Policy name: Data Protection		Effective from	31st March 2021
Last reviewed	February 2021	Agreed by BoT	31st March 2021
Reviewed by	Lucy Sharpe	Next review	March 2024

20 Data protection Policy

INTRODUCTION

Playskill needs to keep certain information on its employees, volunteers, service users, donors and trustees to carry out its day-to-day operations, to meet its objectives and to comply with legal obligations.

This policy covers all aspects of Data Protection for Playskill. This policy applies to the personal data of job applicants, employees, trustees, volunteers, and former employees, referred to as HR-related personal data. This policy also refers to data of service users and their families.

"Personal data" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, medical diagnosis, political opinions, religious or philosophical beliefs, trade union membership, health, sexual orientation and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

OBJECTIVE(s)

Playskill is committed to being transparent about how it collects and uses the personal data of its workforce, and to meet its data protection obligations. This policy sets out Playskill's commitment to data protection including individual rights and obligations in relation to personal data.

RESPONSIBILITIES

Director of Playskill:

Playskill has appointed **Andrea Clarke, Director, as its data protection officer**. Her role is to inform and advise Playskill on its data protection obligations. She can be contacted at andrea@playskill.org. Questions about this policy, or requests for further information, should be directed to the data protection officer.

All Playskill employees, trustees and volunteers:

- *It is the responsibility of all Playskill employees and volunteers (including trustees) to follow the principles described in this policy when representing Playskill (including remote operation).*

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Tel: 07572 465504 www.playskill.org
Registered Charity no. 1122745

IMPLEMENTATION

Data protection principles

Playskill processes HR-related personal data in accordance with the following data protection principles:

- Playskill processes personal data lawfully, fairly and in a transparent manner. And will only collect personal data for specified, explicit and legitimate purposes.

- Playskill tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons.

- There may be exceptional circumstances where the need for Playskill to process data based on its legitimate interests. An example of this would be disclosing information to Social Services where there are significant safeguarding concerns. Playskill will carry out an assessment to ensure those interests are not overridden by the rights and freedoms of individual. In this case, the rights of the child and the rights of the family may need to be reviewed separately.

- Playskill keeps accurate personal data. Playskill will update HR-related personal data promptly if an individual advises that their information has changed or is inaccurate.

- Playskill keeps personal data only for the period necessary for processing.

- Playskill adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage. Personal data gathered during the employment, worker, or volunteer relationship, is held in the individual's personnel file (in hard copy or electronic format, or both), and on HR systems.

- Playskill keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Types of Personal Information Processed

Playskill processes the following personal information:

- Users – contact details, detailed clinical notes made by Playskill, medical information received from outside agencies, audio visual data.
- Information on applicants for posts, including references.
- Employee information – contact details, bank account number, payroll information, supervision and appraisal notes.
- Members – contact details.
- Trustees – contact details.
- Fundraising – donor details etc.

The largest volume of confidential data is held on the service users. This personal information is kept in the following forms: paper-based clinical notes and electronic databases.

Groups of people within Playskill who will process personal information are; employed staff, trustees and other volunteers.

Gathering and Checking Information

Service users will complete a consent form including an explanation of how the information will be used by Playskill.

For service users (children under the age of 18), their clinical records must be kept until they are 25 years old as part of an individual right to seek recourse. This is recommended by the therapy professional regulatory bodies.

As is recommended by the UK Limitations Act 1980, personal information regarding staff, trustees and volunteers will be kept for six years from date of the last entry.

Playskill will take the following measures to ensure that personal information kept is accurate: service users, staff, volunteers and trustees should inform Playskill if their personal details change to ensure the information maintained is correct. Children who attend Playskill groups will automatically have their details checked on a termly basis as part of the assessment process.

Special category data will not be used apart from the exact purpose(s) for which permission was given. If the information is needed to be used for another purpose, even a related purpose, this will require specific consent.

Individual Rights

As a data subject, individuals have a number of rights in relation to their personal data:

<u>Subject access requests</u>

Individuals have the right to make a subject access request. If an individual makes a subject access request, Playskill will tell them:

- Whether or not their data is processed (and if so why), the categories of personal data concerned and the source of the data if it is not collected directly from the individual.
- To whom their data is or may be disclosed and the safeguards that apply to such transfers.
- For how long their personal data is stored (or how that period is decided).
- Their rights to correction and/ or deletion of data, or to restrict or object to processing.
- Their right to complain to the Information Commissioner if they think Playskill has failed to comply with their data protection rights.

Playskill will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless they agree otherwise.

If the individual wants additional copies, Playskill may charge a fee, which will be based on the administrative cost to Playskill.

To make a subject access request, the individual should send the request to andrea@playskill.org. In some cases, Playskill may ask for proof of identification before the request can be processed (the following forms of ID may be required: passport, birth certificate, proof of address).

Playskill will normally respond to a request within a period of one month from the date it is received. In some cases, such as where Playskill processes large amounts of the individual's data, it may respond within three months of the date the request is received. Playskill will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, the charity is not obliged to comply with it. Alternatively, Playskill can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which Playskill has already responded. If an individual submits a request that is unfounded or excessive, Playskill will notify them that this is the case and whether or not it will respond to it.

Other rights

Individuals have other rights in relation to their personal data. They can require Playskill to:

- Correct inaccurate data.
- Stop processing or erase data that is no longer necessary for the purposes of processing.
- Stop processing or erase data if the individual's interests override Playskill's legitimate grounds for processing data (where Playskill relies on its legitimate interests as a reason for processing data).
- Stop processing or erase data if processing is unlawful.
- Stop processing data for a period of time if data is inaccurate or if there is a dispute about whether or not the individual's interests override Playskill's legitimate grounds for processing data.

To ask Playskill to take any of these steps, the individual should send the request to andrea@playskill.org.

Notification

Playskill's need to process personal data is recorded on the public register maintained by the Information Commissioner. Playskill notify and renews its notification on an annual basis as the law requires.

If there are any interim changes, these will be notified to the Information Commissioner within 28 days.

Data Security

Playskill takes the security of HR-related personal data seriously. Playskill has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where Playskill engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate measures to ensure the security of data.

Playskill-specific security measures:

- All personal data will be stored in lockable filing cabinets within secure locations.
- Electronic data will be backed up onto either secure online storage or external hard drives in specific cases.
- On occasions that reports are needed to be sent by email to staff/ volunteers within Playskill, identifiable data are removed with first name only remaining.
- When the data are needed to be sent electronically, a password protected document will be used.
- Staff are informed that if personal data are taken from a secure location e.g. notes for use in group, the following instructions should be followed: The personal data must be on their person at all times, must be taken in a direct journey, must not be left in vehicles and must be locked up securely when it arrives at the destination.
- There must be permission from the Director for personal data to be removed from the secure location. If this is not the case, it may result in disciplinary action.
- All data storage should be reviewed on an annual basis.

Impact Assessments

Some of the data processing that Playskill carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, Playskill will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

Data Breaches

If Playskill discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. Playskill will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken. Further details of Playskill's process in the event of a data breach are detailed in the Appendix to this policy.

In the event of a data breach or a near miss, the data controller will investigate the cause(s) and provide feedback to the individuals involved. Further training and amendments to work processes will be made to avoid any future breaches.

Individual Responsibilities

Individuals are responsible for helping Playskill keep their personal data up to date. Individuals should tell Playskill if data provided to Playskill has changed, for example, if an individual changes their address or bank details.

Individuals may have access to the personal data of other individuals and of our service users in the course of their employment, contract and/ or volunteer period. Where this is the case, Playskill relies on individuals to help meet its data protection obligations to staff and service users.

Individuals who have access to personal data are required:

- To access only data that they have authority to access and only for authorised purposes.
- Not to disclose data except to individuals (whether inside or outside Playskill) who have appropriate authorisation.
- To keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction).
- Not to remove personal data, devices containing personal data or devices that can be used to access personal data from Playskill's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device.
- Not to store personal data on local drives or on personal devices that are used for work purposes.
- To report any potential data breach as soon as they become aware of it to andrea@playskill.org.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under Playskill's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or service users' data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Training

Playskill will provide training to all individuals about their data protection responsibilities as part of the induction process (and at regular intervals thereafter). Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

On-going training: The team leads will regularly evaluate specialist workers and volunteer's note writing to ensure they are meeting the required standard.

New and existing trustees will be trained in GDPR, Playskill's Policies and their responsibilities to ensure Policies are implemented and followed.

The therapists working in Playskill will also comply with the Health and Care Professions Council regulations as part of their professional requirements to maintain their registration.

20 Data Protection		Effective from	31.03.2021
Last reviewed	February 2021	Next review	March 2024

Review

This policy will be reviewed at least once every three years unless there are changes to the legislation that require an earlier review. If there are changes in the named individuals in the policy the document will be updated within the review period.

CHANGES FROM PREVIOUS VERSION

Section	Change	Reason for Change
All sections	Updated format and wording	Changes to reflect new Policy template

APPROVAL

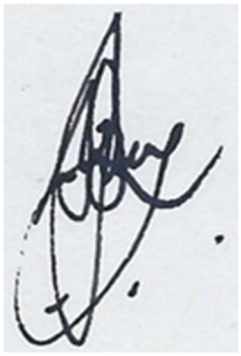
APPROVAL

Policy prepared by: Lucy Sharpe, Chris Raby and Andrea Clarke

Approval required by : Board of Trustees

Signed on behalf of Board of Trustees

Signed:



Name: Stuart Soloway, Chair of Board of Trustees

Date: 31.3.2021

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APPENDIX 1 – Data Breach Processs