

Creaton Community Benefit Society Limited

Data Protection Policy

Policy Owner: Society Secretary

1. Purpose:

Creaton Community Benefit Society Limited (CCBS) needs to collect certain types of personal information from its members, staff and volunteers for communication and administrative purposes. It also uses CCTV to protect its staff, volunteers, customers and its business.

The Data Protection Act 1998 (DPA) and from 25 May 2018 the General Data Protection Regulation (GDPR) requires that this information should be processed fairly, stored safely and not disclosed to any other person unlawfully. CCBS is committed to protecting the rights and privacy of individuals in accordance with the requirements of the DPA and GDPR. This document outlines CCBS's policy in relation to the DPA and the GDPR.

2. Scope:

This policy applies to all Personal Data for which CCBS is responsible, regardless of the format (paper or electronic data, including emails, photographs, video, CCTV and sound recordings).

CCBS's Data Protection Policy applies to all employees and volunteers, including the Management Committee. Any breach of the policy may result in CCBS being liable in law for the consequences of the breach. Legal liability may also extend to the individual processing the data and his/her line manager under certain circumstances. In addition, breach of CCBS's Data Protection Policy by employees or staff will be considered to be a disciplinary offence and will be dealt with according to CCBS's disciplinary procedures. Any employee or volunteer who considers that the policy has not been followed with respect to Personal Data about themselves should raise the matter with their line manager, CCBS's Society Secretary whose role includes Data Controller or CCBS's Chair.

Outside agencies and individuals who work with CCBS, and who have access to personal information for which CCBS is responsible, will be expected to comply with this policy and with the DPA / GDPR.

Data which cannot identify an individual is out of scope for this policy

3. Policy Statement

CCBS will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met, (this includes ensuring the Data Subject has given his/her consent to the Processing)

- b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
- h) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Individuals/Service Users in relation to the processing of personal information.

CCBS will, through appropriate management and 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 fulfill 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. These include:
 - The right to be informed that processing is being undertaken,
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Respond to Subject Access Requests within 40 days from receipt of the request provided this is accompanied by the £10 fee.

4. Responsibilities

CCBS as a corporate body is a Data Controller under the DPA and is required to notify the Information Commissioner of its Processing of Personal Data. A public register of Data Controllers and the type of data they process is available on the Information Commissioner's website.

The Society Secretary:

- deals with day-to-day data protection matters, such as subject access requests
- is a point of contact for issues relating to data protection
- is responsible for producing guidance on good data protection practice and promoting compliance across CCBS
- presents an annual training session on information compliance, including data protection to all staff including volunteers
- provides tailored training to smaller groups upon request or where a need has been identified.

All staff including volunteers and the Management Committee:

- must ensure they abide by the DPA, GDPR, this policy and any related policies.
- Staff who are uncertain as to whether their Processing of Personal Data meets these requirements should refer any queries to their line manager in the first instance.
- All new staff are required to undergo data protection training. Existing staff should also attend the training if they have not done so before or require a refresher.

Managers:

- are responsible for ensuring that the Processing of Personal Data conforms to the requirements of the DPA and this policy. In particular, they should ensure that new and existing staff and volunteers who are likely to process Personal Data are aware of their responsibilities under the Act. This includes drawing the attention of staff to the requirements of this policy, and ensuring that staff who have responsibility for handling Personal Data are provided with adequate training.
- ensure correct information and records management procedures are followed. This includes establishing retention periods to ensure that Personal Data is not kept for longer than is required

5. Policy Compliance

The Society Secretary will verify compliance to this policy through various methods, including but not limited to, internal and external audits, and feedback to the policy owner.

Any exception to the policy must be approved by the Management team in advance.

An employee or volunteer found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

6. Related Standards, Policies and Procedures

- Disciplinary Policy

7. Definitions and Terms

Data Controller: a person or organisation who makes decisions in regard to Personal Data, including decisions regarding the purposes for which and the manner in which Personal Data may be processed.

Data Protection Act (DPA): the Data Protection Act 1998, together with all secondary legislation made under it. The DPA governs the way in which Data Controllers such as CCBS can process an individual's Personal Data. It also gives individuals certain rights regarding the information that is held about them and obliges CCBS to respond to any requests from an individual to access their own Personal Data.

Data Protection Principles: a set of statutory requirements, which all Data Controllers are obliged to adhere to. The Principles balance the legitimate need for organisations such as CCBS to process Personal Data against the need to protect the privacy rights of the Data Subject.

Data Subject: an individual who is the subject of Personal Data.

GDPR: The General Data Protection Regulation is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the EU. It also addresses the export of personal data outside the EU. The GDPR aims primarily to give control back to citizens and residents over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. When the GDPR takes effect, it will replace the data protection directive of 1995. It becomes enforceable from 25 May 2018

Information Commissioner: the regulator appointed by the Crown to promote public access to official information and protect personal information. Compliance with the DPA is enforced by the Information Commissioner.

Personal Data: information relating to a living individual who can be identified from the data, or from the data and other information which is in the possession of (or likely to come into the possession of) CCBS. Personal data include information such as an individual's name, home address, educational background, images and photographs (including CCTV footage), expressions of opinion about the individual, and the intentions of CCBS in regard to the individual.

Processing: any operation on Personal Data, including obtaining, recording, holding, organising, adapting, combining, altering, retrieving, consulting, disclosing, disseminating, deleting, destroying and otherwise using the data.

Sensitive Personal Data: Personal Data relating to racial or ethnic origins, political opinions, religious beliefs, trade union membership, physical or mental health (including disabilities), sexual life, the commission or alleged commission of offences, and criminal proceedings.

Subject Access Request: a request from an individual, under section seven of the DPA, for access to their Personal Data.

8. Revision History

Version	Date of Change	Author	Summary of Change
0.1	12 November 2017	Society Secretary	Initial draft version
1.0	13 November	Society Secretary	Approved version