

DATA PROTECTION POLICY

Introduction

1. Everyone has rights with regard to how their personal information is handled. In its work Healthwatch East Riding of Yorkshire will collect, store and process personal information and we recognise the need to treat it in an appropriate and lawful manner. The information is subject to safeguards specified in the Data Protection Act 1998 which imposes restrictions on how we may use that information.

The Data Protection Act 1998 (The Act)

2. The Act gives individuals the right to know what information is held about them and provides a framework to ensure that personal information is handled properly.
3. The Act 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 for the purpose,
 - Accurate and up to date,
 - Not kept for longer than is necessary for the purpose,
 - Processed in line with the rights of data subjects,
 - Secure,
 - Not transferred to other countries without adequate protection.
4. The Act also provides individuals with important rights, including the right to find out what personal information is held on computer and certain paper records.

Definitions

5. **Data** is information which is stored electronically, on a computer, or in certain paper-based filing systems. This includes photographic images and video footage.
6. **Data subjects** are all living individuals about whom we hold and process personal data. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal data.
7. **Personal data** means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as from a questionnaire).

8. **Data controllers** are the organisations which determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the Act.
9. **Data Protection Officer** is the name given to the person in an organisation who is the central point of contact for all data compliance issues.
10. **Data users** include Board Directors, employees and volunteers whose work involves using personal data. Data users have a duty to protect the information they handle by following our data protection policy at all times.
11. **Data processors** include any person who processes personal data on behalf of a data controller. Data processors are not subject to the Data Protection Act. The responsibility of what is processed and how remains with the data controller. There should be a written contract with the data processor who must have appropriate security.
12. **Processing** is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.
13. **Sensitive personal data** includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about any offence committed or alleged to have been committed by that person. Sensitive personal data can only be processed under strict conditions, and will usually require the express consent of the person concerned.

Policy Statement

14. Healthwatch East Riding of Yorkshire will:
 - Comply with both the Data Protection Act and good practice,
 - Respect individuals' rights,
 - Be open and honest with individuals whose data is held,
 - Provide training and support for those who handle personal data, so that they can act confidently and consistently.
15. Healthwatch recognises that its first priority under the 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.
16. Healthwatch will also 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, Healthwatch will seek to give

individuals as much choice as is possible and reasonable over what data is held and how it is used.

Responsibilities

17. Healthwatch East Riding of Yorkshire is the Data Controller and is registered under the Data Protection Act. All processing of personal data will be undertaken in accordance with the data protection principles. The Healthwatch Board of Directors recognises its overall responsibility for ensuring that Healthwatch complies with its legal obligations.
18. The Healthwatch Delivery Manager is the Data Protection Officer and is responsible for ensuring compliance with the Act and with this Policy. The Data Protection Officer has the following responsibilities:
 - Briefing the Board on Data Protection responsibilities,
 - Reviewing Data Protection and related policies,
 - Advising staff and volunteers on Data Protection issues,
 - Ensuring that Data Protection induction and training takes place,
 - Handling subject access requests,
 - Ensuring contracts with Data Processors have appropriate data protection clauses.
19. Each member of staff and volunteer with Healthwatch who handles personal data will comply with our procedures for handling personal data to ensure that good Data Protection practice is established and followed.
20. Breaches of this policy will be handled under our disciplinary procedures.

Confidentiality

21. Because confidentiality applies to a much wider range of information than Data Protection, Healthwatch East Riding of Yorkshire has a separate Confidentiality Policy which should be read in conjunction with this Policy.
22. Board Directors, staff and volunteers are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See Confidentiality Policy and Statement.)

Operating Principles

Processing of Data

23. Data subjects must be told that Healthwatch East Riding of Yorkshire is the Data Controller and registered under the Act, who the Data Protection Officer is (in this case the Healthwatch Delivery Manager), the purpose for which the data is to be processed by us, and the identities of anyone to whom the data may be disclosed or transferred.

Processing for Limited Purposes

24. Personal data may only be processed for the specific purposes notified to the data subject by Healthwatch when the data was first collected or for any other purposes specifically permitted by the Act. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

Adequate, Relevant and Non-Excessive Processing

25. Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

Consent

26. For personal data to be processed lawfully, the data subject's explicit consent to the processing of such data will be required, or the processing is necessary for the legitimate interest of Healthwatch or the party to whom the data is disclosed.

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

28. 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.

29. Information about service users/ clients will only be made public with their consent (This includes photographs.) 'Sensitive' data about clients will be held only with the knowledge and consent of the individual.

30. Consent should be given in writing, although for some services it is not always practicable to do so. In these cases verbal consent will be sought and it will be recorded that consent has been given.

31. All data subjects will be given the opportunity to opt out of their data being used in particular ways, such as the right to opt out of direct marketing.

32. Healthwatch acknowledges that, once given, consent can be withdrawn, but not retrospectively.

Accurate Data

33. Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and Healthwatch will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data will be destroyed.
34. Healthwatch 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,
 - Staff and volunteers will be given guidance on accuracy in record keeping.

Timely Processing

35. Personal data should not be kept longer than is necessary for the purpose and will be destroyed or erased from our systems when it is no longer required. The Data Protection Officer will advise on how long certain data is likely to be kept before being destroyed.

Data Security

36. Healthwatch will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.
37. Any recorded personal data on clients, volunteers and staff will be:
- Kept in locked desks and cabinets,
 - Protected by the use of passwords if kept on computer,
 - Destroyed confidentially if it is no longer needed.
38. Healthwatch has a single database holding basic information about all clients and volunteers. The back-up discs of data are kept in a locked safe. Access to information on the database is controlled by a password and only those needing access are given the password

Data Subject's Rights

39. Data must be processed in line with data subjects' rights. Data subjects have a right to:
- Request access to any data held about them by Healthwatch.

- Prevent the processing of their data for direct-marketing purposes.
- Ask to have inaccurate data amended.
- Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with subject access requests

40. 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.
41. Subject access requests must be in writing. All staff and volunteers are required to pass on anything which might be a subject access request to the Data Protection Officer without delay.
42. Where the individual making a subject access request is not personally known to the Data Protection Officer their identity will be verified in writing before handing over any information.
43. A fee is payable by the data subject for provision of this information in line with the Data Protection Act.

Policy Review

44. The policy will be kept under review in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

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