

DATA PROTECTION POLICY

Rationale

The Time Out Group is committed to a policy of protecting the rights and privacy of individuals, including children, staff and others, in accordance with the legislation of the Data Protection Act.

The Time Out Group needs to process certain information about its staff, children and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- The management, recruitment and payment of staff
- The administration of activities
- Determining admittance to group of new users (child's disabilities and needs of family)
- Medical records
- Risk assessments
- Child protection
- Completing applications for funding
- Complying with legal obligations to funding bodies and government
- Completion of Annual Return for Charities Aid Commission

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, The Time Out Group must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

Compliance

Any employee in breach of this policy may face disciplinary action that in serious cases could result in summary dismissal with no payment of notice.

Any member of the Management Committee in breach of this policy may have their membership of the Group revoked.

As a matter of best practice, other agencies and individuals working with The Time Out Group, and who have access to personal information, will be expected to read and comply with this policy. It is expected that when dealing with external bodies we will be responsible for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy is non contractual in effect and does not form part of the employee's terms and conditions of employment and so will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Data Protection Act, 1998

This piece of legislation came into force on the 1st March 2000. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an

individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

Responsibilities under the DPA

The Group Leader is responsible for all day-to-day data protection matters, and s/he will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the Group.

Compliance with the legislation is the personal responsibility of all members of the Group / staff and management committee who process personal information.

Individuals who provide personal data to the Group are responsible for ensuring that the information is accurate and up-to-date.

Data Protection Principles

The legislation places a responsibility to process any personal data in accordance with the following eight principles.

In order to comply with its obligations, The Time Out Group undertakes to:

1 – Process personal data fairly and lawfully

2 – Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose
The Time Out Group will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

3 – Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed

The Time Out Group will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

4 – Keep personal data accurate and, where necessary, up to date

The Time Out Group will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the Group if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the Group to ensure that any notification regarding the change is noted and acted on.

5 – Only keep personal data for as long as is necessary

The Time Out Group undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means that The Time Out Group will undertake a regular review of the information held and implement a weeding process when, e.g. a child or a member of staff leaves the Group.

The Time Out Group will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion; shredding and disposal of hard copy files as confidential waste). A log will be kept of the records destroyed.

6 – Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- A right to be told the nature of the information the Group holds and any parties to whom this may be disclosed
- A right to prevent processing likely to cause damage or distress
- A right to prevent processing for purposes of direct marketing
- A right to be informed about the mechanics of any automated decision taking process that will significantly affect them
- A right not to have significant decisions that will affect them taken solely by automated process
- A right to sue for compensation if they suffer damage by any contravention of the legislation
- A right to take action to rectify, block, erase, or destroy inaccurate data
- A right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened

The Time Out Group will only process personal data in accordance with individuals' rights.

7 – Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

The Time Out Group will ensure that all personal data is accessible only to those who have a valid reason for using it.

The Time Out Group will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access);
- password protecting personal data held electronically;
- archiving personal data on disks which are then kept securely (lockable cabinet);
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, The Time Out Group will put in place appropriate measures for the deletion of personal data – manual records will be shredded or disposed of as 'confidential waste'. A log will be kept of the records destroyed.

This policy also applies to staff who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

8 – Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

This also applies to publishing information on the Internet – because transfer of data can include placing data on a website that can be accessed from outside the EEA – so The Time Out Group will always seek the consent of individuals before placing any personal data (including photographs) on its website.

If the Group collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

Consent as a basis for processing

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in a proper manner.

Consent is especially important when the Group processes any sensitive data, as defined by the legislation.

The Time Out Group understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via signing a form), whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot necessarily be inferred from the non-response to a communication.

The Time Out Group will ensure that if the individual does not give his/ her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

Subject Access Rights (SARs)

Individuals have a right to access any personal data relating to them which are held by the Group. Any individual wishing to exercise this right should apply in writing to the Group Leader.

The Group reserves the right to charge a fee not exceeding £10 for data subject access requests.

Under the terms of the legislation, any such requests must be complied with within 40 days.

Email

It is the policy of The Time Out Group to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the Group's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the Group may be accessed by someone other than the recipient for system management and security purposes.

This policy was adopted by the committee on _____

Signed.....	Chair	Date
Signed.....	Vice Chair.....	Date
Signed.....	Secretary	Date
Signed.....	Treasurer	Date