



NoOffence!

Data Protection Policy

This policy applies to all staff, volunteers and partners of NoOffence! CIC.

1. Introduction

- 1.1. The purpose of this policy is to enable NoOffence! CIC to:
 - 1.1.1. Comply with the law in respect of the data it holds about individuals;
 - 1.1.2. Follow good practice;
 - 1.1.3. Protect NoOffence! CIC clients, staff, volunteers and other individuals
 - 1.1.4. Protect the organisation from the consequences of a breach of its responsibilities.

2. Brief introduction to Data Protection Act 1998

- 2.1. The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.
- 2.2. 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:
 - 2.2.1. Fairly and lawfully processed
 - 2.2.2. Processed for limited purposes
 - 2.2.3. Adequate, relevant and not excessive
 - 2.2.4. Accurate and up to date
 - 2.2.5. Not kept for longer than is necessary
 - 2.2.6. Processed in line with the rights of Data Subjects
 - 2.2.7. Secure
 - 2.2.8. Not transferred to other countries without adequate protection
- 2.3. 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.



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3. Policy statement

- 3.1. NoOffence! CIC will:
 - 3.1.1. Comply with both the law and good practice
 - 3.1.2. Respect individuals' rights
 - 3.1.3. Be open and honest with individuals whose data is held
 - 3.1.4. Provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently
- 3.2. NoOffence! CIC recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. Information about staff, volunteers, partners and clients will be used fairly, securely and not disclosed to any person unlawfully.
- 3.3. Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, NoOffence! CIC will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.
- 3.4. NoOffence! CIC is the Data Controller and is registered under the Data Protection Act 1998. All processing of personal data will be undertaken in accordance with the data protection principles.

4. Definitions

- 4.1. The Data Subject is the individual whose personal data is being processed. Examples include:
 - 4.1.1. Employees – current and past
 - 4.1.2. Volunteers
 - 4.1.3. Partners
 - 4.1.4. Job applicants
 - 4.1.5. Donors
 - 4.1.6. Users
 - 4.1.7. Suppliers.



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- 4.2. Processing means the use made of personal data including:
 - 4.2.1. Obtaining and retrieving
 - 4.2.2. Holding and storing
 - 4.2.3. Making available within or outside the organisation
 - 4.2.4. Printing, sorting, matching, comparing, destroying.
- 4.3. The Data Controller is the legal 'person', or organisation, that decides why and how personal data is to be processed. The data controller is responsible for complying with the Data Protection Act.
- 4.4. The Data Processor - the data controller may get another organisation to be their data processor, in other words to process the data on their behalf. Data processors are not subject to the Data Protection Act. The responsibility of what is processed and how remains with the data controller. There should be a written contract with the data processor who must have appropriate security.
- 4.5. The Data Protection Officer is the name given to the person in organisations who is the central point of contact for all data compliance issues.

5. Responsibilities

- 5.1. The Advisory Board recognises its overall responsibility for ensuring that NoOffence! CIC complies with its legal obligations.
- 5.2. The Data Protection Officer is currently John Clifford who has the following responsibilities:
 - 5.2.1. Briefing the Advisory Board on Data Protection responsibilities
 - 5.2.2. Reviewing Data Protection and related policies
 - 5.2.3. Advising other staff on Data Protection issues
 - 5.2.4. Ensuring that Data Protection induction and training takes place
 - 5.2.5. Handling subject access requests
 - 5.2.6. Approving unusual or controversial disclosures of personal data
 - 5.2.7. Ensuring contracts with Data Processors have appropriate data protection clauses
 - 5.2.8. Electronic security
 - 5.2.9. Approving data protection-related statements on publicity materials and letters



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- 5.3. Each member of staff, volunteers and partners at NoOffence! CIC who handles personal data will comply with the organisation's operational procedures for handling personal data (including induction and training) to ensure that good Data Protection practice is established and followed.
- 5.4. All staff, volunteers and partners are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.
- 5.5. Significant breaches of this policy will be handled under NoOffence! CIC's disciplinary procedures.

6. Confidentiality

- 6.1. Because confidentiality applies to a much wider range of information than Data Protection, NoOffence! CIC has a separate Confidentiality Policy. This Data Protection Policy should be read in conjunction with NoOffence! CIC's Confidentiality Policy.
- 6.2. NoOffence! CIC has a privacy policy for clients, setting out how their information will be used. This is available on request, and a version of this statement will also be used on the NoOffence! CIC web site.
- 6.3. Staff, volunteers, sessional workers and partners are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See Confidentiality Policy and Statement.)
- 6.4. In order to provide some services, NoOffence! CIC will need to share client's personal data with other agencies (Third Parties). Verbal or written agreement will always be sought from the client before data is shared.
- 6.5. Where anyone within NoOffence! CIC feels that it would be appropriate to disclose information in a way contrary to the confidentiality policy, or where an official disclosure request is received, this will only be done after discussions with a manager or the Data Protection Officer. All such disclosures will be documented.



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7. Security

- 7.1. This section of the policy only addresses security issues relating to personal data. It does not cover security of the building, business continuity or any other aspect of security.
- 7.2. Any recorded information on clients, volunteers and staff will be:
 - 7.2.1. Kept in locked cabinets
 - 7.2.2. Protected by the use of passwords if kept on computer
 - 7.2.3. Destroyed confidentially if it is no longer needed
- 7.3. Access to information on the main database is controlled by a password and only those needing access are given the password. Staff and volunteers should be careful about information that is displayed on their computer screen and make efforts to ensure that no unauthorised person can view the data when it is on display.
- 7.4. Notes regarding personal data of clients should be shredded or destroyed.

8. Data Recording and storage

- 8.1. NoOffence! CIC has a single database holding basic information about all clients and volunteers. The back-up discs of data are kept in the safe
- 8.2. NoOffence! CIC will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:
 - 8.2.1. The database system is reviewed and re-designed, where necessary, to encourage and facilitate the entry of accurate data.
 - 8.2.2. Data on any individual will be held in as few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets.
 - 8.2.3. Effective procedures are in place so that all relevant systems are updated when information about any individual changes.
 - 8.2.4. Staff and volunteers who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.
 - 8.2.5. Data will be corrected if shown to be inaccurate
 - 8.2.6. NoOffence! CIC stores archived paper records of clients and volunteers securely in the office.



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9. Access to data

- 9.1. All clients and customers have the right to request access to all information stored about them. Any subject access requests will be handled by the Data Protection Officer within the required time limit.
- 9.2. Subject access requests must be in writing. All staff, volunteers and partners are required to pass on anything which might be a subject access request to the Data Protection Officer without delay.
- 9.3. All those making a subject access request will be asked to identify any other individuals who may also hold information about them, so that this data can be retrieved.
- 9.4. Where the individual making a subject access request is not personally known to the Data Protection Officer their identity will be verified before handing over any information.
- 9.5. The required information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.
- 9.6. NoOffence! CIC will provide details of information to service users who request it unless the information may cause harm to another person.
- 9.7. Staff have the right to access their file to ensure that information is being used fairly. If information held is inaccurate, the individual must notify the Chief Executive so that this can be recorded on file.

10. Transparency

- 10.1. NoOffence! CIC is committed to ensuring that in principle Data Subjects are aware that their data is being processed and:
 - 10.1.1. For what purpose it is being processed
 - 10.1.2. What types of disclosure are likely
 - 10.1.3. How to exercise their rights in relation to the data.



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- 10.2. Data Subjects will generally be informed in the following ways:
 - 10.2.1. Staff: in the staff terms and conditions
 - 10.2.2. Volunteers: in the volunteer welcome/ support pack
 - 10.2.3. Partners: in the partnership agreement terms and conditions
 - 10.2.4. Clients: when they request (on paper, on line or by phone) services
- 10.3. Standard statements will be provided to staff for use on forms where data is collected.
- 10.4. Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

11. Consent

- 11.1. Consent will normally not be sought for most processing of information about staff. Although staff details will only be disclosed for purposes unrelated to their work for NoOffence! CIC (e.g. financial references) with their consent.
- 11.2. Information about volunteers will be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.
- 11.3. Information about clients will only be made public with their consent. (This includes photographs.)
- 11.4. 'Sensitive' data about clients (including health information) will be held only with the knowledge and consent of the individual.
- 11.5. Consent should be given in writing, although for some services it is not always practicable to do so. In these cases verbal consent will always be sought to the storing and processing of data. In all cases it will be documented on the database that consent has been given.



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- 11.6. All Data Subjects will be given the opportunity to opt out of their data being used in particular ways, such as the right to opt out of direct marketing (see below).
- 11.7. NoOffence! CIC acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where NoOffence! CIC has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

12. Direct marketing

- 12.1. NoOffence! CIC will treat the following unsolicited direct communication with individuals as marketing:
 - 12.1.1. Seeking donations and other financial support;
 - 12.1.2. Promoting any NoOffence! CIC services;
 - 12.1.3. Promoting NoOffence! CIC events;
 - 12.1.4. Promoting membership to supporters;
 - 12.1.5. Promoting sponsored events and other fundraising exercises;
 - 12.1.6. Marketing the products of NoOffence! CIC Trading;
 - 12.1.7. Marketing on behalf of any other external company or voluntary organisation.
- 12.2. Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opt out. If it is not possible to give a range of options, any opt-out which is exercised will apply to all NoOffence! CIC marketing. NoOffence! CIC does not have a policy of sharing lists, obtaining external lists or carrying out joint or reciprocal mailings.
- 12.3. NoOffence! CIC will only carry out telephone marketing where consent has been given in advance, or the number being called has been checked against the Telephone Preference Service.
- 12.4. Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.



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13. Staff training and acceptance of responsibilities

- 13.1. All staff who have access to any kind of personal data will be given copies of all relevant policies and procedures during their induction process, including the Data Protection policy, Confidentiality policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.
- 13.2. Data Protection will be included in the induction training for all volunteers.
- 13.3. NoOffence! CIC will provide opportunities for staff to explore Data Protection issues through training, team meetings, and supervisions.

14. Policy review

- 14.1. The policy will be reviewed in January 2016 by the Chief Executive. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

Approved by: Chief Executive, 5th January 2015

Review date: January 2016



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Appendix: Privacy statement

When you request information from NoOffence! CIC, sign up to any of our services or buy things from us, NoOffence! CIC obtains information about you. This statement explains how we look after that information and what we do with it. We have a legal duty under the Data Protection Act to prevent your information falling into the wrong hands. We must also ensure that the data we hold is accurate, adequate, relevant and not excessive.

Normally the only information we hold comes directly from you. Whenever we collect information from you, we will make it clear which information is required in order to provide you with the information, service or goods you need. You do not have to provide us with any additional information unless you choose to. We store your information securely on our computer system, we restrict access to those who have a need to know, and we train our staff in handling the information securely.

If you have signed up to a class or other service we will also pass your details to the professional worker providing that service. That worker may hold additional information about your participation in these activities.

We would also like to contact you in future to tell you about other services we provide, to keep you informed of what we are doing and ways in which you might like to support NoOffence! CIC. You have the right to ask us not to contact you in this way. We will always aim to provide a clear method for you to opt out. You can also contact us directly at any time to tell us not to send you any future marketing material.

Very occasionally we may carry out a joint mailing with carefully selected other organisations, in order to tell you about products and services we think you might be interested in. Again, you have the right to opt out of this.

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you). To obtain a copy, either ask for an application form to be sent to you, or write to the Data Protection Officer at NoOffence! CIC. There is a charge of £10 for a copy of your data (as permitted by law). We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.