

FRIENDS FOR LEISURE CONFIDENTIALITY AND DATA PROTECTION POLICIES

Confidentiality Policy

At Friends for Leisure, we recognise that through our work we are likely to gain personal information about the people we work with. Whilst acknowledging that collaboration with other professionals is often essential, we are committed to ensuring that peoples' rights to confidentiality are respected, and recognise the responsibility of ensuring this policy is understood and enforced, by all trustees, staff and volunteers, in order to retain the integrity of the organisation.

Friends for Leisure will aim to treat all information received carefully, sensitively and appropriately. Further details can be found in the Data Protection and Confidentiality Procedure – CP 1.1.

The importance of confidentiality, and the constraints it implies, is also included in Friends for Leisure staff and volunteer training programmes.

Confidentiality of information

Friends for Leisure volunteers, staff and trustees must not share information regarding children and young people outside FFL unless appropriate consent has been obtained.

Information shared between staff and other professionals, regarding children and young people, must be relevant and appropriate to the individual need and circumstance and on a "need to know" basis only.

Friends for Leisure will comply with guidance provided by the Cheshire East Local Safeguarding Children Board. In the event of information being disclosed which indicates that a child is at risk of significant harm, the information will be disclosed under the above procedures. All concerns must be directed to the Friends for Leisure manager.

It is accepted that volunteers may share appropriate confidential information with the Friends for Leisure manager or project worker as part of their ongoing support.

Please see S1.2 and S 1.3 – Safeguarding policy and procedures.

Confidentiality of information held by Friends for Leisure

All information held by FFL will be treated as confidential. This includes data relating to:

- registered young people and their families
- volunteers and their families
- staff and their families
- trustees and their families
- other individuals and organisations with whom FFL is in contact

Confidentiality of information regarding Friends for Leisure as an organisation

Information regarding Friends for Leisure finances is considered to be confidential within Friends for Leisure trustees and staff.

Trustees, staff and volunteers will be expected to comply with this policy and each will be asked to sign a bond covering confidentiality.

Data Protection Policy

The designated trustee for this policy and Data Protection Officer is John Wilde.

Friends for Leisure is fully committed to compliance with the requirements of the General Data Protection Regulation (GDPR).

The regulations apply whether the information is held on computer or in paper-based record keeping systems and specifies that each organisation is legally responsible for the personal information they hold and requires organisations to collect and use information fairly, to store it safely and not to disclose it to any other person unlawfully.

The explanations relating to the obtaining, use and storage of personal information are covered in the following documents:

CP 2.0 - Privacy Notice for young people and volunteers

CP 2.1 – Privacy Notice for staff

Friends for Leisure (the charity) acts as both the data Controller and Processor for the purposes of GDPR and will therefore follow procedures that aim to ensure that all employees, trustees, volunteers, contractors or partners of Friends for Leisure, who have access to any personal data held by or on behalf of the charity, are fully aware of and abide by their duties and responsibilities of the regulations.

When acting as Data Controller, Friends for Leisure will follow these general principles:

Personal information:

1. will be processed fairly and lawfully
2. be obtained only for one or more specified and lawful purposes;
3. be adequate, relevant and not excessive;
4. be accurate and where necessary, kept up to date;
5. will not be kept for longer than is necessary;
6. will be processed in accordance with the rights of data subjects under the Regulations;
7. will be kept securely;
8. will not be transferred outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The GDPR provide conditions for the processing of any personal data. It also makes a distinction between **personal data** and **special category data**.

Personal data is defined as meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

Special category data is defined as personal data consisting of information as to:

1. Racial or ethnic origin;
2. Political opinion;
3. Religious or other beliefs;
4. Trade union membership;
5. Physical or mental health or condition;
6. Sexual orientation;

Lawful Bases

Within GDPR there are six lawful bases for processing. The charity has reviewed these and has identified that it will process data under 4 of the headers, Consent, Legitimate interests, Legal and Contract.

1. Consent – within this lawful basis the individual must have given clear consent for the charity to process their personal data for a specific purpose.
2. Legitimate interests – when applying this basis, the charity must consider (in this order):
 - Purpose test – is there a legitimate interest behind the processing?
 - Necessity test – is the processing necessary for that purpose?
 - Balancing test – is the legitimate interest overridden by the individual's interests, rights or freedoms?
3. Legal – this processing is necessary for us to comply with the law
4. Contract – this processing is necessary for a contract we have with an individual, or because they have asked us to take specific steps before entering into a contract.

Obtaining personal data

When obtaining personal data the charity will ensure that we:

1. Tell individuals why we are collecting the data;
2. Explain the lawful basis under which the data is being processed;
3. Obtain explicit consent using clear language, especially if special category data is being collected;
4. Inform individuals of any third party data processors who will manage their data;
5. Give details of any other persons or organisations to whom the data may be disclosed;
6. Tell individuals how long their data will be stored, and the reasons for that decision. Personal data will need to be retained for longer in some cases than in others, depending on individual business needs. A judgement must be made about the current and future value of the information; the specific purpose for retaining the information; and the ease or difficulty of making sure it remains accurate and up to date;
7. Tell people about the rights of data subjects and how they can contact us;
8. Tell people about the right to lodge a complaint with the ICO;
9. Advise individuals if the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data.

Holding/safeguarding/disposal of personal data

Data will not be held for longer than necessary. The Data Retention Schedule is in CP 1.1 Appendix A.

When the appropriate retention duration is reached, data will be earmarked for destruction. Appropriate measures should be taken to ensure that data cannot be reconstructed or processed by third parties.

Processing of personal data

Personal data will only be processed for the purpose(s) for which they were obtained or for a similar purpose. If the new purpose is ever different, the data subject's consent must be obtained.

Disclosures and transfers of personal data

The charity aims to protect the confidentiality of those whose personal data it holds. Employees of the charity may not disclose any information without the consent of the data subject.

It is the charity's policy that it will not transfer data outside of the organisation without the data subject's consent.

It is important to keep in mind that:

- timely information sharing is key to safeguarding and promoting the welfare of children. It enables intervention that crucially tackles problems at an early stage; and
- if a child is at risk of suffering significant harm, the law supports us to share information without consent

If information is shared for the purposes of safeguarding and/or child protection, we will:

- ensure the information we are sharing for the purpose of protecting a child is relevant to that purpose and is accurate, unbiased and up-to-date;
- keep a written record of our decision to share information and the reasons why; and
- keep a record of who we have shared information with, what the information was, and why it was shared.

The charity uses third party data processors to manage some of the personal data that it holds. The charity will ensure that there are written contracts in place with such data processors to ensure that both parties understand their responsibilities and liabilities.

Processing children's data

The charity holds personal data about children, either as registered young people or young volunteers.

The GDPR contain specific rules designed to protect children's personal data.

Under the GDPR, the default age at which a person is no longer considered a child is 16. In practice, it may be appropriate to obtain consent from parents/carers, or whoever holds parental responsibility for that child.

It is a requirement of the GDPR that privacy notices are written in a clear and plain way that a child will understand.

CP 2.0 is the Privacy Notice for young people and volunteers.

Rights of data subjects

Under the GDPR individuals have the:

1. **Right to be informed** - individuals have the right to be informed about the collection and use of their personal data
2. **Right of access** – individuals have the right of access to their personal data and supplementary information. The charity must respond to a request within one month.
3. **Right to rectification** – individuals are entitled to have personal data rectified if it is inaccurate or completed if it is incomplete. The charity must respond to a request within one month.
4. **Right to erasure** - individuals have the right to request the deletion or removal of their personal data where there is no compelling reason for its continued processing. This is sometimes called the “right to be forgotten”. The charity must respond to a request within one month.
5. **Right to restrict processing** – individuals have the right to ‘block’ or suppress the processing of personal data. It can still be stored but not further processed. The charity must respond to a request within one month.
6. **Right to data portability** – individuals are able to obtain and reuse their personal data for their own purposes across different services. This allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way. The right only applies to information an individual has provided to the charity.
7. **Right to object** – individuals have the right to object to processing on legitimate interest of the performance of a task in the public interest, direct marketing and processing for purposes of scientific/historical research and statistics.
8. **Rights related to automated decision making including profiling** – the charity would not expect to receive any requests under this right as it does not carry out automated decision making or profiling based on personal data.

Data Audit

An annual audit of data should be undertaken to ensure compliance with the GDPR.