

## Policy statement

The lawful and appropriate management of personal data is extremely important to Home-Start Bradford District. This policy sets our commitment to protecting personal data and how we will implement this with regards to the collection and handling of personal data. The relevant legislation that this policy conforms to can be found in appendix 3.

Failure to comply with data protection legislation could lead to financial penalties, regulatory action, as well as reputational damage.

This policy applies to:

- all employees, including temporary staff
- trustees / advisers
- volunteers

## The Data Protection Principles

Data protection laws describe how organisations must collect, handle and store all personal data. Ensuring and demonstrating compliance is underpinned by the following principles.

Personal data must be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## Responsibilities for Compliance

- **Trustees** are ultimately responsible for ensuring that Home-Start Bradford District meets its legal obligations.
- **All staff** have a responsibility for ensuring personal data is collected, stored and handled appropriately and must ensure that it is handled and processed in line with this policy and the data protection principles.
- **Data Protection Lead** is responsible for monitoring compliance with this policy and the data protection legislation; managing personal data breaches and data subject rights; recording and maintaining appropriate records of processing activities and the documented evidence required for compliance.

## Scope

The Policy applies to all personal data that Home-Start Bradford District holds relating to living identifiable individuals regardless of the category of data or the format of the data. Personal data is any data which could be used to identify a living individual e.g. name, address, email, postcode, CCTV image, and photograph. Special categories of personal data are any information about racial or ethnic origin, political opinions, religious beliefs, health (mental and physical), sexual health, trade union membership and criminal convictions.

The policy applies to personal data held or accessed on Home-Start Bradford District premises or accessed remotely via home or mobile working. Personal data stored on personal and removable devices are also covered by this policy.

## Compliance

Home-Start Bradford District will comply with our legal obligations and the data protection principles:

### Processing Lawfully and Fairly

Home-Start Bradford District will ensure processing of personal data, and special categories, meets the legal basis as outlined in legislation. Individuals will be advised on reasons for processing via a freely available Privacy Notice.

Where data subjects' consent is required to process personal data, consent (e.g. use of photos for Website/Annual Report) will be requested in a manner that is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language. Data Subjects will be advised of their right to withdraw consent and the process for Data Subjects to withdraw consent will be simple.

### Purposes

Personal data will only be used for the original purpose it was collected for. These purposes will be clear to the data subject. If Home-Start Bradford District wish to use personal data for a different purpose, we will notify the data subject prior to processing.

### Adequate and Relevant data

Home-Start Bradford District will only collect the minimum personal data required for the purpose. Any personal data discovered as excessive or no longer required for the purposes collected for will be securely deleted. Any personal information that is optional for individuals to provide will be clearly marked as optional on any forms.

### Accurate

Home-Start Bradford District will take reasonable steps to keep personal data up to date, where relevant, to ensure accuracy. Any personal data found to be inaccurate will be updated promptly. Any inaccurate personal data that has been shared with third parties will also be updated.

### Retention

Home-Start Bradford District will hold data for the minimum time necessary to fulfil its purpose. Timescales for retention of personal data are outlined in the Records Retention Schedule (appendix 2). Data will be disposed of in a responsible way to ensure confidentiality and security.

### Security

Home-Start Bradford District will implement appropriate security measures to protect personal data. Employees, trustees and volunteers will keep all data secure, by taking sensible precautions and following the relevant Home-Start Bradford District policies and procedures relating to data protection.

Personal data will only be accessible to those authorised to access it on a need-to-know basis (appendix 1).

## Data Sharing

In certain circumstances Home-Start Bradford District may share personal data with third parties. This may be part of a regular exchange of data, one-off disclosures, or in unexpected or emergency situations. Appropriate security measures will be used when sharing any personal data.

Where data is shared regularly a contract or data sharing agreement will be in place to establish what data will be shared and the agreed purpose. Home-Start Bradford District will consider all the legal implications of sharing personal data prior to doing so.

Data Subjects will be advised of any data sharing in the Privacy Notice.

## Data Processors

Where Home-Start Bradford District engage Data Processors (e.g. outside contractors such as suppliers of IT systems, payroll or pensions providers to process personal data on our behalf, we will ensure:

- Data processors have appropriate technical security measures in place
- No sub-processors are used without prior written consent from Home-Start Bradford District
- An appropriate contract or agreement is in place explaining the full requirements of the data processor.

## Security Incident & Breach Management

Occasionally Home-Start Bradford District may experience a personal data breach, where personal data is:

- lost, for example via misplacing documents or equipment that contain personal data, through human error, or via fire, flood or other damage to premises where data is stored.
- stolen; theft or a result of a targeted attack on our network (cyber-attack).
- accidentally disclosed to an unauthorised individual
- inappropriately accessed or used

All security incidents or personal data breaches will be reported and managed by the Data Protection Lead. The Information Commissioner's Office and the individuals affected will be notified promptly, if required. All breaches will be managed using the Breach procedures within the Confidentiality Policy.

## Individual Rights

Home-Start Bradford District will uphold the rights of data subjects to access and retain control over their personal data held by us. Home-Start Bradford District will comply with individuals':

- **Right to be Informed** – by ensuring individuals are informed of the reasons for processing their data in a clear, transparent and easily accessible form and informing them of all their rights.
- **Right to Access** – by ensuring that individuals are aware of their right to obtain confirmation that their data is being processed; access to copies of their personal data and other information such as a privacy notice and how to execute this right (see appendix 1).
- **Right to Rectification** – by correcting personal data that is found to be inaccurate. We will advise data subjects on how to inform us that their data is inaccurate, and it will be rectified without undue delay.
- **Right to Erasure** (also known as 'the right to be forgotten') - we will advise data subjects of their right to request the deletion or removal of personal data where processing is no longer required or justified.
- **Rights to Restrict Processing** - we will restrict processing when a valid request is received by a data subject and inform individuals of how to exercise this right.
- **Right to Data Portability** – by allowing, where possible, data to be transferred to similar organisation in a machine-readable format.
- **Right to Object** – by stopping processing personal data, unless we can demonstrate legitimate grounds for the processing, which override the interest, rights and freedoms of an individual, or the processing is for the establishment, exercise or defence of legal claims.

## Privacy by Design

Home-Start Bradford District has an obligation to implement technical and organisational measures to demonstrate that we have considered and integrated data protection into our processing activities throughout the organisation. Trustees will be responsible for ensuring a Data Audit is completed and retained, this becomes a Record of Processing required by Article 30 of GDPR.

When introducing any new type of processing, particularly using new technologies, we will take account of whether the processing is likely to result in a high risk to the rights and freedoms of individuals and carry out Data Protection Impact Assessment. All new policies including the processing of personal data will be reviewed by the Data Protection Lead to ensure compliance with the law.

## Training

All staff will be aware of good practice in data protection and where to find guidance and support for data protection issues. Adequate and role specific training will be available regularly to everyone who has access to personal data, to ensure they understand their responsibilities when handling data.

## Monitoring and Reporting

Regular audits will be undertaken to check compliance with the law, this policy and relevant procedures.

Any breaches of this policy, may be considered under the Home-Start disciplinary procedures, and may result in disciplinary action being taken, including dismissal.

This policy will be reviewed at least annually

## Appendix 1: Access to Records

Home-Start Bradford District respects the privacy of its families and volunteers, and observes the Data Protection Act.

### Information we keep

We have to keep information about the needs that families have, what help they are asking for and what services they receive. This will include personal information such as name, address, family history and any other agencies they are in contact with, as well as keeping a record of our work with families. Like other professionals, such as a doctor, bank manager or employer, we take this responsibility very seriously.

Similarly, we hold files on volunteers which contain personal information and supervision session details.

Confidential information is kept safely on the Home-Start Bradford District premises in a locked office.

### Who can access files?

A number of people can access family and volunteer files at any time to ensure that Home-Start Bradford District is operating as it should, that any safe-guarding issues are identified, that needs are being met and that volunteers are being supervised. These people are accountable for the safe and effective management of the Scheme and the service that is provided to families.

People from Home-Start Bradford District who can access files for these reasons are:

- Chair of Trustees
- Safeguarding Advisor (usually a Trustee)
- Senior Management Team (Senior Coordinator, Systems Manager, two named Trustees)
- Admin and Data Officer
- Family & Volunteer Coordinators
- Direct Support Workers

In addition, representatives from Home-Start UK can access files for Quality Assurance purposes.

### Who cannot access files?

Other than the individuals named above, nobody else has access to your file. Specifically:

- Any volunteer or family representatives on the Trustee board cannot access family or volunteer files
- Volunteers cannot access other volunteer files, or any family files (including families they support)
- Families cannot access other family files, or any volunteer files (including their supporting volunteer)
- Other people, including members of your family, cannot see your file without your agreement.  
Similarly, you cannot see anybody else's files, even members of your family, without their agreement.

### Accessing and amending your own information

You have the right to access your own file at any time. Ask the member of staff with whom you have the most contact, your Coordinator or Manager, or contact the Admin and Data Officer in the office, and they will arrange it for you. This process may take up to a month although we will aim for two weeks or less.

You can either see your information at the Home-Start Bradford District office, or we can arrange for you to access the information which we hold about you electronically on a secure internet site. If you access your information at our office, you will be able to take photocopies of any information held on paper, or digital copies of any information held electronically. You can bring a friend or relative with you for support, and if you have difficulty reading your records a staff member can help you.

If you feel that any of the information held on your file is factually incorrect, you have the right to have it corrected. You should tell a member of staff who will discuss the matter with you and get it corrected.

### What information can't you see?

You won't be able to see information:

- which is given to us in confidence by someone else, unless they give their express permission
- which is about another person, unless you have (and can prove) their permission
- when we believe that serious harm would result to your or somebody else's physical or mental health
- where there are clear legal reasons, for example where the holding of the information is to prevent a crime and giving access to the information would make the crime more likely to occur.

## Appendix 2: record retention periods

Record Retention Periods in Home-Start	
<b>Any record where an allegation has been made about an individual</b>	Retained until the individual reaches the normal retirement age, or for 10 years if that is longer.
<b>Personnel (employee) files</b>	In general, the personnel file (including the information below) should be retained for <b>6 years</b> , but need only contain sufficient information in order to provide a reference. ( <b>Exception:</b> above)
Application form	Duration of employment, shred when employment ends
Recruitment / selection material	6 months after decision
References received	May destroy 1 year after receipt, or shred at end of employment.
Passports / Driving Licence / Eligibility to work in the UK	Duration of employment and for a further two years after employment ends.
Sickness records	3 years (ie. at the end of employment, the previous 3 year's records will be in the file, assuming they have been employed for at least that period of time).
Annual leave records / unpaid or special leave records	2 years / 3 years
References given Information to enable a reference to be provided (including sickness records)	6 years from the date of the reference request 6 years from the end of employment
Disciplinary records	6 years after employment ends
Records relating to an injury or accident at work	12 years
<b>Trustee files</b>	6 years after standing down as trustee ( <b>Exception:</b> above)
<b>Volunteer files</b>	Retained for 12 months after the volunteer has ceased to volunteer. Sufficient info in order to provide a reference may be retained. ( <b>Exception:</b> above) <i>Volunteers who do not complete the Prep course: at course end</i> <i>Volunteers who do not start the Prep course: at course start</i>
<b>DBS checks for potential employees and volunteers</b>	Documented record of each as received and satisfactory (or otherwise) then destroy securely in line with DBS guidance. Disclosure Information will not be kept for any longer than is absolutely necessary once a decision has been made about a potential applicant (staff, volunteer or trustee). Normally this will be for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep information for longer than six months, the scheme will consult the DBS about this and will give full consideration to the Data Protection Act. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail. A record will be maintained of all those to whom disclosures or disclosure Information has been revealed.

Record Retention Periods in Home-Start	
Family files, where no safeguarding concern	Retained securely for 12 months from the date of ending Home-Start support, marked with the date (month/year) it should be destroyed and then securely destroyed at the appropriate date.
Family files, where a safeguarding concern was referred by Home-Start Bradford District, or the family were subject to a child Protection or Child in Need Plan, or the file contains a Record of Concern and Action	Retained securely for 6 years from the date of ending Home-Start support, marked with the date (month/year) it should be destroyed and then securely destroyed at the appropriate date.
Financial and Asset Records	
Financial records	6 years
Payroll and tax information	6 years
Leases	12 years after lease has expired
Deeds of Title	Permanently
Corporate	
Employers Liability Certificate	40 years
Insurance policies	Permanently
Certificate of Incorporation	Permanently
Minutes of Board of Trustees	Permanently
Memorandum of Association, Articles of Association and variations to Governing Documents	Originals to be kept permanently
Statutory Registers	Permanently
Membership records	20 years from commencement of membership register
Rental or Hire Purchase Agreements	6 years after expiry
Health and Safety	
Accident books	12 years from the date of the last recorded accident, see also records of injuries/accidents at work, above
Health & Safety Records	12 years

**Appendix 3: legislation**

The legislation that the policy conforms to:

- General Data Protection Regulations (EU) 2016/679 (GDPR)
- UK Data Protection Act 2018 (DPA2018)
- Privacy and Electronic Communications Regulations (PECR)
- Any legislation that will replace the GDPR in UK law after leaving the European Union.

<b>Signed:</b>  Acting Chair, Home-Start Bradford District	<b>Date:</b>	
	<b>Review:</b>	<b>October 2020</b>