



# Data Protection Policy

## 1. Introduction

Bromley Experts by Experience (X by X) needs to collect and use certain types of information about the Deaf and Disabled People and Carers who come into contact with us in order to carry on our work.

If we collect and use personal information we must do this in the right ways. Information could be collected on paper, stored on a computer database, or recorded in other ways.

There are rules set out in laws to make sure information is collected and used in the right ways:

- The Data Protection Act 1998.
- The General Data Protection Regulations (GDPR) 2018. This is a new law that gives people more rights over their data. We have updated our policy as a result of this new law.
- In our policy, we will refer to both of these laws as 'the law'.

## 2. Data Controller

Under the law X by X is a Data Controller. This means that X by X works out what personal information we need and hold, and what it will be used for.

## 3. Lawful Basis for processing data

- Under the General Data Protection Regulations 2018, organisations need to be clear about how we are able, under the law, to use individuals' information.
- X by X can only hold and use individual's information if they give their consent.

## 4. Disclosure

How we can share information

- X by X may share information with other agencies such as the local authority, funding bodies and other voluntary agencies.
- In most cases the Deaf or Disabled Person or Carer will be made aware how their information will be shared and who with.

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- There are times when the law allows X by X to share information without the Deaf or Disabled Person or Carer giving permission.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting the interests of a Deaf or Disabled Person or Carer or someone else
- c) The Deaf or Disabled Person or Carer has already made the information public
- d) If it is to do with the law, for example getting legal advice, or being involved in a legal case
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Deaf or Disabled Person or Carer's consent cannot be obtained or where it is reasonable to go ahead without consent: e.g. if someone is too stressed or ill to give consent signatures.

It is very important to X by X that we follow the law and right ways of working in how we deal with personal information.

To this end, X by X will stick to the Principles of Data Protection, as set out in the Data Protection Act 1998 and the General Data Protection Regulations 2018.

These Principles say that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful

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processing or accidental loss or destruction of, or damage to, personal information,

- h) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Individuals/Service Users in relation to the processing of personal information.

X by X 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 laws. 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)
  - The right to data portability (being able to have your data moved onto a different data processing system or Cloud application).
  - The right to object to giving your information
  - The right to not be subjected to automated decision-making including profiling
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards

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- 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

### 5. Data collection

The General Data Protection Regulations 2018 strengthens individuals' rights to give consent to us keeping their information.

Consent must be

- Informed consent. This means that a Deaf or Disabled Person or Carer 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.
- Freely given. This means no one should feel forced to give their consent.
- Specific. This means we can only use individuals' information for the purposes that they gave their consent for. X by X use individuals' information to promote our services and keep people updated about information that may be useful for Deaf or Disabled people or Carers.
- Explicit consent that is clearly given. This means that we can only hold individuals' information if the person has clearly told us we can keep it.

X by X 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, X by X will ensure that the Deaf or Disabled Person or Carer:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Deaf or Disabled Person or Carer 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

## 6. 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. For members and other people who use our services or join our mailing lists, we need to keep their information as long as we are providing services that may interest them.
- For employees, we have to make sure we follow good practice about how long we keep information. We aim to follow the latest guidance as set out by the Chartered Institute of Personnel and Development (CIPD).
- It is X by X 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.

## 7. Data access and accuracy

Access by individuals to data we hold about them

- All Individuals/Service Users have the right to access the information X by X holds about them.
- X by X will provide this information within one month of receiving a request.
- X by X may refuse or charge for requests that are manifestly unfounded or excessive.
- If we refuse a request, we respond within one month to tell the individual why and remind them of their right to complain.
- If your request is refused, you have the right to complain to the supervisory authority and to judicial remedy.
- X by X will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, X by X will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection. This will be the Facilities Manager.
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice

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- 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 holds, manages and uses 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 or the General Data Protection Regulations 2018.

In case of any queries or questions in relation to this policy please contact the X by X Data Protection Officer:

Insert name and contact details of the Data Protection officer.

Signed:

Position:

Date:

Review Date:

## Glossary of Terms

**Data Controller** – The person who (either alone or with others) decides what personal information X by X will hold and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Officer** – The person(s) responsible for ensuring that X by X follows its data protection policy and complies with the Data Protection Act 1998.

**Deaf or Disabled Person or Carer** – The person whose personal information is being held or processed by X by X for example: a client, an employee, or supporter.

**Explicit consent** – is a freely given, specific and informed agreement by a Deaf or Disabled Person or Carer in the processing of personal information about her/him. Explicit consent is needed for processing personal information.

**Notification** – Notifying the Information Commissioner about the data processing activities of X by X, as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

**Processing** – means collecting, amending, handling, storing or disclosing personal information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within X by X.

**Sensitive data** – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings