Treasure House (London) CIC Data Protection

Guidance for Staff

This document is written in relation to the *Data Protection Act* (1998) and guidance from the *'Information Commissioners Office'* (ICO). The Act specifies the way in which it is legally acceptable for an organisation or individual to collect, store and use data.

Treasure House (London) CIC believes in empowering the individual and the right to privacy.

The organisation has a data management risk assessment (see attached document) to outline the potential risks around data and how these can be minimised.

The modalities of sharing and processing data include:

- Paper documentation
- Mail
- Telephone
- Fax
- Email
- Text message
- Picture message
- Video message
- Video or audio conferencing
- Software packages, apps or 'tools'

Legislation around data sharing covers the use of:

- Cookies
- Telephone directories
- Mailing lists
- Traffic data
- Location data

Some of the data collected by the organisation is *sensitive*. It is important that all staff members follow guidance on how to deal with data to protect the privacy of those who have data held on file.

The types of data held by the organisation are outlined in the attached document.

Staff members should follow the guidance below:

Only collect and store information that is relevant to the organisation.

Staff must not collect personal data for their own purposes without express permission from the Directors and with the knowledge and consent of the individual concerned and their guardian.

Only use information obtained for the purposes intended

Ensure that all information collected is stored, processed and used for the purpose for which it was intended, for example, to use an EHCP for the provision of education, not for professional curiosity. Do not use the organisations lists or information to contact stakeholders for purposes other than the organisation specifies.

Ensure that any information collected is relevant and not excessive and do not keep it for longer than necessary for the purpose

Do not solicit the provision of information where it is not necessary. Only keep information that is relevant and destroy out of date or irrelevant personal information using the shredder in the office. Follow Treasure House (London) CIC guidelines on keeping information.

Be mindful of the individual's rights when processing information

Ensure that you ask why you are collecting the data, with what purpose and whether the individual has an opportunity to 'opt out' of the data collection. All individuals have the 'right to subject access', allowing them to request details of all the information held about them by the organisation.

Store information securely, taking steps to prevent loss or unauthorised use

Do not remove data from the organisation's premises without permission from the Directors. If you are given permission to take memory storage devices, computer hardware or paper documentation off the premises, it must be transported and stored securely with not access by unauthorised persons. If you are accessing personal data online, you must ensure that no unauthorised individual has access to this information and that you maintain secure access. If you find that there has been a data breach, you must report this immediately to the Directors.

Ensure that all personal data processed is not shared with countries outside of the EEA

You must not, for example, share personal data about a member of staff or student with an American organisation, where the data is being processed outside of the EEA, unless you have informed the Directors and the risks have been assessed.

Guidelines in practice:

1. Do not collect personal or sensitive data unless absolutely necessary for you to fulfil your duties as set out in your job description and the organisations policies and procedures.

2. All personal data shared with outside agencies is subject to a data sharing agreement that must be signed by the individual (an parent/guardian) involved.

3. Shred all information with personal details on including names, addresses, timetables and other sensitive data when it is no longer fit for purpose.

4. Destroy all student personal data held by you after 3 years of the young person leaving the organisation.

5. Keep all personal information securely, in a locked cabinet or drawer and never take it home without express permission of the directors (see extract from 'Determining what is personal data' from the '*ICO*' below, see Appendix A).

6. Do not print personal data unless you are able to collect it from the printer immediately.

7. If you leave the premises with a laptop, memory stick or other data storage device containing personal data you are responsible for ensuring the data held on it is secure. Any staff member responsible for loss or misuse of data will be subject to disciplinary proceedings.

8. Ensure you regularly change your password for online services and do not share this information or leave it in a place where it can be discovered.

9. You must log out of any services used for sharing or processing information on behalf of the organisation.

10. Ensure that you are familiar with the risk assessment attached and your role pertaining to it.

11. You must inform the organisation immediately if you intend to transfer information outside of the EEA.

12. You must inform the organisation immediately if you discover a data breach or have concerns that any of the above guidelines are not being met.

This guidance was last updated on the 15th February 2017 and will be reviewed annually, or where legislation changes.

Signed

Appendix A

Is the information you hold 'personal data' for the purposes of the Data Protection Act?

There are several steps to determining purposes of the DPA. Questions taking you through these steps are set out

1. Can a living individual be identified from the data, or, from the data and other information in your possession, or likely to come into your possession?

Yes Go to question 2.
No The data is not personal data for the purposes of the DPA.

Idenitfiability - An individual is 'identified' if you have distinguished that individual from other members of a group. In most cases an individual's name together with some other information will be sufficient to identify them. Simply because you do not know the name of an individual does not mean you cannot identify that individual. The starting point might be to look at what means are available to identify an individual and the extent to which such means are readily available to you.

2. Does the data 'relate to' the identifiable living individual, whether in personal or family life, business or profession?

Yes The data is 'personal data' for the purposes of the DPA.

No The data is not 'personal data' for the purposes of the DPA.

Unsure See questions 3 to 8 below.

Meaning of 'relates to' - Data which identifies an individual, even without a name associated with it, may be personal data where it is processed to learn or record something about that individual, or where the processing of that information has an impact upon that individual. Therefore, data may 'relate to' an individual in several different ways, the most common of which are considered below.

3. Is the data 'obviously about' a particular individual? Yes The data is 'personal data' for the purposes of the DPA.

No Go to question 4.

Data 'obviously about' an individual will include his medical history, criminal record, record of his work or his achievements in a sporting activity.

Data that is not 'obviously about' a particular individual may include information about his activities. Data such as personal bank statements or itemised telephone bills will be personal data about the individual operating the account or contracting for telephone services.

Where data is not 'obviously about' an identifiable individual it may be helpful to consider whether the data is being processed, or could easily be processed, to learn, record or decide something about an identifiable individual. Information may be personal data where the aim, or an incidental consequence, of the processing, is that you learn or record something about an identifiable individual, or the processing could have an impact on, or affect, an identifiable individual.

4. Is the data 'linked to' an individual so that it provides particular information about that individual?

Yes The data is 'personal data' for the purposes of the DPA.

No Go to question 5.

5. Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?

Yes The data is 'personal data' for the purposes of the DPA.

Example

There is a single named individual employed in a particular post, the salary information about the post will be personal data 'relating to' the single employee occupying that position.

No Go to question 6.

Informing or influencing decisions - Example: Data about an individual's phone or electricity account clearly determines what the individual will be charged.

Different organisations may process the same data for different purposes.
A single piece of data, which is not personal data when processed by one person may become personal data when it is processed by another person depending on the purpose of the processing and the potential impact of the processing on individuals.

6. Does the data have any biographical significance in relation to the individual?

Yes The data is likely to be personal data for the purposes of the DPA.

No Go to question 7.

Unsure Go to question 7.

Biographical significance - When considering 'biographical significance', what is important is whether the data goes beyond recording the individual's casual connection with a matter or event which has no personal connotations for him.

The fact that an individual attended the meeting will be personal data about that person. However, this does not mean that everything in the minutes of that meeting is personal data about each of the attendees.

7. Does the data focus or concentrate on the individual as its central theme rather than on some other person, or some object, transaction or event?

Yes The data are likely to be personal data for the purposes of the DPA.

No Go to question 8.

Unsure Go to question 8.

When considering the 'focus' of information it may be helpful to consider whether the information is being processed to record something about an individual or to record information about an object.

Whether information is linked to an individual, for example, to learn something about that individual, is the key factor in determining whether information about an object is personal data.

Example: information as to the number of products produced by a machine in a week could be used, either to access the efficiency of the machine, or it could be used to access the productivity of the individual operating the machine.

8. Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?

Yes The data is 'personal data' for the purposes of the DPA.

No The data is unlikely to be 'personal data'.

Even though the data is not usually processed by the data controller to provide information about an individual, if there is a reasonable chance that the data will be processed for that purpose, the data will be personal data.

If you are still unsure whether the information you hold is personal data for the purposes of the DPA see the detailed ICO guidance "Determining what is personal data" and "Determining what is data".

A flowchart of the above questions is set out below.

Flowchart

1. Can a living individual be identified from the data, or, from the data and other information your possession, or likely to come into your possession?

Yes Go to question 2.
No The data is not personal data for the purposes of the DPA.

2. Does the data 'relate to' the identifiable living individual, whether in personal or family life, business or profession?

Yes The data is 'personal data' for the purposes of the DPA.

No The data is not 'personal data' for the purposes of the DPA.

Unsure See questions 3 to 8 below.

3. Is the data 'obviously about' a particular individual?

Yes The data is 'personal data' for the purposes of the DPA.
No Go to question 4.

4. Is the data 'linked to' an individual so that it provides particular information about that individual?

Yes The data is 'personal data' for the purposes of the DPA.

No Go to question 5.

5. Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?

Yes The data is 'personal data' for the purposes of the DPA.

No Go to question 6.

6. Does the data have any biographical significance in relation to the individual?

Yes The data is likely to be personal data for the purposes of the DPA.

No Go to question 7. Unsure Go to question 7.

7. Does the data focus or concentrate on the individual as its central theme rather than on some other person, or some object, transaction or event?

Yes The data is likely to be personal data for the purposes of the DPA.

No Go to question 8. Unsure Go to question 8.

8. Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?

Yes The data is 'personal data' for the purposes of the DPA.

No The data is unlikely to be 'personal data'.