



## **Eden Gate Newport**

- **Improving communities by tackling homelessness and substance dependence**

# **Data Protection Policy**

## **INTRODUCTION**

### **Statement**

**Eden Gate** needs to collect and use certain types of information about the Individuals or Service Users who come into contact with Eden Gate in order to fulfil our business objectives and meet our legal obligations. This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material. There are safeguards to ensure this under the Data Protection Act 1998.

This policy is intended to assist all of us in:

- increasing transparency;
- encouraging housekeeping practice;
- ensuring all staff/volunteers respect personal information; and
- raising awareness of issues surrounding its use.
  
- We will ensure that someone will have specific responsibility for data protection compliance within the Company ("The Data Protection Officer").
  
- When we refer in this policy to "processing" this includes amongst other activities obtaining, keeping, using, accessing, disclosing and destroying information about you.
  
- In normal circumstances we will only process information about individuals which is necessary to manage, and administer our relationship with, our staff/volunteers.
  
- We will seek to ensure that information about you is only available to appropriate persons within the organisation.
  
- We acknowledge your right to have the information we retain about you dealt with in a respectful and appropriate manner. Any individual who fails to do so will be subject to disciplinary sanctions. You are entitled to request to see the information we retain.

### **Responsibilities**

The Operations Manager has responsibility as the Data Protection Officer for Eden Gate and is responsible for compliance of Data Protection contained in this policy.

#### **1. Disclosure**

Eden Gate may share data with other agencies such as the local authority, funding bodies and other voluntary agencies. The Individual/Service User will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Eden Gate to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of a Individual/Service User or other person
- c) The Individual/Service User has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Individual/Service User'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 Individuals/Service Users to provide consent signatures.

Eden Gate 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.

Our aim is always to comply with the law and ensure the information we hold about individuals is collected fairly, is kept secure and is only used for legitimate business reasons.

## **Principles**

Eden Gate will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998. Specifically, the Principles require that personal information held by Eden Gate are:

- **Accurate**
- **Used fairly and lawfully**
- **Used for limited, specifically stated purposes**
- **Used in a way that is adequate, relevant and not excessive**
- **Kept for no longer than is absolutely necessary**
- **Handled according to your data protection rights**
- **Kept safe and secure**
- **Not transferred outside the European Economic area without adequate protection**

(These 8 principles are displayed at Eden Gate premises and made available to all)

Eden Gate will, through appropriate management and 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
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

## **2. RECRUITMENT AND SELECTION**

### **2.1 Advertising**

We will ensure that the name of **EDEN GATE** appears on all recruitment literature.

## 2.2 Applications

All our application forms will carry the name **EDEN GATE**. The information provided in such applications will be used only for recruitment purposes. We will endeavour to ensure potential candidates are only invited to provide relevant information (including requesting information about a potential candidate's criminal convictions). We will also seek to ensure candidates are aware that it may be necessary to check any information given.

Applications will be kept confidential and only shared with persons involved in the recruitment and selection process. If due to a disability, a request for an electronic application is made and an electronic application is accepted, the application will be printed and stored with the other paper applications. The electronic application will be deleted.

## 2.3 Interviews

During any interview candidates will only be asked to provide information which we consider necessary or relevant to the recruitment process. All candidates will be entitled to receive a copy of any notes taken during the interview and such notes from unsuccessful candidates will be destroyed after a reasonable period of time.

## 2.4 Recruitment Records

Records relating to candidates who commenced employment/volunteering with **EDEN GATE** will be dealt with in accordance with specific criteria. Records relating to unsuccessful candidates will be kept no longer than necessary unless it is specifically agreed that their information will be retained for future reference. The recruitment records of successful candidates will be transferred to their personnel file where appropriate.

## 3. EMPLOYMENT RECORDS

3.1 During the course of your time with us it will be necessary to maintain and process certain information about you. We will seek to ensure that all such information is processed in accordance with our legal obligations. Within, information we hold about you will only be available to individuals who have a legitimate reason to see it.

3.2 In normal circumstances, we believe it is likely that it will be necessary to maintain the following information about you in order to properly manage your time with us and to comply with our legal obligations as an employer and under Data Protection law:-

- your name;
- your address and telephone number, for example, to contact you at home and send written communications when necessary;
- your age and gender; for example, for pensions and retirement purposes;
- emergency contact;
- ethnic origin; for example, for monitoring equality of opportunity;
- your nationality; for example, where this is related to your rights to work in the UK;
- your pay (including sick and maternity pay), hours of work, and information about other rights and duties governed by your Contract of Employment/volunteering;
  - your bank details for payment of your salary (if relevant)
  - important dates and records created during your time with us e.g. commencement date, dates of promotion, pay rises
- details of your specific skills or qualifications; for example, to help determine if you can perform certain tasks;

- your children (where under 5 years old or who are disabled); in order to determine how much unpaid parental leave you are entitled to;
- your health; for example, this information may be used to maintain accurate sickness, accident and absence records and to assist in the appropriate management of any health problems which affect your job or for insurance, health or pension scheme purposes (sometimes this information will need to be shared with our insurers, pension trustees);
- your application form, appraisal, disciplinary and grievance records; note that disciplinary records will usually be kept for a period of time after any warning is "spent"<sup>1</sup>;
- any other information which we consider to be necessary in the circumstances which relate to your time with us.

You may be asked to confirm the information we hold is accurate and up to date from time to time.

### **3.3 Sensitive Personal Information**

We recognise that information relating to your health, nationality or ethnic background, membership of a trade union (if applicable) and certain other matters are particularly sensitive. We will only process this type of information within the strict rules set out in data protection legislation.

### **3.4 Access to Information**

You are entitled to request to see information we maintain about you which is covered by the Act. If you would like to do so please contact the Director who will let you know the current applicable fee and the likely time it will take to provide the information.

If you do review the information held about you, please tell us about any factually inaccurate or out of date information. You should be aware that some information need not be provided to you including information relating to management forecasts and plans, negotiations with you and references we have prepared.

### **3.5 References**

We often ask for confidential references from previous employers or educational establishments. We wish to respect the rights of the authors of such references to maintain confidentiality and as such we will not usually share this information with you.

### **3.6 Disclosures to Outside Agencies**

We will only provide information about you to other organisations where we are obliged to, or if it is fair to do so, taking account of the effect disclosure or no disclosure would have on you. Examples of organisations we are obliged to provide information to include the Inland Revenue, Child Support Agency and Benefits Agency. We would wish to assist with Police investigations where disclosure of information is appropriate. Decisions on disclosure will be taken by the Director.

### **3.7 Maintaining Records**

It is our aim to ensure all information about you that we hold is accurate and up to date and that we do not keep information longer than it is required.

It is not possible for us to specify how long we will keep information as every circumstance is potentially different. Factors we will consider include:-

- nature of work/volunteering
- type of information
- how likely it is that information will be needed in future
- possible consequences of keeping/disposing of information
- other ways of keeping data
- business case for retaining information

We are, however, committed to the principle that historic information of no current or realistic future relevance will not be retained.

### **3.8 Security**

We will seek to ensure information about you is secure, and accessible only by authorised members of staff. This applies to computer and paper files.

Authorised staff must ensure adequate security of personal information in their control and a failure to do so may be a disciplinary matter.

Likewise, unauthorised access to personal information will be treated very seriously.

Information security is a practical issue and involves such basic procedures as ensuring personnel files are kept in locked cabinets and computerised information is "password protected". Staff handling personal data should familiarise themselves with best practice in this area.

### **3.9 Monitoring Performance**

It is necessary for all employers to be aware of what individuals are doing to ensure rules are adhered to and standards maintained. We need to monitor individuals, but will seek to do so fairly, transparently, proportionately and in a way that is respectful to all. Usually, monitoring activities will simply involve normal day to day feedback with line management, assessment against performance targets (if applicable), annual appraisals, reviews and the like.

Information about your performance or behaviour may be used in circumstances including assessing suitability for certain roles performance reviews or in disciplinary matters.

## **4. Data collection**

Informed consent is when

- An Individual/Service User 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.

Eden Gate 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, Eden Gate will ensure that the Individual/Service User:

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

## **5. Data Storage**

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers. Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is The Operations Manager's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

## **6. Data access and accuracy**

All Individuals/Service Users have the right to access the information Eden Gate holds about them. Eden Gate will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, **Eden Gate** will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- 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
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it hold, manage and use personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

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 Operations Manager who is the Data Protection Officer.

Policy last updated: April 2016 (Amended 20<sup>th</sup> May 2016)

Signed:

Review date:            May 2017