

Midhurst Town Trust - Data Protection Policy

This policy applies to all staff and volunteers of the Midhurst Town Trust.

Introduction

The purpose of this policy is to enable Midhurst Town Trust to:

- comply with the law in respect of the data it holds about individuals;
- follow good practice;
- protect MTT's clients, staff, volunteers and other individuals
- protect the organisation from the consequences of a breach of its responsibilities.

Brief introduction to Data Protection Act 1998

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the rights of Data Subjects
- Secure
- Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Policy statement

Midhurst Town Trust will:

- comply with both the law and good practice
- respect individuals' rights
- be open and honest with individuals whose data is held
- provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently

Midhurst Town Trust recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. Information about staff, volunteers and clients will be used fairly, securely and not disclosed to any person unlawfully.

Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account.

In addition to being open and transparent, Midhurst Town Trust will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.

Definitions

The Data Subject is the individual whose personal data is being processed. Examples include:

- employees – current and past
- volunteers
- job applicants
- donors
- users
- suppliers.

Processing means the use made of personal data including:

- obtaining and retrieving
- holding and storing
- making available within or outside the organisation
- printing, sorting, matching, comparing, destroying.

The Data Controller is the legal ‘person’ that decides why and how personal data is to be processed. The data controller is responsible for complying with the Data Protection Act.

The Data Protection Officer is the name given to the person in organisations who is the central point of contact for all data compliance issues.

Responsibilities

The Board of Trustees recognises its overall responsibility for ensuring that Midhurst Town Trust complies with its legal obligations.

The Data Protection Officer is currently the clerk to MTT who has the following responsibilities:

- Briefing the board on Data Protection responsibilities
- Reviewing Data Protection and related policies
- Advising other staff on Data Protection issues
- Handling subject access requests
- Electronic security
- Approving data protection-related statements on publicity materials and letters

Each member of staff and volunteer at Midhurst Town Trust who handles personal data will comply with the organisation’s operational procedures for handling personal data to ensure that good Data Protection practice is established and followed.

All staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.

Significant breaches of this policy will be handled under Midhurst Town Trust’s disciplinary procedures.

Confidentiality

Because confidentiality applies to a much wider range of information than Data Protection, Midhurst Town Trust has a separate Confidentiality Policy. This Data Protection Policy should be read in conjunction with Midhurst Town Trust's Confidentiality Policy.

Staff, volunteers and sessional workers are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See Confidentiality Policy and Statement.)

Security

This section of the policy only addresses security issues relating to personal data. It does not cover security of the building, business continuity or any other aspect of security.

Any recorded information on clients, volunteers and staff will be:

Protected by the use of passwords if kept on computer

Destroyed confidentially if it is no longer needed

Access to information on the main database is controlled by a password and only those needing access are given the password. Staff and volunteers should be careful about information that is displayed on their computer screen and make efforts to ensure that no unauthorised person can view the data when it is on display.

Notes regarding personal data of clients should be shredded or destroyed.

Data Recording and storage

Midhurst Town Trust has a single database holding basic information about volunteers. Tall Dog has access to information relevant with regard to resident parking permits and hiring-out of the Old Town Hall or the Market Square.

Midhurst Town Trust will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- Data on any individual will be held in as few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets.
- Effective procedures are in place so that all relevant systems are updated when information about any individual changes.
- Data will be corrected if shown to be inaccurate

Midhurst Town Trust stores archived paper records of clients and volunteers securely.

Access to data

All clients and customers have the right to request access to all information stored about them. Any subject access requests will be handled by the Data Protection Officer within the required time limit.

Midhurst Town Trust will provide details of information to service users who request it unless the information may cause harm to another person.

Staff have the right to access their file to ensure that information is being used fairly. If information held is inaccurate, the individual must notify the Chairman so that this can be recorded on file.

Transparency

Midhurst Town Trust is committed to ensuring that in principle Data Subjects are aware that their data is being processed and

- for what purpose it is being processed;
- what types of disclosure are likely; and
- how to exercise their rights in relation to the data.

Data Subjects will generally be informed in the following ways:

- Staff: in the staff terms and conditions
- Clients: when they request (on paper, on line or by phone) services

Consent

Consent will normally not be sought for most processing of information about staff. Although staff details will only be disclosed for purposes unrelated to their work for Midhurst Town Trust (e.g. financial references) with their consent.

Information about volunteers will be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.

Information about clients will only be made public with their consent. (This includes photographs.)

Midhurst Town Trust acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where Midhurst Town Trust has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

Direct marketing

Midhurst Town Trust will treat the following unsolicited direct communication with individuals as marketing:

- seeking donations and other financial support;
- promoting any Midhurst Town Trust services;
- promoting Midhurst Town Trust events;
- promoting sponsored events and other fundraising exercises;

Staff training and acceptance of responsibilities

All staff who have access to any kind of personal data will be given copies of all relevant policies and procedures during their induction process, including the Data Protection policy, Confidentiality policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.

Data Protection will be included in the induction training for all volunteers.

Policy review

The policy will be reviewed in November 2019 and approved by the Board of Trustees. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

Date this policy was approved by the Board of trustees:

Appendix: Privacy statement

When you request information from Midhurst Town Trust, sign up to any of our services .Midhurst Town Trust obtains information about you. This statement explains how we look after that information and what we do with it.

We have a legal duty under the Data Protection Act to prevent your information falling into the wrong hands. We must also ensure that the data we hold is accurate, adequate, relevant and not excessive.

Normally the only information we hold comes directly from you. Whenever we collect information from you, we will make it clear which information is required in order to provide you with the information, service or goods you need. You do not have to provide us with any additional information unless you choose to. We store your information securely on our computer system, we restrict access to those who have a need to know, and we train our staff in handling the information securely.

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you). To obtain a copy, either ask for an application form to be sent to you, or write to the Data Protection Officer at Midhurst Town Trust. There is a charge of £10 for a copy of your data (as permitted by law). We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.