

## Data Protection Policy

Our Data Protection Registration Number is Z1637121

### 1. Introduction

- 1.1 This policy applies to the Directors, staff, volunteers and contractors of Healthwatch Brighton and Hove (HWBH).
- 1.2 The purpose of this policy is to enable HWBH to:
  - comply with the law in respect of the data it holds about individuals
  - follow good practice
  - protect HWBH clients, staff, volunteers and other individuals
  - protect the organisation from the consequences of a breach of its responsibilities.

### 2. Data Protection Act 1998

- 2.1 The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. The Act works in two ways.
- 2.2 Firstly, it 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
  - accurate and up to date
  - not kept for longer than is necessary
  - processed in line with the rights of Data Subjects
  - secure
  - not transferred to other countries without adequate protection.
- 2.3 The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

### 3. Policy statement

- 3.1 HWBH will:
  - comply with both the law and good practice
  - respect individuals' rights
  - be open and honest with individuals whose data is held
  - provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently.
- 3.2 HWBH recognises that its first priority under the Data Protection 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.

- 3.3 Secondly, the Act aims to 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, HWBH will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.
- 3.4 Brighton & Hove Community Works is the Data Controller and is registered under the Data Protection Act 1998. All processing of personal data will be undertaken in accordance with the data protection principles.

## 4. Definitions

- 4.1 The **Data Subject** is the individual whose personal data is being processed. Examples include:
- employees - current and past
  - volunteers
  - job/volunteer role applicants
  - helpline clients
  - supporters.
- 4.2 **Processing** means the use made of personal data including:
- obtaining and retrieving
  - holding and storing
  - making available (with the Data Subject's consent)
  - printing, analysing, destroying.
- 4.3 The **Data Controller** is the organisation that decides why and how personal data is to be processed. The Data Controller is responsible for complying with the Data Protection Act.
- 4.4 The **Data Processor** - the Data Controller may get another organisation to be their Data Processor, in other words to process the data on their behalf. 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.
- 4.5 The **Data Protection Officer** is the name given to the person in organisations who is the central point of contact for all data compliance issues.

## 5. Responsibilities

- 5.1 The Directors recognise their overall responsibility for ensuring that HWBH complies with its legal obligations.
- 5.2 The Data Protection Officer is currently the HWBH Manager who has the following responsibilities:
- briefing the Directors on Data Protection responsibilities
  - reviewing Data Protection and related policies
  - advising other staff on Data Protection issues
  - ensuring that Data Protection induction and training takes place
  - handling subject access requests
  - approving unusual or controversial disclosures of personal data

- ensuring contracts with Data Processors have appropriate data protection clauses
- electronic security
- approving data protection-related statements on publicity materials and letters.

- 5.3 Each Director, staff member, volunteer or contractor who handles personal data will comply with the organisation's operational procedures for handling personal data (including induction and training) to ensure that good Data Protection practice is established and followed.
- 5.4 All Directors, staff, volunteers and contractors are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.
- 5.5 Significant breaches of this policy will be handled under HWBH disciplinary procedures.

## **6. Confidentiality**

- 6.1 Because confidentiality applies to a much wider range of information than Data Protection, HWBH has a separate Confidentiality Policy. This Data Protection Policy should be read in conjunction with the HWBH Confidentiality Policy.
- 6.2 HWBH has a privacy statement for members and service users, setting out how their information will be used. This is available on request.
- 6.3 The Directors, staff, volunteers and contractors are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See Confidentiality Policy)
- 6.4 In order to provide some services, HWBH will need to share personal data with other agencies (third parties). Verbal or written agreement will always be sought before data is shared.
- 6.5 Where anyone within HWBH feels that it would be appropriate to disclose information in a way contrary to the Confidentiality Policy, or where an official disclosure request is received, this will only be done after discussions the Data Protection Officer. All such disclosures will be documented.

## **7. Security**

- 7.1 This section of the policy only addresses security issues relating to personal data. It does not cover security of the building, business continuity or any other aspect of security.
- 7.2 Any recorded information on Directors, staff members, volunteers, helpline clients, supporters and event attendees will be:
- kept in locked cabinets
  - protected by the use of passwords if kept on computer
  - destroyed confidentially if it is no longer needed.

- 7.3 Access to information on the supporters' and helpline case management databases is restricted to certain designated HWBH staff member, volunteers and contractors who require this to fulfil their job/volunteer roles.

## 8. Data recording and storage

- 8.1 HWBH has two databases, one holding basic information about stakeholders and supporters, the other for recording and monitoring helpline cases and health and social care intelligence. SCIP (Sussex Community Internet Project) manages daily back-up processes for the HWBH server with all HWBH data. This server does a complete image backup to external hard drives, and at least one of the hard drives is kept off-site for full disaster recovery. In addition to this SCIP also run software that duplicates HWBH data to another partition on the disk for easy data recovery should a file or folder get accidentally deleted.
- 8.2 HWBH will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:
- the database systems will be reviewed and re-designed, where necessary, to encourage and facilitate the entry of accurate data
  - 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 who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping
  - data will be corrected if shown to be inaccurate.

## 9. Access to data

- 9.1 All HWBH clients and supporters 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.
- 9.2 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.
- 9.3 Where the individual making a subject access request is not personally known to the Data Protection Officer, their identity will be verified before handing over any information.
- 9.4 The required information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.
- 9.5 HWBH will provide details of information to service users who request it unless the information may cause harm to another person.
- 9.6 Staff and volunteers have the right to access their file to ensure that information is being used fairly. If information held is inaccurate, the individual must notify the Chair so that this can be recorded on file.

## 10. Transparency

- 10.1 HWBH is committed to ensuring that in principle Data Subjects are aware that their data is being processed and for what purpose it is being processed:
- what types of disclosure are likely, e.g. referrals (with consent) to other organisations
  - how to exercise their rights in relation to the data.
- 10.2 Data Subjects will generally be informed in the following ways:
- staff: in the staff terms and conditions
  - volunteers: in the volunteer welcome/support pack
  - clients: when they contact the helpline (on paper, on-line or by phone)
  - supporters: when they request to be added to the HWBH magazine mailing list
  - event attendees: on the event register.
- 10.3 Standard statements will be provided to staff for use on forms where data is collected. Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

## 11. Consent

- 11.1 Information about Directors, staff members and 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.
- 11.2 Information about clients and supporters will only be made public with their consent (this includes photographs - see Appendix 2). 'Sensitive' data about clients (including health information) will be held only with the knowledge and consent of the individual. Consent should be given in writing, although for some services it is not always practicable to do so. In these cases verbal consent will always be sought to the storing and processing of data. In all cases it will be documented on the database that consent has been given.
- 11.3 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 the Healthwatch magazine subscribers' list.
- 11.4 HWBH acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where HWBH has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

## 12. Staff training and acceptance of responsibilities

- 12.1 All staff who have access to any kind of personal data will be given copies of all relevant policies and procedures during their induction process, including the Data Protection Policy, Confidentiality Policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.
- 12.2 Data Protection will be included in the induction training for all volunteers. HWBH will provide opportunities for staff to explore Data Protection issues through training, team meetings, and supervision sessions.

## Appendix 1. Privacy Policy

See Healthwatch Brighton and Hove website -

<http://www.healthwatchbrightonandhove.co.uk/content/privacy-policy>

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you). To obtain a copy, either ask for an application form to be sent to you, or write to the Data Protection Officer at HWBH registered address. There may be a charge of £10 for a copy of your data (as permitted by law). We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.

Please note: This document is under constant review and therefore subject to change.

## Appendix 2. Photographic Consent Form

# Photographic consent form

At Healthwatch Brighton and Hove we produce a wide range of materials to tell people about our work. From time to time we take photographic images (moving and still) of subjects, and use case studies which can include these images and personal data (such as name where appropriate and consented to) to enhance and illustrate our media applications to make them more accessible, and inspiring for our audiences.

By completing this form, you give us full permission to use these images and any personal information you supply to us in our media applications, which reasonably promote or advertise our aims. This may include our printed publications; adverts; audio-visual and electronic materials; media work; display materials; website; and any other media we may use in the future. The images will not be used for any other purpose.

*Healthwatch Brighton and Hove will not use the images taken, or any other information you provide, for any other purpose.*

### Your details:

<b>First Name</b>		<b>Family Name</b>	
<b>Address</b>			
		<b>Postcode</b>	
<b>Telephone</b>			
<b>Email</b>			
<b>Please state here if there are any ways in which you do NOT want us to use photo(s) of you:</b>			
<b>Signed or type if emailed</b>		<b>Date</b>	

### Data protection statement

Other than as specified above, the information that you give us here will only be used to contact you about these photo(s). We will not pass the details recorded on this form on to any other organisation without your permission.

<b>For internal use only:</b>			
<b>Name of shoot / event</b>			
<b>Location of shoot / event</b>		<b>Date</b>	
<b>Image reference(s)</b>			
<b>Contact name</b>		<b>Contact phone number</b>	

### Please return completed forms to:

Freepost RTGY-CZLY-ATCR

Healthwatch Brighton and Hove

Please send photos to [office@healthwatchbrightonandhove.co.uk](mailto:office@healthwatchbrightonandhove.co.uk), referencing this form