



DATA PROTECTION

1. Introduction

- 1.1 South Lakeland Mind (SLM) needs to collect and use certain types of information about Service Users, Volunteers, Staff and Management Committee Members. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material. The storage and use of such information must comply with Principles contained in the Data Protection Act 1998.
- 1.2 South Lakeland Mind (SLM) has voluntarily registered with the Information Commissioner and information is recorded and stored in accordance with the Data Protection Principles. Information about staff and volunteers is kept in a secure locked cabinet and key access confined to nominated staff under the control of the Chief Officer. Personal information is kept on the computer and is password protected, and access restricted to nominated staff.
- 1.3 South Lakeland Mind regards the lawful and correct treatment of personal information as very important and therefore ensures that personal information is treated lawfully and correctly. To this end SLM fully endorses and adheres to the Principles of Data Protection, as detailed in the Data Protection Act 1998 (as amended).
- 1.4 Personal Information (Data) is data which relates to a living individual who can be identified from that data or other information which is in the possession of, or likely to come into the possession of the data controller.

Sensitive Personal Data is information containing facts or opinions about a living individual and relating to; racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal proceedings or convictions.

Related policies include those dealing with Confidentiality, Equal Opportunities, Complaints and Grievance and Information Technology.

- 1.5 Specifically, these principles require that personal information shall be:
- Processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
 - Obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
 - Adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
 - Accurate and kept up to date.
 - Not be kept for longer than is necessary for that purpose or those purposes.
 - Processed in accordance with the rights of data subjects under the Act.
 - Subject to appropriate technical and organisational measures that shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

1.6 South Lakeland Mind 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 purpose for which information is used.
- Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Ensure 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.
- The Chief Officer is the named individual having overall responsibility for ensuring that personal information is treated lawfully and correctly, and in accordance with the Data Protection Principles.
- Under the direction of the Chief Officer, the Administrator is responsible for regularly reviewing, updating, destroying or archiving records as appropriate, and in accordance with this Policy.

1.7 In addition, South Lakeland Mind will ensure that:

- There is someone with specific responsibility for Data Protection. SLM's Data Protection Officer is the Chief Officer.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so.
- Anyone wanting to make enquiries about handling personal information knows what to do.
- Queries about handling personal information are promptly and courteously dealt with.
- Methods of handling personal information are clearly described, regularly assessed and evaluated.
- A regular review and audit is made of the way personal information is held, managed and used.
- A breach of the rules and procedures identified in this policy by a member of staff will be investigated as a possible disciplinary offence.

2. Access to Personal Data ("Subject Access Requests")

2.1 Service Users, Volunteers and employees have the right to access personal data held about them.

2.2 SLM will arrange for the person requesting access to see or hear all personal data held about them within 21 days of a written request.

3. Retention of Records

3.1 SLM follows the retention periods recommended by the Information Commissioner in his Employment Practices Data Protection Code. These are as follows:

| DOCUMENT | RETENTION PERIOD |
|---------------------|--------------------------------|
| Financial records | 6 years |
| Application form | Duration of employment |
| References received | 5 years from end of employment |

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| Sickness records | 3 years |
| Annual leave records | 2 years |
| Unpaid leave/special leave records | 3 years |
| Annual appraisal/assessment records | 5 years |
| Records relating to promotion, transfer, training, disciplinary matters | 5 years from reference/ end of employment |
| References given/information to enable references to be provided | 5 years from end of employment |
| Summary of record of service, eg name, 10 years from end of position held, dates of employment | 10 years from end of employment |
| Records relating to accident or injury at work | 12 years |
| Volunteer Records | 12 months – Subject to Review |
| Recruitment Records | 6 months – Subject to Review |

- 3.2 Electronic data should be saved on a daily basis to the Z/Drive which automatically saves the data, which is also automatically backed-up and stored externally through our network support – Oftech.
- 3.3 This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

This policy is intended as a statement of intent and does not constitute a binding contractual or personal agreement. But it will be monitored and revised in the light of service user, staff or volunteer experience or comments and any operational changes and legislative or other external considerations. Interpretation and any matters not specifically covered by the policy will be decided by the Chief Officer and / or Trustees.

Policy Approved by Board of Trustees: 11th November 2010

Revision(s) approved: 7th December 2011, 14th August 2014

Review Date: March 2015

If at any time it seems appropriate to review the policy sooner than the review date, such as through a change in the law, then this should be done without delay.