



The FAN Charity – Policies Data Protection Policy and Procedures

Introduction

The FAN Charity recognises that everyone has rights with regard to the way that their personal data is handled. The FAN Charity needs to collect and use certain types of Data in order to carry on our work. The FAN Charity is a not for profit organisation and as such is not required to register under the Data Protection Act 1998. It is however required to abide by the legislation. This policy explains how it will meet the requirements of the Data Protection Act 1998 (DPA) as modified by the requirements of the General Data Protection Regulations (GDPR) from May 2018.

The FAN Charity will remain the Data Controller for the information held. FAN Charity staff will be personally responsible for processing and using personal information in accordance with the Data Protection Act.

Trustees, staff and volunteers running the FAN Charity, who have access to personal information, will be expected to read and comply with this policy.

Data users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.

Purpose

The purpose of this policy is to set out the FAN Charity commitment and procedures for protecting personal data. The FAN Charity regards the lawful and correct treatment of personal information as very important for successful working, and for maintaining the confidence of those with whom we deal.

Definition of data protection terms.

Data is information which is stored electronically, on a computer or in certain paper-based filing system.

Data Controller – The legal ‘person’ responsible for complying with the Data Protection Act. In our case the FAN Charity.

Data Users are employees and volunteers whose work involves processing personal data. Data users must protect the data they handle in accordance with the Data Protection Policy and any applicable data security procedures at all times.

Data Protection Officer – The person on the Board of Trustees who is responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998.

Data Subject – The individual whose personal information is being held or processed by the FAN Charity.

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing of sensitive personal information about her/him. Explicit consent is needed for processing sensitive data this includes the following: racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual orientation, criminal record, proceedings for any offence committed or alleged to have been committed.

Information Commissioner – The UK Information Commissioner is responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information

Personal Information – Information about living individuals that enables them to be identified, it can be factual (eg name, address, date of birth) or it can be an opinion about that person, their actions and behaviour.

The Data Protection Act Legislation

This contains 8 principles for processing personal data with which FAN Charity will comply. Personal data ...

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects
7. Shall be kept secure
8. Shall not be transferred to a country without adequate protection

NB Individuals have a right to have data corrected if it is wrong, to prevent use which is causing them damage or distress or to stop marketing information being sent to them.

Applying the Data Protection Act within the FAN Charity

Whilst access to personal information is limited to the staff and volunteers at the FAN Charity, the FAN Charity may undertake additional tasks which involve the collection of personal details from members of the public. In such circumstances we will let people know why we are collecting their data and it is our responsibility to ensure the data is only used for this purpose.

Data collection

Informed consent is when

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- and then gives their consent.

FAN Charity will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, FAN Charity will ensure that the Data Subject:

- Clearly understands why the information is needed.
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

Responsibilities

The FAN Charity is the Data Controller under the Act, and is legally responsible for complying with Act, which means that it determines what purposes personal information held will be used for.

The Board will take into account legal requirements and ensure that it is properly implemented, and will through appropriate management, strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information,

- Meet its legal obligations to specify the purposes for which information is used,
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements,
- Ensure the quality of information used,
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal information including a secure lockable HR file.
- Databases of eg Trustees, Facilitators, Members to be held on password protected computers on Microsoft Excel or Access also Word files to which access is obtained through password protection at the user level. This is encrypted by password and backed up on Knowhow Cloud which is accessible only to authorized personnel.
- FAN 'data' on groups is not personalized
- Ensure all data are given voluntarily with the lawful basis of why the data are collected explicit at the time of collection. This is contained in a privacy notice which explains how their data is used and their legal rights. It also confirms the FAN Charity as the relevant Data Controller. A document specific to all likely groups from whom FAN may collect personal data accompanies this policy: Trustees, Members, Facilitators, requests by other organisations or individuals who want to be kept up to date. For all personal data collected by Fan the lawful basis for collection is 'the legitimate interest' with implied consent to receive information about events (which constitutes their interest in the work of FAN).
- Any group emails must be sent blind copied from password protected machines.
- Include a line to indicate that you can opt out of emails by putting STOP in the subject line on all marketing or information emails. The actions in place meet the requirements of the Privacy and Electronic Communications Regulations.

- The DPA states that Subject Data should not be kept longer than is necessary. FAN data is updated and data removed when requested to do so. Disposal – machines wiped and documents shredded.
- Ensure that personal information is not transferred abroad without suitable safeguards,
- Ensure similar good practice is adopted by local facilitators holding lists
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Data Subject Access Requests: the procedure for responding is: They should be in writing (letter or email) or by phone call, and all staff should pass the request on to the FAN Manager without delay. The identity of the requester should be verified, no charge will be made and it should be done in one month.

Members of the public may request certain information from Local Authority under the *Freedom of Information Act 2000*. The Act does not apply to the FAN Charity. However if at anytime we undertake the delivery of services under contracts with the Local Authority we may be required to assist them to meet the Freedom of Information Act request where we hold information on their behalf.

The Data Protection Officer on the trustee board is Roy Skelton.

The Data Protection Officer will be responsible for ensuring that the policy is implemented and will have overall responsibility for:

- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- Dealing promptly and courteously with any enquiries about handling personal information
- Describe clearly how it handles personal information 'subject access request'

- Will regularly review and audit the ways it holds, manages and uses personal information
- All staff and volunteers are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them
- Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

Complaints

Anyone wishing to raise a complaint on how the FAN Charity has handled his or her personal data can contact the Charity to have the matter investigated. Leave a message with the FAN manager or email fanofficer@ymail.com

If the complainant is not satisfied with the response or believe the FAN Charity has not processing their personal data in accordance with the law, they can complain to the Information Commissioner's Office <https://ico.org.uk/>

Breach Reporting

The FAN Charity records are monitored regularly by the FAN Manager in conjunction with the Trustee Data Protection Officer. Any breaches of these Data Protection requirements are recorded, available for inspection and disclosed to trustees.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the FAN Charity Data

Disclosure

The FAN Charity may need to share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows FAN Charity to disclose data (including sensitive data) without the data subject's consent.

These are:

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting vital interests of a Data Subject or other person
3. The Data Subject has already made the information public

4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion
6. Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

FAN Charity regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

The FAN Charity intends to ensure that personal information is treated lawfully and correctly.

Reviewed by FAN Charity Policy Group, November 2019

Signed for Trustees:

Audit of personal data held by FAN Charity November 2019

	Who holds and how?	Security measures, for all includes explicit consent and good housekeeping	From	Shared?
Staff members	Locked file	Locked file (key manager)	Staff members	No
Trustees	Treasurer, Fan Manager, database, email groups	Password protected, encrypted file	Trustees	Charity Commission, Companies House, other trustees
Facilitators	FAN Manager, SDO, Admin database, email groups	Password protected, encrypted file, blind copies	Facilitators	No
Members	FAN Manager database, email groups	Password protected, encrypted file, blind copies	Members	No
Individuals requesting information about FAN	FAN Manager, SDO database, email groups	Password protected, encrypted file	People requesting information	No
Group participants	Facilitators	Password protected, blind copied	People attending groups	No