

Privacy Policy

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# Confidentiality Statement

Given the sensitive nature of the work undertaken by Safer Living Foundation it is paramount that information about service users, employees, trustees or volunteers and is not shared with anyone except relevant professionals for the purpose for which it is intended. These boundaries are made explicit within particular Volunteer Agreements including the Confidentiality Statement which must be signed by all volunteers prior to starting volunteering and the Circle Agreement signed by all volunteers involved in a Circle on commencement of the Circle. These agreements cover all persons within a meeting or activity. The confidentiality of volunteer, trustee or employee colleagues is as important as the confidentiality of the service user and the Safer Living Foundation intends to ensure that personal information is treated lawfully and correctly.

Trustees, employees and volunteers often act as ambassadors for the Safer Living Foundation and its interventions, sharing the principles and ethos with friends and family. While this is welcomed, it is important that when you discuss your role you do not share any information that would breach the confidentiality of anyone else involved.

# Data Protection

Safer Living Foundation is committed to meeting its obligations under the Data Protection Act 2018 (DPA) in the way it collects, stores and processes personal data and sensitive personal data.

The General Data Protection Regulation[[1]](#footnote-1) (2016) contains 7 principles for processing personal data with which Safer Living Foundation will comply. The principles are that personal data shall be:

‘(a) processed lawfully, fairly and in a transparent manner in relation to individuals (‘lawfulness, fairness and transparency’);

(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 (‘purpose limitation’);

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);

(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 (‘accuracy’);

(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 (‘storage limitation’);

(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 (‘integrity and confidentiality’)’ (Article 5(1) of GDPR 2016, ico.org.uk).

The final principle is that of accountability and can be found in Article 5(2) of GDPR 2016:

‘The controller shall be responsible for and be able to demonstrate compliance with, paragraph 1 (‘accountability’)’ (Article 5(2) of GDPR 2016, ico.org.uk).

# Definitions

The following list contains definitions of the technical terms we have used and is intended to aid understanding of this policy.

Data Controller: The person who (either alone or with others) decides what personal information Safer Living Foundation will hold and how it will be held or used (the coordinators or trustees).

Data Protection Act (2018): The UK legislation inclusive of GDPR that provides a framework for responsible behaviour by those using personal information.

Data Protection Lead: The person on the management committee who is responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act (2018).

Data Subject/Service User: The individual whose personal information is being held or processed by Safer Living Foundation.

Processing: Anything done with/to personal data, including storing it (Data Processors for SLF include but are not limited to, office staff and administrators).

Personal Data: Any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

Sensitive Personal Data[[2]](#footnote-2): Sensitive Personal Data is also referred to as Special Category Data. This is any personal data that is deemed to require extra protection under Article (9) or Article (10) of the GDPR 2016. These categories include:

1. Racial or ethnic origin
2. Political opinion
3. Religious beliefs or other beliefs of a similar nature
4. Trade union membership
5. Genetics
6. Biometrics
7. Physical or mental health condition
8. Sex life
9. Sexual orientation
10. Criminal record (Article 10)
11. Proceedings for any offence committed or alleged to have been committed (Article 10)

Explicit Consent: This is a freely given, specific and informed agreement by a data subject (see definition) to the processing of sensitive personal data (see definition) about her/him. Explicit consent is needed for processing any sensitive personal data.

Information Commissioner’s Office (ICO): The UK Information Commissioner is responsible for implementing and overseeing all aspects of GDPR and the Data Protection Act (2018).

# Data Sharing

The Safer Living Foundation may need to share data with other agencies, such as funding bodies and Circles UK.

The Data Subject will be made aware, in most circumstances, how and with whom their information will be shared. There are circumstances where the law allows Safer Living Foundation to disclose data (including special category data) without the data subject’s consent. These are:

* Carrying out a contractual obligation.
* In order to comply with the law.
* It is of vital interest to public safety or to protect someone’s life.
* To provide a public task or function that has a clear basis in the law.
* The processing is in the legitimate interest of the data subject or, with good reason, a third party.

The Safer Living Foundation regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

# Responsibilities

The Safer Living Foundation is the Data Controller under the Act and is legally responsible for complying with the Act, which means that it determines for what purposes personal information will be used.

The trustees will take into account legal requirements and ensure that they are properly implemented and will, through appropriate management, strict application of criteria and controls:

* Observe fully conditions regarding the fair collection and use of information.
* Meet its legal obligations to specify the purposes for which information is used.
* Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements.
* Ensure the quality of information used.
* Ensure that the rights of people about whom information is held, can be fully exercised under the Act (please see ‘Rights’ section for further information on individual’s rights).
* Take appropriate technical and organisational security measures to safeguard personal information.
* Ensure that personal information is not transferred abroad without suitable safeguards and lawful practices.
* Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.
* Set out clear procedures for responding to requests for information.

# Rights of the Data Subject

Unless subject to an exemption (under the GDPR), the data subject has the following rights with respect to their personal data:

* The right to request a copy of their personal data which the Safer Living Foundation holds;
* The right to request that the Safer Living Foundation corrects any personal data if it is found to be inaccurate or out of date;
* The right to request their personal data is erased where it is no longer necessary for the Safer Living Foundation to retain such data;
* The right to withdraw their consent to the processing at any time;
* The right to request that the data controller provide the data subject with his/her personal and where possible, to transmit that data directly to another data controller, (known as the right to data portability), where applicable;
* The right, where there is a dispute in relation to the accuracy or processing of personal data, to request a restriction is placed on further processing;
* The right to object to the processing of personal data, (where applicable);
* The right to lodge a complaint with the Information Commissioner’s Office.

The Data Protection Lead is Geraldine Akerman (contact details can be found in the Contact Details section of this document). The Data Protection Lead will be responsible for ensuring that the policy is implemented and will have overall responsibility for ensuring that:

* Everyone processing personal information understands that they are contractually responsible for ensuring their compliance with the GDPR laws when processing any data.
* Everyone processing personal information is appropriately trained to do so.
* Everyone processing personal information is appropriately supervised.
* Anybody wanting to make enquiries about handling personal information knows what to do.
* Enquiries about handling personal information are dealt with promptly and courteously.
* It is clearly acknowledged how personal information is handled.
* Regular reviews and audits take place around the ways Safer Living Foundation holds, manages and uses personal information.
* There is a regular assessment and evaluation of its methods and performance in relation to handling personal information.
* All staff and volunteers are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them.

# Data Collection

All data subjects will clearly understand why their information is needed, who it will be shared with, and the possible consequences of them refusing the proposed use of the data and will have the opportunity to grant or refuse consent where applicable.

Safer Living Foundation will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by the data subject completing a form. When collecting data, the Safer Living Foundation will ensure that the Data Subject:

* Clearly understands why the information is needed.
* Understands what the data will be used for and what the consequences are should the Data Subject decide not to give consent to processing.
* Has been given the opportunity to ask questions regarding the collection, and processing of their data and is, as far as is reasonably practicable, competent enough to give consent and has given so freely and without duress.
* Understands their individual rights under the GDPR and feels free to execute those rights.
* Freely, grants explicit consent for data to be processed in a positive, opt-in method that can be clearly seen as indication of the Data Subject’s wishes.
* Has access to the complaint and reporting procedure, should they feel that they need it.

# Data Processing

Data processing is undertaken in a confidential and secure manner and every precaution is taken when handling an individual’s personal data. The processing of data is vital to the ability of Safer Living Foundation to undertake its mission statement.

Safer Living Foundation will process data in a variety of ways depending on whether the data subject is an employee, trustee, volunteer or service user. In order to find the ways in which data is processed for a certain category of data subject please see the Information Asset Register.

Should an individual have any queries regarding the processing of their data, they are welcomed to contact the Safer Living Foundation office: [SLFHMPWhatton@hmps.gsi.gov.uk](mailto:SLFHMPWhatton@hmps.gsi.gov.uk) in the first instance. Should the individual wish to take their enquiry further they would be asked to contact the Data Protection Lead, Geraldine Akerman: [Geraldine.akerman01@hmps.gsi.gov.uk](mailto:Geraldine.akerman01@hmps.gsi.gov.uk) . Alternative contact details can be found in the Contact Details section of this document.

# Data Minimisation

In accordance with Article 5(1)(c) of the GDPR the SLF will ensure that all data collected and stored is “adequate, relevant and limited to what is necessary.” SLF reviews what data is collected for each project/individual on an annual basis or as the need arises (dependent on which comes first). If data does not meet the requirements above or ceases to serve a legitimate purpose, it will be disposed of securely in accordance with Safer Living Foundation’s Data Retention and Disposal policy.

# Data Storage

Information and records relating to service users, volunteers and employees will be stored securely (either manually or electronically), and will only be accessible to authorised personnel.

Information will be stored for no longer than reasonably necessary or for a period of two years following the discontinuation of the Data Subject’s affiliation with Safer Living Foundation, unless a longer period of data storage is explicitly consented to by the Data Subject. We store personal data for up to two years in order to fulfil our funding obligations, in case of any legal claims/complaints, for safeguarding purposes and to comply with the current Charity Commission regulations.

# Data Subject Access Requests

Members of the public may request certain information from the Local Authority under the Freedom of Information Act 2000. The Act does not apply to Safer Living Foundation. However, if at any time we undertake the delivery of services under contracts with the Local Authority we may be required to assist them to meet the Freedom of Information Act request where we hold information on their behalf.

# Data Review

The data that is held, stored and processed by Safer Living Foundation will be reviewed at least annually for its accuracy and necessity.

Any data found to be out of date or no longer necessary, will be securely disposed of by shredding documents or deletion of files off of the secure IT systems (as per the Safer Living Foundation IT Policy).

Any data that is found to be inaccurate, every effort will be made to correct it.

The methods by which data is held, stored and processed by Safer Living Foundation will be reviewed at least annually in order to ensure it is compliant with the most up to date legal regulations.

# Breaches and Reporting

The [UK Information Commissioner’s Office](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/) (ICO) defines a personal data breach as “a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data”. Personal data breaches can include (itgovernance.co.uk):

* Access by an unauthorised third party
* Deliberate or accidental action (or inaction) by a controller or processor;
* Sending personal data to an unintended recipient;
* Lost or stolen computing devices containing personal data;
* Unauthorised alteration of personal data; and
* Loss of availability of personal data.

The consequences of breaching Data Protection can cause harm or distress to service users, volunteers or employees if their information is released to inappropriate people, or they could be denied a service to which they are entitled. Employees and volunteers should be aware that they can be personally liable if they use customers’ personal data inappropriately. This policy is designed to minimise the risks and to ensure that the reputation of the Safer Living Foundation is not damaged through inappropriate or unauthorised access and sharing.

Any individual who accesses the Safer Living Foundation data (manual or electronic) is responsible for reporting breaches (including suspected), to the Data Protection Lead (for contact details, see the Contact Details section of this document) immediately. If the suspected breach is found outside of working hours, it is expected that the breach will be reported as quickly as is practicable as soon as working hours resume. The Data Protection Lead will then carry out an investigation per the Safer Living Foundation Breach Policy.

In the event of a breach of personal data there are two requirements for notification outlined in Articles 33[[3]](#footnote-3) and 34[[4]](#footnote-4) of the GDPR. The investigation carried out by the Data Protection Lead will determine to whom notification needs to be administered. Should the ICO need to be notified, this will be done within the prescribed 72 hours from report of breach. Should the data subject need to be notified, this will be done as soon as is practicable once the investigation has been concluded.

For further information on Safer Living Foundations Breach Policy or for a Data Breach form, please see the Data Breach Policy and Procedure.

Reports made to the Data Protection Lead should be directed to:

Geraldine Akerman

[Geraldine.akerman01@hmps.gsi.gov.uk](mailto:Geraldine.akerman01@hmps.gsi.gov.uk)

Any reports made to the Information Commissioner’s Office should be made via the website:

Ico.org.uk

Alternative contact details for both the Data Protection Lead and the Information Commissioner’s Office can be found in the Contact Details section of this document.

# Staff Training and Supervision

Safer Living Foundation staff will renew their GDPR training annually. Each staff member is responsible for ensuring that they are apprised of the policies and procedures applicable at the time. The Office Manager will keep record of those who complete the training and ensure that all members of staff are kept up to date.

# Accountability

Safer Living Foundation takes responsibility for the delivery and regular review of all policies and procedures. SLF ensures it records data accurately, securely and abides by all current legislation. By keeping apprised of any changes in requirements and regularly reviewing policy and practice, SLF are able to ensure the safety of the data that it holds. Should an individual request (in accordance with current legislation and policy), SLF will provide any evidence of our data keeping practices.

# Complaints Procedure

Should an individual wish to file a complaint regarding the processing or storage of their personal data, there are two stages.

Stage One:

In the event that a member of staff, volunteer or service user files a written or verbal complaint regarding the processing or storage of their personal data they would be advised to first speak to their line manager or coordinator. The manager/coordinator will inform the Data Protection Lead of the complaint as well as the Chief Executive/Chair of Trustees.

Stage Two:

The Data Protection Lead will review and respond in writing to the complaint within 10 working days (from the date of the complaint). Should the Data Protection Lead require more than 10 working days to respond, the complainant will be informed as to why it will take longer and when they should expect a response.

If the complainant is not satisfied with the response from the Data Protection Officer, they are within their rights to forward their complaint to the Information Commissioner’s Office Complaints Office (<https://ico.org.uk/make-a-complaint/>). For further contact details for the Information Commissioner’s Office please refer to the Contact Details section of this policy.

Should an individual require further information regarding the Safer Living Foundation’s Complaints Procedure, they should refer to the Safer Living Foundation’s ‘Problem Solving and Complaints Policy’.

# Contact Details

**Safer Living Foundation Office:**

*Telephone*: 01949 803259

*Email*: [SLFHMPWhatton@hmps.gsi.gov.uk](mailto:SLFHMPWhatton@hmps.gsi.gov.uk)

**Data Protection Lead:** **Geraldine Akerman**

*Telephone*: 01296445140

*Email:* [Geraldine.akerman01@hmps.gsi.gov.uk](mailto:Geraldine.akerman01@hmps.gsi.gov.uk)

**Information Commissioner’s Office:**

*Telephone:* 0303 123 1113

*Email*: <https://ico.org.uk/global/contact-us/email/>

*Post:* Information Commissioners Office, Whycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

# Implementing the Policy

Implementation of this policy is the responsibility of every individual involved in Safer Living Foundation.

Management responsibility for the implementation of this policy rests with the management of the organisation and the Chief Executive/Chair of Trustees.

This policy will be reviewed on an annual basis.

# Date of Last Review

|  |  |  |  |
| --- | --- | --- | --- |
| **Date Reviewed** | **Signed** | **Name** | **Position** |
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1. All instances of use of abbreviation GDPR relates to the EU General Data Protection Regulation (2016). [↑](#footnote-ref-1)
2. Further information can be found at the ICO website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/> [↑](#footnote-ref-2)
3. “Notification of a personal data breach to the supervisory authority” (ico.org.uk). [↑](#footnote-ref-3)
4. “Communication of a personal data breach to the data subject” (ico.org.uk). [↑](#footnote-ref-4)