the right to be informed that processing is taking place, the right of access to their own personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase incorrect information, 7) take appropriate technical and organisational security measures to safeguard personal information, 8) ensure that personal information is not transferred outside the EEA without suitable safeguards. **Responsibilities** Overall responsibility for ensuring that SVC complies with its data protection obligations rests with the SVC Manager and the SVC Board of Trustees. However, it is the responsibility of all SVC staff, volunteers and beneficiaries to ensure that personal information provided to SVC, for example current address, is accurate and up to date.

	SVC staff, volunteers and beneficiaries are required to inform SVC immediately when changes affecting personal data stored about them occur, SVC staff must submit a signed Change of Personal Details form for such circumstances, and submit this to Innovate Trust, as the employers of SVC staff. SVC volunteers and beneficiaries must ensure that all personal information about themselves that they provide to SVC is accurate and up-to-date: e.g. changes of address are reported without delay. SVC volunteers and beneficiaries who use SVC's services must comply with the Policies and Procedures in relation to data protection. All SVC staff roles which involve the collection, maintenance and processing of personal information about SVC volunteers and other individuals with whom SVC has dealings are responsible for following SVC's rules on good data protection practice as notified by the SVC Manager and SVC Board of Trustees. SVC staff, SVC Lead Volunteers, or any other person, who process any personal information about other people must ensure that they follow these principles at all times. SVC will strictly apply this process, and procedures within it, to data / information / pictorial images concerning volunteers and beneficiaries. The Freedom of Information Act 2000 provides clear statutory rights for those requesting information together with a strong enforcement regime. Under the terms of the Act, any member of the public will be able to apply for access to information held by bodies across the public sector. SVC recognises its duty under the Act and will act accordingly.
2.0	**Scope of the Policy**
2.1	This policy applies to: All SVC staff All SVC volunteers All SVC beneficiaries
2.2	It is hoped that all your questions relating to this policy will be clearly answered. However, if you have questions which remain unanswered, then please refer to the SVC Manager or SVC Board of Trustees (SVC staff may also refer to the HR department at Innovate Trust, as the employers of SVC staff).
3.0	**Technical terms and abbreviations used in this policy**
3.1	Sensitive Data: data consisting of information relating to individuals include:-

Racial or ethnic origin	Medical conditions
Political opinions	Financial issues
Religious beliefs	Family history
Trade Union Membership	Disciplinary issues
Physical or mental health	Sexual orientation/ life
Civil or criminal offences	

4.0	**Statutory Requirements**
	Data Protection Act 1998 The Freedom of Information Act 2000 Supporting People Standards Domiciliary Care Regulation Care Standards Act 2000 Residential Care Regulations and Standards
5.0	**Policy**
	Responsibilities of SVC Staff It is a condition of employment that SVC staff abide by the rules and policies of SVC and Innovate Trust. Any failure to follow the Data Protection Policy, particularly when it is sensitive data, may therefore result in disciplinary action and could further result in legal proceedings. SVC processes information considered sensitive (e.g. about a person's health, criminal convictions, racial or ethnic origin). Such information may be needed to ensure safety, to comply with the requirements of the government or of funding bodies, or to carry out organisational policies. All employees are responsible for ensuring that: a) Personal information that they hold about other people, whether staff, volunteers or service beneficiaries, is kept securely; under lock and key, as a minimum, and not accessible to unauthorised persons. b) Personal information about other people, whether staff, volunteers or beneficiaries, is not disclosed in any form to any unauthorised third party. Any unauthorised disclosure, or failure to keep the information in an appropriate environment, will constitute disciplinary action and may be considered gross misconduct. Confidential and /or sensitive information may at times need to be taken from one work location to another. SVC staff or volunteers so doing should first obtain permission from the SVC Manager and are then wholly responsible for protecting the information, ensuring its security at all times and not allowing it to be available to any third parties without written permission from the SVC Manager or SVC Board of Trustees. The original information must be returned to its usual secure location as soon as possible. Staff or volunteers transporting information are wholly responsible for not losing it; not leaving it in a potentially non secure situation i.e. interior or boot of a car; a public place; and not trusting it to the safety of another SVC staff or SVC volunteer, unless the SVC Manager or SVC Board of Trustees is aware and gives consent. If an SVC staff or SVC volunteer in the course of their work, needs to take information home they must first inform and obtain consent from the SVC Manager or SCV Board of Trustees. Any serious breaches in the security i.e. loss

	or misplacement of such information; or the sharing of such information with anyone not authorised to receive the information, may result in disciplinary action according to the particular circumstances. Sensitive data includes, but is not exclusive to:-
5.2	**Criminal Records Disclosure** SVC has a duty of care to conduct a thorough background check on SVC volunteers whose roles will involve volunteering with children and/ or vulnerable adults. The only people who are entitled to know the detail of the completed disclosure are; • The volunteer. • The Innovate Trust signatory for the original application (SVC staff member). • The SVC Manager. • Agencies such as POVA, Police, CSSIW, or other formal processes; this information may need to be shared with legal, statutory or regulatory bodies on a strictly 'need to know' basis. Due care will be taken under the DPA and other statutory instruments to observe the rights of the individual. • With consent of the volunteer, this information may be shared with organisations working in partnership with SVC to provide volunteering opportunities, in the event that the information may affect the volunteer's ability or suitability to undertake their chosen volunteering role. If the content of the disclosure becomes common knowledge to other SVC staff or volunteers, without the volunteer's permission, then it is clear that the privacy has been breached. This is a breach of the DPA and could warrant a disciplinary investigation.
5.3	**Volunteer Recruitment** SVC has a duty of care to conduct a detailed background check on new volunteers. Confidential information collated at this stage may include education or employment details and history, reference details and other personal details contained in the Equal Opportunities Monitoring Form. If the content of the application becomes common knowledge to other volunteers, without the applicant's permission, then it is clear that the privacy has been breached. This is a breach of the DPA and could warrant a disciplinary investigation.
5.4	**Volunteer Supervision** SVC requires SVC staff to conduct regular supervisions with their volunteers and the basis of the discussion should follow an agreed format and written / typed up to form a permanent record. Once written or typed these notes fall under the protectorate of the DPA and as such must be treated with confidentiality between interested parties only. SVC staff must maintain these records in a secure environment, whether on paper or electronic media, and are solely responsible for their storage.

	If the content of the supervision becomes common knowledge to other volunteers, without the volunteer's permission, then it is clear that the privacy has been breached. This is a breach of the DPA and could warrant a disciplinary investigation.
5.5	**SVC Lead Volunteer E-mail Accounts** Although SVC is entitled to protect, and have access to its own information, it is still best practice for volunteers to know that passwords they create can still be bypassed by SVC staff. Privacy laws are not contravened if it has been made known that it is the SVC's policy to adopt this procedure when the occasion is deemed appropriate. Volunteers who keep private or personal information, including e-mails, on an SVC Gmail account should be aware of this. SVC provides volunteers with access to an SVC Gmail account primarily for their volunteering role and communication purposes. E-mails containing private or sensitive information should be marked as 'In Confidence or Private & Confidential'. Distribution lists for such e-mails should be kept to a minimum and the recipient(s) should be asked to delete the message when it has been used for purpose.
5.6	**Portable Data Storage (Memory Sticks)** Files held on portable media that contain private or sensitive information should be password protected and SVC staff or volunteers should also seek permission from the SVC Manager or Board of Trustees to transport any such information outside of the confines of the SVC office. Any serious breaches in the security i.e. loss or misplacement of such information; or the sharing of such information with anyone not authorised to receive the information, may result in disciplinary action according to the particular circumstances
5.7	**Volunteer Leavers** When an SVC volunteer leaves SVC the only information that should be retained is that pertaining to future reference requests. Among the eight principles of the DPA is that information must be adequate, relevant and not excessive for those purposes and also must not be kept for longer than is necessary.
5.8	**Sharing Information** The DPA of 1998 maintains the crime prevention exemption of the DPA of 1984. Disclosure of personal data may be made where it is for the purpose of prevention or detection of crime, apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives. Any request for information whose purpose is the prevention or detection of crime, protect life or property or maintain good order in society should specify, as clearly as possible, how failure to disclose would prejudice this objective. The request should make clear why the information is necessary e.g. why proceedings might fail without the information; why it is envisaged that a

successful action would prevent crime, e.g. what is the projected effect of successful proceeding.

SVC shares information collated through SVC volunteer Equal Opportunity forms to its partners and funders as detailed in SVC's Partnership Agreements, and contracts between SVC and its funding bodies. Additionally, where appropriate, SVC will share information such as volunteer names and student numbers to the institutions where volunteers study, to assist with their data collection regarding volunteer demographics within their organisations.

5.9 **Grievance**

If, as part of an SVC staff or Lead Volunteer's responsibilities, they collect or access information about other people (that is personal data), they must comply with the eight basic principles as outlined in the introduction of this policy.
Any SVC staff member or volunteer who considers the policy has not been followed in respect of personal information about them should first raise the matter with the SVC Manger or SVC Chair. If the matter is not resolved it should be raised as a formal grievance. SVC staff may also access the Human Resources Department of Innovate Trust, as the employers of SVC staff.

5.10 **Rights of Data Subjects**

All data subjects are entitled to know:

- what information SVC holds and processes about them and why,
- how to gain access to it,
- how to keep it up to date,
- what SVC is doing to comply with its obligations under the Act.

5.11 **Rights to Access Information**

Since 24 October 2001 all data subjects have had the right to access any personal information kept about them by SVC, either on computer or in manual files. Some information can be accessed automatically by SVC staff members. For information not automatically available a subject access request may be made in writing to the SVC Manager or SVC Board of Trustees.

SVC aims to comply as quickly as possible with requests for access to personal information and will ensure it is provided within 21 days unless there is good reason for delay (and in any event within 40 days). When a request for access cannot be met within 21 days, the reason will be explained in writing to the data subject making the request.

Where applicable, SVC holds the following personal information about SVC volunteers.

Information	Obtained From	Used By
Application Form		
Full Name	Application Form	SVC staff, Lead Volunteer, DBS, SVC Partners
Home Address	Application Form	SVC staff, DBS

Term-time Address	Application Form	SVC staff, DBS
Student Number	Application Form	SVC staff, SVC Partners
Date of Birth	Application Form	SVC staff, DBS
Telephone Number	Application Form	SVC staff, Lead Volunteers, SVC Partners
Email Address	Application Form	SVC staff, Lead Volunteers, SVC Partners
Reference Details	Application Form	SVC staff, Lead Volunteers
Photograph	Presented by the Individual concerned	SVC staff, Lead Volunteers, SVC Partners

DBS Disclosure		
Date Of Birth	DBS Application Form Application Form	SVC staff, DBS
Marital Status	DBS Application Form	SVC staff, DBS
Passport	Presented by the individual concerned	SVC staff, DBS
Driving Licence	Presented by the individual concerned	SVC staff, DBS, SVC Partners
Conviction or Caution History	Information declared by the individual concerned	SVC staff, DBS, SVC Partners

5.12 **Subject Consent**

In some cases SVC may only process personal information with the consent of the data subject; if the information is sensitive, explicit consent may be needed. It is a condition of registration that SVC staff, volunteers and beneficiaries agree to the Charity's processing of specified classes of personal information.

Filming or taking photographs of individuals requires explicit consent. For staff it is an implicit requirement of the recruitment process but in other circumstances permission is required. Storage of such photos should not be retained on mobile phones, in e-mails or on pc's.

Retention of photos beyond reasonable professional use is a breach of the DPA and could warrant a disciplinary investigation.

5.13 **Retention of Data**

	In general, SVC staff files will be kept centrally for two years after they leave and such files may contain academic or personal information. Volunteer or beneficiary data will also, in general, be held for a maximum of two years. All information regarding SVC staff, volunteers or beneficiaries will be archived for ten years after their involvement with SVC ceases.
5.14	**Storage of Data** Sensitive information will be stored in an appropriate environment and on an appropriate media consistent with the requirements of the Data Protection Act.
5.15	**Disposal of Data** Obsolete information that has previously been deemed as sensitive must be disposed of in a controlled manner. Compliance with the 1998 Act is the responsibility of all SVC staff. Breach of the Data Protection Policy may lead to disciplinary action, withdrawal of facilities and possible prosecution.
5.16	**Questions relating to this Policy** Any questions about the interpretation or operation of this policy should be referred to the SVC Manager or SVC Board of Trustees. SVC staff may also refer to the Human Resources Department of Innovate Trust, as the employers of SVC staff.