

Data Protection and Confidentiality Policy Note

September 2009

Surrey Youth Focus is exempt from the notification provisions of the Data Protection Act 1998, as it is a small charity. Nevertheless the Act, and the companion Freedom of Information Act 2005 do provide guidance about how personal data should be treated with which compliance is expected. Surrey Youth Focus does have such data – see list below – and needs to treat this securely.

The key advisory and regulatory body is the Information Commissioner's Office
<http://www.ico.gov.uk>

The Information Manager is our designated adviser on best practice under the legislation, and in ensuring our compliance with its requirements.

The exemption

The exemption is as set out in the ICO's guidance note¹. However it is important to note that this exemption only applies whilst using the information to support or maintain membership, and to provide services to those members. The Guidance also makes it clear that even if unregistered, a charity must comply with the eight data protection principles of good practice.

Data Protection Act Principles

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Definition of personal information

The Act and associated Guidance² provides the definition in terms of whether the personal data enables the identification of an individual through a relevant filing system. In practical terms the relevant filing system may be either electronic or paper.

¹ DP Act Guidance Note: The exemption from notification of not for profit organisations , ICO

² DP Act Technical Guidance: "Distinguishing what is personal information". ICO

The ICO has suggested that organisations apply the following test questions to themselves, on the basis that:

“ Being able to answer ‘yes’ to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction”:

- Do I really need this information about an individual? Do I know what I’m going to use it for?
- Do the people whose information I hold know that I’ve got it, and are they likely to understand what it will be used for?
- If I’m asked to pass on personal information, would the people about whom I hold information expect me to do this?
- Am I satisfied the information is being held securely, whether it’s on paper or on computer? And what about my website? Is it secure?
- Is access to personal information limited to those with a strict need to know?
- Am I sure the personal information is accurate and up to date?
- Do I delete or destroy personal information as soon as I have no more need for it?
- Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting them into practice?
- Do I need to notify the Information Commissioner and if so is my notification up to date?

Principles

Personal Information – Staff and Trustees

1. The underlying principle is that personal information about staff and financial matters should be kept securely and safely and confined solely to those who need to use it, using the password control.

2. Paper Personnel records are held by the Chief Executive, and kept in a locked filing cabinet. Paper records about staff will be kept for a period of 7 years, consistent with the retention of financial information

The staff team has chosen to share information about addresses, mobile phones, home email addresses and dates of birth and this is welcomed for operational reasons, and is agreed by all staff. Similarly information is available on Z drive about Trustees contact details, and this too has been agreed.

3. Personal contact details should not be given out to unknown external bodies, or individuals, without the agreement of those concerned.

Personal Information – Members and others

As an infrastructure body Surrey Youth Focus retains various data sets that are listed separately.

This information will be used in accordance with the principles of Data Protection above, and confined to the purpose for which it was originally collected. Occasionally there are requests from external bodies that we should enable them to use this data store.

However this information is crucial to the core purpose of Surrey Youth Focus as a membership body, and such requests need to be addressed with great care. Some may be legitimate requests, but others may be by marketing organisations seeking to “ capture”

email addresses. In no circumstances should any of the databases listed above be transferred directly to another organisation.

There may be circumstances where it is legitimate to refer on contact details of an external organisation to our members, but in this event it should always be done by us, and **NOT** by external parties.

4. The personal information in these databases will not be transferred or sold to any external organisation without the knowledge and permission of those listed in the database

Personal Information – Young People

On occasions the Youth Development Worker may have personal data enabling the identification of a young person through a relevant filing system.

This information will only be held if the young people whose information SYF hold know that SYF have it and understand what it will be used for.

Paper records of this information will be kept in a locked filing cabinet within a locked office. The key will be held by the Youth Development Worker and will be destroyed as soon as SYF have no more need for it.

Responding to Information Requests

Surrey Youth Focus is also exempt from the Freedom of Information Act, not being a public authority or a public company, but members of the public, and particularly our own members are entitled to seek information generally about Surrey Youth Focus.

In this event the enquiry should be dealt with by our DP Act adviser in consultation with the Chief Executive, and if reputational issues were implicit in the request, also with the Chairman. A balance of judgement will have to be exercised between freedom of information and confidentiality about personal information.

Such requests should be dealt with within the timescale recommended in the Freedom of Information Act, namely 20 days.

Confidentiality

Surrey Youth Focus staff and Trustees may come across confidential or sensitive information in the normal day to day operations. This might include:

- member organisations and their viability,
- commercially sensitive information about tenders, bids, contracts,
- the health, welfare or performance or circumstances of particular individuals – for example of youth workers, personal advisers, staff, trustees
- strategic financial information about SYF itself, or its funding partners

A common sense approach needs to be taken, whereby “if in doubt, don’t disclose” and consult with the Chief executive. The principal test will then be whether disclosure would damage the reputation of Surrey Youth Focus, or the reputation of particular individuals.

Approved by Trustees on.....