

	<b>Policy</b>			
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<b>Title</b>	<b>Data Protection Policy</b>			
<b>Approved by</b>	Sarah Gillott, Jon Dell, Alison Ryan, Felicia Ziparo, Nicola McHugh (Steering Group)			

## Introduction

Free Cakes for Kids Sheffield is a Data Controller under the Data Protection Act and the General Directive on Data Protection (GDPR), which means that it determines the purposes for which personal information will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Free Cakes for Kids Sheffield needs to keep certain information about its volunteers, donors, referral agencies and service users to allow it to monitor its performance, achievements and operate effectively. It is also necessary to process information so that volunteers can be recruited and informed of cake requests to provide the service we offer to referral families, and various legal obligations to funding bodies and government complied with.

To comply with legislation, information must be collected and used fairly, stored securely and not disclosed to any person unlawfully. To do this, Free Cakes for Kids Sheffield must comply with the principles set out in the Data Protection Act 1998 and the 2018 General Directive on Data Protection(GDPR).

Information that is already in the public domain is exempt from the 1998 Act and GDPR.

This policy should be read in conjunction with our other Free Cakes for Kids Sheffield policies.

Amendments to this policy will be made in the light of new requirements under the General Data Protection Regulation (GDPR) being introduced from May 2018.

## 1. Policy Statement

Free Cakes for Kids Sheffield will ensure that all personal data is processed fairly and lawfully, including under the new requirements of GDPR.

Any volunteer or service user who considers that this policy has not been followed in respect of personal data about themselves, should raise the matter with the appointed Data Protection Controllers initially. Free Cakes for Kids Sheffield has a nominated Data Protection Officer; Sarah Gillott, Chair.

## 2. Procedure

### Data Held and Processed

All volunteers, referrers, service users and others are entitled to:

- Know what information Free Cakes for Kids Sheffield holds and processes about them and why
- Know how to gain access to it
- Know how to keep it up to date
- Know what Free Cakes for Kids Sheffield is doing to comply with its obligations under the 1998 and 2000 Acts as well as GDPR

Personal Data:

- Must be fairly and lawfully processed
- Must only be obtained for specified and lawful purposes
- Must be adequate, relevant and not excessive in relation to the purpose for which it is required
- Must be accurate and, where necessary, kept up to date
- Must only be processed and kept for as long as is necessary
- Must be processed in accordance with the data subject's rights under the act
- Must be protected against unlawful processing, accidental loss and destruction or damage
- Must not be transferred to a country or territory outside the EEC, unless adequate levels of protection/freedoms are in place

Under GDPR, these eight principles are retained but summarised within a new six-point profile to which Free Cakes for Kids Sheffield is committed: -

Accordingly, under GDPR, Personal Data we process should be:

1. Lawful, fair and transparent
2. Limited for its purpose
3. Adequate and necessary
4. Accurate
5. Kept only for as long as needed
6. Provide for Integrity and Confidentiality

### Data Protection Registration

Free Cakes for Kids Sheffield is exempt from the requirement to register with the Information Commissioner's Office, due to being a not-for-profit organisation.

Free Cakes for Kids Sheffield has a designated Data Protection Officer (Sarah Gillott), who is responsible for our registration under the Act. Should the nature of the activities of Free Cakes for Kids Sheffield change, and we are required to register with the ICO under the Act, the Data Protection Officer will ensure this registration is completed.

### General Data Protection Regulation (from 2018)

Initial preparation under the new regulation will include the following:

- a) Awareness raising for key volunteers within Free Cakes for Kids Sheffield to understand the impact of the legislation and compliance requirements
- b) Documenting personal information that is held by Free Cakes for Kids Sheffield, including its source and where it is shared through an information audit, noting the legal basis for collection and processing
- c) Making amendments to the information we give to staff and service users about how we will use their information (privacy notice) and how long it will be retained
- d) Review current processes for deleting personal data and electronic records including any direct marketing implications
- e) Review how Free Cakes for Kids Sheffield responds to subject access requests within new reduced time limits
- f) Review how consent is obtained and recorded with an effective audit trail, and including parental or guardian consent
- g) Review procedures for detecting, reporting and investigating personal data breach
- h) Implement a process to carry out Privacy Impact Assessments in high risk situations (if necessary)
- i) Review the role of Data Protection Officer in the organisation

## Requests for Information

- a) Any service user, volunteer, client or person connected with Free Cakes for Kids Sheffield may request details of information which they believe the organisation holds about them.
- b) Any person seeking to request access to recorded information on us may do so by writing to the Chair of the organisation, who is Sarah Gillott

Free Cakes for Kids Sheffield will undertake to provide the requested information within 20 working days. The Chair may refuse to disclose information where the disclosure is not in the public interest or where it could lead to a breach of the Data Protection Act.

### **3. Responsibilities of Volunteers**

All volunteers are responsible for:

- checking that information provided to the organisation about their volunteering is accurate and up to date
- informing Free Cakes for Kids Sheffield of any changes to information, i.e. change of address
- informing Free Cakes for Kids Sheffield of any errors or changes. Free Cakes for Kids Sheffield cannot be held responsible for any errors that are not reported.

When, as part of their responsibilities, volunteers collect information about others (i.e. referred families, other volunteers, references, details of personal circumstances), they must comply with the procedure on personal data under 2 above.

### **4. Responsibilities of Referring Organisations**

Organisations that refer families for a cake from Free Cakes for Kids are responsible for:

- checking that information provided to Free Cakes for Kids Sheffield about the family they are referring is accurate and up to date
- ensuring they have the consent of a responsible adult for the child they are referring to us
- informing Free Cakes for Kids Sheffield of any changes to information, i.e. change of delivery address, change of delivery date
- informing Free Cakes for Kids Sheffield of any errors or changes. (i.e incorrect spelling of name, incorrect age). Free Cakes for Kids Sheffield cannot be held responsible for any errors that are not reported.

The Data Protection Officer is responsible for keeping this policy updated and relevant

The Data Protection Officer must ensure that Free Cakes for Kids Sheffield complies with the Data Protection Act 1998 and the new General Data Protection Regulation

## **5. Data Security**

All volunteers are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed in any way to any unauthorised third party. It should be noted that any unauthorised disclosure may result in the volunteer being unable to continue to volunteer for Free Cakes for Kids Sheffield.

Free Cakes for Kids Sheffield does not hold any personal information in a non computerised form. Any personal information that may be held in this way in the future should be kept in a locked cabinet or locked drawer.

Computerised information should be password protected and/or kept using a medium which is itself kept securely. Passwords should be changed on at least a quarterly basis.

### Use of Portable Devices

- a) Individuals who use a laptop, tablet or portable device to record, store, process or transmit Free Cakes for Kids Sheffield related data must do all that is reasonable to keep their device, associated media and the data contained therein secure always. Due to their portable nature, personal devices should not be left unattended when used off-site or during a journey, nor should they be left exposed on the seat of a car or other vehicle. Access should always be restricted by use of a system password.
- b) When processing personal data on laptops or portable devices, all reasonable steps must be taken to ensure the security of that personal data. Personal data must not be processed in public places e.g. when travelling on public transport. All processing should be carried out in privacy to avoid accidental disclosure to non-authorised persons.
- c) Individuals who use a small portable device to store data must do all that is reasonable to keep the device and the data contained therein secure always. Data must not be carried on small portable devices unless it is adequately secured. Access to the device should be protected by using a password or Personal Identification Number (PIN), if possible. Data encryption features should be utilised, where available.

- d) Examples of small portable devices include:
- Palm-held and Pocket computers
  - Tablets
  - Mobile Phones including smart phones
  - USB Data Keys
  - Removable Disk Drives
  - Small memory cards (e.g. Sony Memory Sticks, Compact Flash memory, Smart Media cards, Multimedia cards, Secure Digital memory)
  - Other storage media, including CD-ROMs, DVDs, floppy disks
- e) Sensitive personal data, as defined in the Act, must not be stored in a portable device unless it can be demonstrated that special security precautions have been taken e.g. encryption of files on the hard disk or on a storage medium. **At present, Free Cakes for Kids Sheffield does not hold or process any sensitive personal data (as defined in the General Data Protection Regulation) for volunteers, referring organisations or referred families.**
- f) The Data Protection Officer should be contacted immediately in the event of the loss or theft of any portable device.
- g) It should be noted that failure to implement appropriate security measures when using portable devices for the storage of personal data may be treated as a disciplinary matter and could result in the termination of any volunteering arrangements.

## **6. Conclusion**

Compliance with the Data Protection Act 1998 and the introduction of the General Data Protection Regulation is the responsibility of all members of Free Cakes for Kids Sheffield and volunteers and referring organisations should be mindful of the following:

- No undue pressure should be placed on anyone to disclose personal data
- No personal data should be disclosed over the telephone unless the caller has been properly identified and is entitled to the data
- Any special request for disclosure of personal data, e.g. to the Police or Inland Revenue, should be referred to the Data Protection Officer who will manage and log the request

- Personal data must be disposed of in a way that protects the rights and privacy of data subjects (e.g., shredding, disposal as confidential waste, secure electronic deletion).

## **7. Linked policies**

- Protecting our Volunteers and Referral Families Guidance
- Recruitment and Induction Policy
- Cake Request and Delivery Process

## **8. Review**

This policy will be reviewed annually as a minimum. The policy will also be reviewed following any changes to data protection legislation.

## **Appendix A – Glossary of Terms**

### **1. Definitions**

To make it easier to understand this policy, technical terms used are listed below:

Data Controller – Data Controller means a person who (either alone or with others) decides what personal information the agency will hold and how it will be held or used.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person in an agency responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998.

Data Subjects/Service Users – The individual whose personal information is being held or processed by an agency (for example: a client, an employee, a supporter).

'Explicit' consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the data processing (see definition) of personal information (see definition) about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of an agency if an agency is a Data Controller (see above for definition). Certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 and the GDPR

Processing – means collecting, amending, handling, storing or disclosing personal information

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about companies and agencies but applies to named persons or employees within an agency.

Sensitive data – means data about:

- ❖ Racial or ethnic origin
- ❖ Political opinions
- ❖ Religious or similar beliefs
- ❖ Trade union membership
- ❖ Physical or mental health
- ❖ Sexual life
- ❖ Criminal record
- ❖ Criminal proceedings relating to subject's offences

## **GDPR**

The General Data Protection Regulation (GDPR) will apply from 25 May 2018.

It operates within a common set of rules applying across the (European Union) EU.

**GDPR provides directions and information on: -**

- Bigger Fines
- The Cloud
- Cookies
- Data Portability
- Privacy Impact Assessments
- Privacy Notices
- Reporting a Breach
- Profiling

