

Data Protection Policy

1 Introduction

- 1.1 The purpose of the Data Protection Act 2018 is to protect the rights and privacy of individuals, and to ensure that data about them is not processed without their knowledge and is processed with their consent whenever possible. The Act covers personal data relating to living individuals, and defines a category of sensitive personal data which is subject to more stringent conditions on their processing than other personal data.
- 1.2 The provisions of the General Data Protection Regulations (GDPR) in May 2018 introduced additional rights for data subjects, and responsibilities for data controllers and data processors. Breaches of the Data Protection Act 2018 can bring significant fines.
- 1.3 North Halifax Partnership is registered as a data controller with the Information Commissioner's Office (ICO) under the provisions of the Data Protection Act 2018. Details of registration can be viewed at <https://ico.org.uk>.
- 1.4 North Halifax Partnership takes its responsibilities under the Act very seriously and is committed to ensure that service users, volunteers, supporters and staff are confident and comfortable with how we process, store, protect, and use personal information about them.
- 1.5 The North Halifax Partnership Privacy Notice at Appendix 1 (page 4-7) sets out how we will meet these

2 Scope of this policy

- 2.1 "Personal data" means any information which can identify a person either directly or indirectly. Those identifiers include name, identification number, location data or online identifier. The Data Protection Act applies to the electronic and paper records held in structured filing systems containing personal data; meaning data which relates to living individuals who can be identified from the data. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

3 Responsibilities for data protection

- 3.1 All staff and volunteers including trustees have responsibility for data protection and must comply with this policy, associated privacy notices and any detailed working practices which are specific to their role. Individuals can be liable for breaches of the Data Protection Act. Failure to comply with this policy will be considered as a breach of the NHP Code of Conduct for staff

and volunteers, or if applicable, the NHP Board Code of Conduct for trustees. This could lead to disciplinary action for staff, or in the case of a trustee they may be asked to resign from the NHP Board.

3.2 North Halifax Partnership shall ensure that personal data it holds is adequate, relevant and limited to what is necessary in relation to the purposes for which it is being processed.

3.3 The North Halifax Partnership designated Data Protection Officer is Diane Coenen, Business Support Manager. The Data Protection Officer's role is overview and management of data protection across NHP services and liaison with Information Commissioner's Office (ICO). That includes recording and - where appropriate- reporting of breaches of data protection.

3.4 Tina Burke Chief Executive Officer is responsible for ensuring respectively that all staff and secondees are aware of their responsibilities under this policy.

3.5 Line managers and team leaders will support that process by

Informing staff of any new services, projects and processes involving the use of personal data, or of significant changes to existing ones;

Reporting all losses, thefts, or breaches of security involving the use of personal data to the Designated Data Protection Officer;

Participating in data protection audits as required.

3.6 North Halifax Partnership will ensure that:

Personal data is stored securely using appropriate IT and/or physical resources that are maintained regularly;

Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information;

When personal data is deleted this should be done safely such that data is irrecoverable

4 Data Asset Register

4.1 North Halifax Partnership will maintain a data asset register which includes the categories of personal data we hold, how they are obtained, the lawful basis for processing the data and period of record retention. The register will also record any breaches of data protection.

4.2 In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the organisation shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO .

5 Privacy Notices

5.1 North Halifax Partnership will publish a generic NHP privacy notice - a public-facing document explaining how we process and protect personal data in all our activities, and setting out the rights of individuals. See **Appendix 1** for the generic NHP Privacy Notice.

- 5.2 In accordance with GDPR, all written requests for personal data will also include a privacy notice specific to the specific request including the following information:

Who (NHP) is asking for the information?

What the information is for, and the lawful basis for processing it?

Whether the information will be shared with another organisation?

How long the information will be kept for (retention)?

The data subject's rights including right to complain to NHP's Data Protection Officer?

- 5.3 The North Halifax Partnership Privacy Notice for Staff, sets out specific provisions for staff and is issued to all employees when they join NHP
- 5.4 All application forms for posts with NHP also include a privacy notice setting out how NHP will handle the respective data of successful and unsuccessful applicants.

6 Rights of data subjects

- 6.1 These are set out in full at **Appendix 1** (page 6-7). In accordance with the Data Protection Act:

We will aim to answer Subject Access Requests (a request for the personal data we hold about an individual) within 30 days. This information will be provided free of charge, unless the request is manifestly unfounded or excessive, in which case we will charge a reasonable fee.

We will aim to rectify any personal data – including that held by third parties within 30 days

Unless there is a legal basis for processing, we will delete personal data on request within a month (“right to be forgotten”)

Where an individual requests we restrict processing because they feel we are acting upon incorrect or inaccurate information, we will suspend personal data processing investigate, and issue a written decision within 30 days

7 Detailed Working Practices linked to this policy

- 7.1 Data Protection: Privacy Notices and Subject Access Requests
- 7.2 Records Retention
- 7.3 Information Sharing

North Halifax Partnership Privacy Notice

This notice explains how we collect and use your personal information.

North Halifax Partnership (NHP) is registered as a 'data controller' with the Information Commissioner's Office under the Data Protection Act. You can find out more about the Data Protection Act, and your legal rights at <https://ico.org.uk>

We collect and process your information in order to provide various services to you. These services range from providing a child with an early education and childcare place, to keeping you up to date with events in your local community by newsletter.

Personal information may be collected on paper or online forms, by phone, email or by a member of NHP staff.

We will only use your personal information for the purpose which we have stated when we collect that information, and we will not collect unnecessary information about you. We will ensure your personal data is held securely and is not seen by anyone who should not see it.

We will not keep your information longer than it is needed. In some cases, the law states how long personal information should be kept. We will dispose of paper records or delete any electronic personal information in a secure and confidential way.

In accordance with your **right to be informed** the forms we use to collect your personal information will include a Privacy Notice explaining:

- What the information is for, and the lawful basis for processing it
- Whether the information will be shared and with whom
- How long the information will be kept for (retention)
- Your rights including the right to complain to NHP's Data Protection Officer

We may not be able to provide you with a product or service unless we have enough information, or your permission to use that information.

We may need to pass your information to other people and organisations that work with us to provide local services. These providers are obliged to keep your details securely and use them only to provide the service to you or in accordance with our instructions. This sharing will always be done with your explicit consent and will be explained to you at the point of requesting our services.

Where we need to share sensitive or confidential information such as children's data, financial data or health information with third parties, we will do so only with your prior explicit consent, or where we are required by law to do so. We will endeavour to ensure wherever possible that appropriate steps have been taken by the recipient to protect personal information that is shared.

We may share your information including sensitive or confidential information where it is necessary for the prevention or detection of crime or to prevent risk of harm to an individual

Emails

Please note that unless encrypted, email messages sent via the internet may not be secure and they could be intercepted and read by someone else. Please bear this in mind when deciding whether to include personal or sensitive information in any email messages you intend to send. If you email us we may keep a record of your contact and your email address and the email for our record-keeping of the transaction. Contact the NHP Data Protection Officer if you are unsure about this.

Using our websites

If you are a user with general public access, the Sure Start Children's Centre NHP and North Halifax Partnership website does not store or capture personal information, but merely logs a number called your IP address which is automatically recognised by the system.

The system will record personal information if you:

- Subscribe to or apply for services that require personal information
- Report a fault and give your details for us to respond
- Contact us and leave your details for us to respond

Cookies

Cookies are small text files that 'remember' bits of information from your visit to a website. They make the interaction between you and the website faster and easier. Without cookies the website thinks you are a new visitor every time you move to a new page.

We also use them to collect anonymous statistics about how people use the site, and to help us to make it as easy for you to use as we can.

A cookie is stored on your computer or mobile device by a website's server. Only that server can retrieve or read the contents of that cookie. Each cookie is unique to your web browser. So if we put a cookie on your computer it cannot be read by any other website.

We use cookies to ensure that we give you the best experience on our website. If you continue without changing your cookie settings we assume that you are happy with our use of cookies. However, you can change your cookie settings at any time.

CCTV

We have installed CCTV systems in some of our premises used by members of the public, for the purposes of public and staff safety and crime prevention and detection. In all locations signs are displayed notifying you that CCTV is in operation.

We will only disclose CCTV images to others who intend to use the images for the purposes stated above or where disclosure is legally required or otherwise permitted under the Data Protection Act. CCTV images will not be released to the media for entertainment purposes or placed on the internet.

Images captured by CCTV will not be kept for longer than necessary. However, on occasions there may be a need to keep images for longer – for example where a crime is being investigated.

Rights for individuals under GDPR

The General Data Protection Regulation is effective from 25 May 2018 and includes the following rights:

The right to be informed. Every form for recording your personal data will include a Privacy Notice. The Privacy Notice explains why we need your personal data, where it will be stored, who it will be shared with, and the purpose of collecting it, the Data Protection Officer contact, your rights to object and how long the data will be kept for. Each Privacy Notice is different depending upon the data being collected. There is also a generic NHP Privacy notice (this document)

The right of access. This is your right to request sight of the information that NHP holds about you. Your Subject Access Request (SAR) will be dealt with by the NHP Data Protection Officer free of charge, with 30 days of us receiving your request. If your request is manifestly unfounded or excessive, we may charge a fee for providing it. Please contact info@nhpltd.org.uk or ring 01422 251090

The right to rectification. You have the right to request that we correct any incorrect or inaccurate information held on our systems, such as wrong addresses, incorrect spellings etc. Corrections must be carried out within a month of us being informed, including asking third parties to also amend their systems accordingly. Please contact info@nhpltd.org.uk or ring 01422 251090

The right to be forgotten (or right to erasure). If the purpose for processing the data is not a statutory one, or in other words doesn't have a legal basis, then you can request that your information is withdrawn by withdrawing your consent for processing. As long as the data is not required for a legal or safeguarding purpose, you have the right for your entry to be deleted from our systems. Obviously an individual cannot be "forgotten" from the our systems to receive payments for services but for systems such as mailing lists, then you have the right to be forgotten and erased from the system.

You have the right to request that NHP stop processing your personal data where that processing is likely to cause substantial and unwarranted damage or distress. However, this may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request, however there may be circumstances where this is not possible – for example if we are required to hold or process information to comply with a legal requirement.

Please contact info@nhpltd.org.uk or ring 01422 251090

The right to restrict processing. This right applies if you feel that we are acting upon incorrect or inaccurate information. You have the right to request that we restrict processing while we look into the situation. This must be done and a decision made within a month. During this time no action or further processing can take place. Once a written decision is made and any inaccuracies documented and amended the processing can be re-commenced. Please contact info@nhpltd.org.uk or ring 01422 251090

The right to data portability. This only applies to personal data an individual has provided to a controller and where the processing is based on the individual's consent or for the performance of a contract; and when processing is carried out by automated means.

The right to object. You can complain to the NHP Data Protection Officer if you feel that your data rights have been incorrectly handled or breached. Complaints about data protection should not be sent to the Councils complaints department but should be sent to info@nhpltd.org.uk or ring 01422 251090

The right not to be subject to automated decision-making including profiling. If NHP intends to use your data for profiling purposes or for automatic decision making you must provide explicit consent to process your data in this way. You can withdraw your consent at any time. In addition, you can request that a "human" make the decision and that the "automated" part is not utilised.

Changes to this privacy notice

We will continually review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with the changes in the law.

Further information

Complaints about data protection or enquiries about this Privacy Notice should be sent to:

Diane Coenen
NHP Data Protection Officer
North Halifax Partnership
Kevin Pearce Children's Centre
Ovenden Road
Ovenden
Halifax
HX3 5RQ
info@nhpltd.org.uk

Tel 01422 251090