

Extra Mile Charity

Data Protection Policy

Date Adopted	<i>August 2018</i>
Date reviewed by Trustees	<i>January 25th 2020</i>
Date of next review	<i>January 2021</i>
Chair of Trustees	Mike Fielding

Extra Mile Data Protection Policy

1. Statement of Intent

- 1.1 Data protection in the UK is currently regulated by the General Data Protection Regulation (GDPR) and the main regulations are expected to continue to operate in the future, including the export of personal data outside the EU. Extra Mile will continue to adhere to the principle of giving back to individuals control of their personal data.
- 1.2 This policy covers both computerized and written information and the individual's right to see such records.
- 1.3 This policy covers all trustees, governors, staff, volunteers and all who are engaged in work for Extra Mile.
- 1.4 At Extra Mile all trustees, governors, staff and volunteers must follow this Data Protection Policy at all times.
- 1.5 The Director of Extra Mile has overall responsibility for data protection within Extra Mile but each individual who processes data is acting on the Director's behalf and therefore has a legal obligation to adhere to any legal requirements in the Regulations.

2. Definitions

- 2.1 "Processing of information" - how information is held and managed
- 2.2 "Information Commissioner" - lead individual in the Information Commissioner's Office
- 2.3 "Notification" - formerly known as registration
- 2.4 "Data Subject" - used to denote individual about whom data is held
- 2.5 "Data Controller" - used to denote the entity with overall responsibility for data collection and management. Extra Mile is the Data Controller for the purposes of the Regulations
- 2.6 "Data processor" - an individual handling or processing data
- 2.7 "Personal data" - any information which enables a person to be identified
- 2.8 "Special categories of personal data" - information under the Regulations which requires the individual's explicit consent for it to be held by Extra Mile.

3. Data Protection Principles

- 3.1 As data controller, Extra Mile is required to comply with the principles of good information handling.
- 3.2 These require the Data Controller to:
 - 3.2.1 Process personal data fairly, lawfully and in a transparent manner.

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- 3.2.2 Obtain personal data only for one or more specified and lawful purposes and to ensure that such data is not processed in a manner that is incompatible with the purpose or purposes for which it was obtained.
 - 3.2.3 Ensure that personal data is accurate and, where necessary, kept-up-to-date.
 - 3.2.4 Ensure that personal data is not kept for any longer than is necessary for the purpose for which it has been obtained.
 - 3.2.5 Ensure that personal data is kept secure.
 - 3.2.6 Ensure that personal data is not transferred to a country outside the UK or Sierra Leone unless the country to which it is sent ensures an adequate level of protection for the rights (in relation to the information) of the individuals to whom the personal data relates.

4. Consent

- 4.1 Extra Mile must record service users' explicit consent to storing certain information (known as personal data or special categories of personal data) on file.
- 4.2 For the purposes of this policy and to meet existing Regulations, personal and special categories of personal data covers information relating to:
 - 4.2.1 The racial or ethnic origin of the Data Subject.
 - 4.2.2 His/her political opinions.
 - 4.2.3 His/her religious beliefs or other beliefs of a similar nature.
 - 4.2.4 Whether he or she is a member of a trade union.
 - 4.2.5 His/her physical or mental health or condition.
 - 4.2.6 His/her sexual life.
 - 4.2.7 The commission or alleged commission by him/her of any offence.
 - 4.2.8 Online identifiers such as an IP address.
 - 4.2.9 Name and contact details.
 - 4.2.10 Genetic and/or biometric data which can be used to identify an individual.
- 4.3 Special categories of personal information collected by Extra Mile will, in the main, relate to service users' educational performance including attainment, achievement, attendance and attitudes to education. Age, gender and previous educational experience if any will be recorded. Such information will be held confidentially and used for statistical purposes to improve students' educational outcomes.

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- 4.4 Consent is not required to store information that is not classified as special categories of personal data as long as only accurate data that is necessary for a service to be provided is to be held.
- 4.5 Extra Mile will always seek consent where personal or special categories of personal information is to be held.
- 4.6 It should also be noted that where it is not reasonable to obtain consent at the time data is first recorded and the individual is still a beneficiary or supporter of Extra Mile, retrospective consent should be sought at the earliest opportunity
- 4.7 If personal and/or special categories of personal data need to be recorded for the purpose of service provision and the service user refuses consent, the case should be referred to the Director for advice and decision.

4.8 Obtaining Consent

4.8.1 Consent may be obtained in a number of ways depending on the nature of the interview, and consent must be recorded on or maintained with the service user's records: 4.8.1.1 face-to-face;

4.8.1.2 written;

4.8.1.3 telephone;

4.8.1.4 email;

4.8.1.5 Face-to-face/written. A pro-forma should be used;

4.8.1.6 Telephone. Verbal consent should be sought and noted on the service user's record;

4.8.1.7 E-mail. The initial response should seek consent.

4.9 Consent obtained for one purpose cannot automatically be applied to all uses e.g. where consent had been obtained from a service user in relation to information needed to provide that service, separate consent would be required if, for example, Extra Mile wanted to use that information for marketing purposes.

4.10 Preliminary verbal consent should be sought at the point of initial contact as personal and/or special categories of personal data will need to be recorded, either in an email or on written or computerized records. The verbal consent is to be recorded in an appropriate

manner in the written or computerized records or stated in the email for future reference. Although written consent is the optimum, recorded verbal consent is the minimum.

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- 4.11 Specific consent for use of any photographs and/or videos should be obtained in writing. Such media should be used for, but not limited to, publicity material, press releases social media and the charity's website. Consent should also indicate whether agreement has been given to their name being published in any associated publicity. If the data subject is less than 18 years of age then parental/guardian consent should be sought where possible.
- 4.12 Individuals have the right to withdraw consent at any time. If this affects the provision of a service by Extra Mile then the Director should seek advice from trustees and make a decision at the earliest opportunity.

5. Ensuring the Security of Personal Information/Unlawful disclosure of personal information

- 5.1 It is an offence to disclose personal information 'knowingly and recklessly' to third parties.
- 5.2 It is a condition of receiving a benefit that all service users for whom the charity holds personal information sign a consent form allowing the charity to hold such information.
- 5.3 Service users may also consent for the charity to share personal or special categories of personal information with other agencies on a need to know basis.
- 5.4 A service user's individual consent to share information should always be checked before disclosing personal information to another agency.
- 5.5 Where such consent does not exist information may only be disclosed if it is in connection with criminal proceedings or in order to prevent substantial risk to the individual concerned.
- 5.6 Personal information should only be communicated within Extra Mile's staff, trustees, governors and volunteers on a strict need to know basis. Care should be taken that conversations containing personal or special categories of personal data may not be overheard by people who should not have access to such information.

6. Monitoring of different groups

- 6.1 In order for Extra Mile to monitor how well students, staff and volunteers benefit from the services offered by Extra Mile it may be necessary to request data on age, gender, family circumstances and to maintain analysis of attainment, achievement, attendance and behaviour. It is also intended to keep records of student destinations as it becomes appropriate. Such records will be securely stored and any databases will be password protected.

7. Use of Files, Books and Paper Records

7.1 In order to prevent unauthorised access or accidental loss or damage to personal information, it is important that care is taken to protect personal data. Where possible paper records should be kept in locked cabinets/drawers overnight and during holiday periods. Care should be taken that personal and special categories of personal information is not left unattended or in clear view during the working day. If your role involves you having personal information or special categories of personal data at home or whilst travelling, the same care in protecting the information needs to be taken.

8. Disposal of Scrap Paper, Printing, Photocopying

9. Care needs to be taken in disposing of any charity papers that contain personal data or special categories of personal information. Be aware that names, addresses, telephone numbers, email addresses or any other information are also considered confidential and are covered by the Regulations. Confidential information should be shredded if possible and disposed of securely.

10. Computers

10.1 Computers that hold personal data or special categories of personal information should be stored in secure areas when not being used. Information should only be able to be accessed via a password and these passwords should only be given to authorised users. If computers are left unattended in the work place they should be locked down. Great care should be taken when disposing of computers that all data is erased from the computer's memory and cannot be retrieved.

10.2 Firewalls and virus protection should be employed at all times on computers which store personal data or special categories of personal information., in order to reduce the possibility of hackers accessing the system and thereby gaining access to the confidential data.

10.3 If computers or other mobile devices are taken off site, the device must be password protected.

11. Direct Marketing

11.1 Direct Marketing is a communication that seeks to elicit a response such as a donation, visit to the website, sign up to Gift Aid, visit to an Extra Mile activity. The communication may be in variety of formats including mail, emails. Any responses should be recorded to inform

the next communication. Extra Mile will not share or sell its database with outside organisations.

11.2 Extra Mile holds information on its staff, volunteers, trustees, governors and supporters to whom it may from time to time share details of the charity's work that might interest them. Specific consent to contact will be sought from our staff, volunteers, trustees, governors and supporters before making any communications.

11.3 Extra Mile recognises that service users, staff, volunteers, trustees, governors and supporters for whom we hold records have the right to unsubscribe from being contacted. This wish will be recorded on their records and they will be excluded from future communications.

12. The following statement is to be included on any forms used to obtain personal data:

✓ *“Extra Mile promises never to share or sell your information to other organisations or businesses and you can opt out of our communications at any time by sending an email to www.extra-mile.org or writing to The Director, Extra Mile,*”

13. Privacy Statements

13.1 Any documentation which gathers personal and/or special categories of personal information should contain the following Privacy Statement information:

13.1.1 Explain who we are;

13.1.2 What we will do with their data;

13.1.3 Who we will share it with;

13.1.4 Consent for marketing notice;

13.1.5 How long we will keep it for;

13.1.6 That their data will be treated securely;

13.1.7 How to opt out.

14. Personnel Records

14.1 The Regulations apply equally to volunteer and staff records. Extra Mile may at times record special categories of personal data with the volunteers' consent or as part of a staff member's contract of employment.

14.2 For volunteers and where appropriate trustees who are involved with children and adults at risk, it will be necessary for Extra Mile to request to the Disclosure and Barring Service for

the individual 's details. Any information received will be dealt with under the strict terms of the DBS code. Access to the disclosure records is limited to the Director.

15. Retention of Records

15.1 Paper records should be retained for the following periods at the end of which they should be shredded:

15.1.1 Service user. Records should be handed on to next educational organisation but details of time at school, academic results and destination should be retained.

15.1.2 Staff records. 6 years after ceasing to be a member of staff but details of time in employment, responsibilities, attendance and health record and a reference should be retained.

15.1.3 Unsuccessful staff application. 6 months after any closing date.

15.1.4 Volunteer records. 6 years after ceasing to be a volunteer.

15.1.5 Timesheets and other financial documents- as per appropriate UK and SL requirements

15.1.6 Archived records should display the destruction date.

15.1.7 Computerized records e.g. assessment data to be anonymised 6 years after service user has ceased to have any services from Extra Mile. Anonymising will remove the personal and special categories of personal information but will not remove the statistical data.

16. What to do if there is a breach

16.1 Speed and transparency are the key to tackling a reported breach. The procedures to be followed are detailed in the Data Breach Policy. Any deliberate breach by a member of staff or a volunteer may result in disciplinary action which may result in dismissal.

17. The Rights of an Individual

17.1 Under the Regulations an individual has the following rights with regards to those who are processing his/her data.

17.2 Personal and special categories of personal data cannot be held without the individual's consent (however the consequences of not holding it can be explained and the service withheld)

17.3 Data cannot be used for the direct marketing of any goods or services if the Data Subject has declined their consent to do so.

17.4 An individual has the right to be forgotten. Individuals have a right to have their data erased and to prevent processing in specific circumstances:

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- 17.4.1 Where data is no longer necessary in relation to the purpose for which it was originally collected
 - 17.4.2 Where an individual withdraws consent
 - 17.4.3 Where an individual objects to the processing and there is no overriding legitimate interest for continuing the processing
 - 17.4.4 Personal data was unlawfully processed

18. Direct Marketing

- 18.1 Extra Mile will not undertake direct telephone marketing activities under any circumstances.

19. Powers of the Information Commissioner

- 19.1 The following are criminal offences, which can give rise to a fine and/ or prison sentence:
 - 19.1.1 The unlawful obtaining of personal data.
 - 19.1.2 The unlawful selling of personal data.
 - 19.1.3 The unlawful disclosure of personal data to unauthorised persons.

