

General Data protection Regulation 2018 Policy

1. North Yorkshire Advocacy holds three types of information which are covered by this policy:

Organisational information – publicly available information about organisations with contact names and addresses

Staff personal information – information about individuals such as names, addresses, job titles

Client – sensitive, personal information – in general this kind of information is held about employees, volunteers and clients.

Personal data means data which relate to a living individual who can be identified –

(a) from those data, or

(b) from those data and 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.

Sensitive personal data means personal data consisting of information as to -

(a) the racial or ethnic origin of the data subject,

(b) his political opinions,

(c) his religious beliefs or other beliefs of a similar nature,

(d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),

(e) his physical or mental health or condition,

(f) his sexual life,

(g) the commission or alleged commission by him of any offence, or

(h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

Data means information which –

(a) is being processed by means of equipment operating automatically in response to instructions given for that purpose,

(b) is recorded with the intention that it should be processed by means of such equipment,

(c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,

(d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68, or

(e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

Paragraphs (a) and (b) make it clear that information that is held on computer, or is intended to be held on computer, is data. So data is also information recorded on paper if you intend to put it on computer.

Relevant filing system (referred to in paragraph (c) of the definition) is defined in the Act as:

any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

North Yorkshire Advocacy will:-

- only collect information that we need for a specific purpose;
 - keep it secure;
 - ensure it is relevant and up to date;
 - only hold as much as you need, and only for as long as you need it; and
 - allow the subject of the information to see it on request.
2. North Yorkshire Advocacy will *not* hold information about individuals without their knowledge and understanding of what information is gathered and the consent to collect it. We will always gain signed authorisation before any intervention or collection of data.
 3. Personal and sensitive data will only be collected where it is necessary or appropriate in supporting the client.

4. North Yorkshire Advocacy will only hold information for specific purposes. North Yorkshire Advocacy will have legitimate grounds for collecting and using the personal data; not use the data in ways that have unjustified adverse effects on the individuals concerned; be transparent about how NYA intend to use the data, and give individuals appropriate privacy notices when collecting their personal data; handle people's personal data only in ways they would reasonably expect and make sure you do not do anything unlawful with the data.
5. North Yorkshire Advocacy will collect only personal and sensitive data that enables Advocates and supporting staff to offer the best service to clients.
6. No information will be shared without permission from the client, supervisory body or appropriate adult.
7. Data will be destroyed from all sources within 4 months of closure or immediately after closure if no aftercare is required.
8. Data collected for reporting, monitoring and evaluation will not identify any clients, be anonymous and shared only for the purpose of impact an evaluation.
9. Data will be deleted from case management systems or disposed of by a professional data collection service.
10. North Yorkshire Advocacy will maintain accurate information and update the information held within 2 days of receiving the information.
11. Data subjects will be entitled to have access to information held about them by North Yorkshire Advocacy.
12. Information about data subjects will not be disclosed to other organisations or to individuals who are not members of North Yorkshire Advocacy staff or Trustee Board except in circumstances where this is a legal requirement, where there is explicit or implied consent, where the information is publicly available elsewhere or there is a risk to the client or others.
13. North Yorkshire Advocacy has procedures for ensuring the security of all personal data. Paper records containing confidential personnel data are disposed of in a secure way.
14. North Yorkshire Advocacy has a set of procedures covering all areas of its work that it follows to ensure that it achieves the aims set out above.
15. At the beginning of any new project or type of activity, the member of staff managing it will consult the Chief executive about any data protection implications.
16. There may be situations where North Yorkshire Advocacy works in partnership with other organisations on projects that require data sharing. North Yorkshire Advocacy will clarify which organisation is to be the Data Controller and will ensure that the Data Controller deals correctly with any data that North Yorkshire Advocacy has collected.
17. All new staff will be given training on the data protection policy and procedures.

18. North Yorkshire Advocacy will carry out an annual review of its data protection policy and procedures.

Notes from GDPR advice:

To cover all these elements you will need to consider the following issues when planning a privacy notice:

What information is being collected?

Who is collecting it?

How is it collected?

Why is it being collected?

How will it be used?

Who will it be shared with?

What will be the effect of this on the individuals concerned?

Is the intended use likely to cause individuals to object or complain?