



Data Protection Policy

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www.peopleknowhow.org

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1. Statement of Policy

People Know How needs to keep certain information on its staff members, volunteers and service users in order to be able to carry out its day-to-day operations, meet its objectives and comply with legal obligations. People Know How is committed to ensuring any personal data will be dealt with in line with the Data Protection Act 1998. To comply with the law, personal information will be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

The aim of this Policy is to ensure that everyone handling personal data is fully aware of the requirements and acts in accordance with data protection procedures. People Know How's commitment to implementing this Policy will be outlined in all public correspondence in a Privacy Statement (see Appendix A).

2. Scope of Policy

This Policy applies to all staff members and volunteers connected to People Know How.

This Policy covers:

- Definitions and requirements as set out in the Data Protection Act 1998
- People Know How's responsibilities to notify the Information Commissioner
- Staff responsibilities in relation to data protection
- A strategy for implementation within People Know How
- How information will be recorded and secured
- How those who have personal information being processed by People Know How can request access
- The procedures for consent within People Know How
- Provision for regular review of the data protection policy and its implementation

3. Definitions

The Data Protection Act 1998

In line with the Data Protection Act 1998 principles, People Know How will ensure that personal data will:

- Be obtained fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specific and lawful purpose
- Be adequate, relevant but not excessive
- Be accurate and kept up to date
- Not be held longer than necessary
- Be processed in accordance with the rights of data subjects
- Be subject to appropriate security measures
- Not be transferred outside the European Economic Area (EEA)



Processing

The definition of 'Processing' is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes some paper-based personal data as well as that kept on computer systems.

Personal Data Guardianship Code

The Personal Data Guardianship Code suggests five key principles of good data governance on which good practice is based. People Know How will seek to abide by this code in relation to all the personal data it processes in accordance with the following:

- **Accountability:** Those handling personal data must follow publicised data principles to help gain public trust and safeguard personal data.
- **Visibility:** Data subjects should have access to the information about themselves that an organisation holds. This includes the right to have incorrect personal data corrected and to know who has had access to this data.
- **Consent:** The collection and use of personal data must be fair and lawful and in accordance with the Data Protection Act's eight data protection principles. Personal data should only be used for the purposes agreed by the data subject. If personal data is to be shared with a third party or used for another purpose, the data subject's consent should be explicitly obtained.
- **Access:** Everyone should have the right to know the roles and groups of people within an organisation who have access to their personal data and who has used this data.
- **Stewardship:** Those collecting personal data have a duty of care to protect this data throughout the data life span.

4. Notification

Some organisations need to comply with the legal requirement to 'notify' the Information Commissioner that personal data is being processed within their organisation.

However, some not-for-profit organisations are exempt from this requirement providing they:

- Only process information necessary to establish or maintain membership or support.
- Only process information necessary provide or administer activities for people who are members of the organisation or have regular contact with it.
- Only share the information with people and organisations necessary to carry out the organisation's activities, unless express permission has been obtained from the data subject.
- Only keep information while the data subject is a member or supporter or as long as necessary for member/supporter administration.

At present and based on current activities, People Know How is judged to be exempt from notifying the Information Commissioner. However, these circumstances will be reviewed and this Policy updated as is appropriate.



5. Responsibilities

Overall responsibility for personal data in a not-for-profit organisation rests with the governing body. In the case of People Know How, this is the Management Committee.

The governing body should nominate a Data Controller. The Data Controller is responsible for:

- Understanding and communicating obligations under the Data Protection Act
- Identifying potential problem areas or risks
- Producing clear and effective procedures
- Reviewing, notifying and annually renewing notification to the Information Commissioner as appropriate, plus notifying of any relevant interim changes

All staff members and volunteers who process personal information must ensure they not only understand but also act in line with this Policy. All staff members and volunteers will be required to sign a Confidentiality Statement (see Appendix B) outlining their commitment.

Breach of this policy will result in disciplinary procedures as per People Know How's Disciplinary Policy, Complaints Policy and Volunteering Policy where they apply.

6. Implementation

To meet our responsibilities, in all contact with service users and other individuals, staff members and volunteers will:

- Ensure any personal data is collected in a fair and lawful way
- Explain why it is needed at the start
- Ensure that only the minimum amount of information needed is collected and used
- Ensure the information used is up to date and accurate
- Review the length of time information is held
- Ensure it is kept safely
- Ensure the rights individuals have in relation to their personal data can be exercised

People Know How will ensure that:

- Everyone managing and handling personal information is trained to do so
- Anyone wanting to make enquiries about handling personal information, whether a staff member, volunteer or service user, knows what to do
- Any disclosure of personal data will be in line with our procedures
- Queries about handling personal information will be dealt with swiftly and politely.

People Know How's commitment to implementing this Policy will be outlined in all public correspondence in a Privacy Statement (see Appendix A).



7. Data Recording and Security

Accuracy

People Know How will develop and maintain a single database holding basic information about all staff members, volunteers and service users.

People Know How will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- Computer systems will be designed, where possible, to encourage and facilitate the entry of accurate data
- Data on any individual will be held in as few places as necessary, and all copies
- Effective procedures will be in place so that all relevant systems are updated when information about any individual changes

Staff members or volunteers who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.

Retention Periods

People Know How will establish retention periods for at least the following categories of data:

- Service users
- Volunteers
- Staff members

Retention periods will set to what is necessary to effectively carry out People Know How's services. Retention periods will also be regularly reviewed within this Policy to ensure that data is not being held for longer than is necessary.

Personal sensitive information will not be used apart from for the exact purpose for which permission was given.

Data Security

People Know How will take the necessary steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure.

Any unauthorised disclosure of personal data to a third party by a staff member may result in disciplinary procedures as per People Know How's Disciplinary Policy.

The Board of Trustees is accountable for their compliance to this policy. A trustee could be personally liable for any penalty arising from a breach that they have made. Any unauthorised disclosure made by a volunteer may result in the termination of the volunteering agreement as per People Know How's Volunteering Policy.



8. Subject Access

Anyone whose personal information is processed by People Know How has the right to know:

- What information is held and processed on them
- How to gain access to the information
- How to keep it up-to-date
- What People Know How are doing to comply with the Data Protection Act
- How to exercise their rights with regard to the information.

They also have the right to prevent processing of their personal data in some circumstances and the right to correct, rectify, block or erase information regarded as inaccurate.

Individuals have a right under the Data Protection Act to access certain personal data being kept about them on computer system and certain files. Any person wishing to exercise this right should complete a Subject Access Request Application Form (see Appendix C) and send to Glenn Liddall – People Know How Secretary – People Know How Office, Kirkloan Hall, 18 Kirk Loan, Corstorphine, EH12 7HD or email to glenn.liddall@peopleknowhow.org

All staff members and volunteers are required to pass on Subject Access Requests to the Management Committee without delay.

People Know How may also require proof of identity and address before access is granted.

One of the following forms of proof of identity will be required:

- Current Valid Passport
- Current Valid UK Photo Driving Licence
- Current Valid UK Photo Provisional Licence
- Northern Ireland Voter's Card
- Armed Forces ID Card
- Residence permit showing your full name and current address (this is issued by the Home Office to non-EU Nationals on sight of your own country's passport)
- Firearms Certificate or Shotgun Licence

To show proof of address:

- Household Utility Bill (e.g. gas, electric, water or fixed-line telephone but not a mobile phone bill). *Bills must be no more than three months old and show your name and current address.*
- Current Valid UK Photo Driving Licence
Provisional Licences are not acceptable as proof of address.
- Bank, Building Society or Credit Card Statement.
Statements must be no more than three months old and show your name and current address.
- Local Authority Tax Bill (valid for the current year)
- HM Revenue & Customs Tax Document (containing full name and current address)
- Original Notification Letter from the relevant benefits agency confirming the right to benefits or state pension
- Northern Ireland Voter's Card (showing your current address)



Queries about handling personal information will be dealt with swiftly and politely. Any documents required as proof of identity or address will be returned as soon as possible.

There will be a fee for processing Subject Access Requests set within this Policy at £10. All individuals requesting information should be promptly notified of this fee at the start.

People Know How will aim to comply with requests for access to personal information as soon as possible, but will ensure it is provided within the 40 days required by the Data Protection Act from receiving the written request.

9. Consent

Consent will normally not be sought for most processing of information about staff members and sessional workers, with the following exceptions:

- Staff details will only be disclosed for purposes unrelated to their work for People Know How (e.g. financial references) with their consent.
- If staff members work from somewhere other than People Know How premises, they will be given the choice over which contact details are to be made public.

Information about volunteers will be made public according to their role, and consent will be sought for:

- The means of contact they prefer to be made public
- Any publication of information which is not essential for their role

Information about service users will only be made public with their consent (this includes photographs).

'Sensitive' data about service users (including health information) will be held only with the knowledge and consent of the individual.

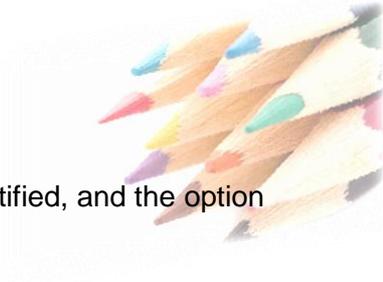
Direct Marketing

People Know How will treat the following unsolicited direct communication with individuals as marketing:

- Seeking donations and other financial support
- Promoting any People Know How services
- Promoting People Know How events
- Promoting sponsored events and other fundraising exercises
- Marketing any products of People Know How
- Marketing on behalf of any other external company or voluntary organisation

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 option. If it is not possible to give a range of options, any opt-out exercised will apply to all People Know How marketing.

People Know How 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.



Whenever e-mail addresses are collected, any future use for marketing will be identified, and the option to opt-out of marketing contact via email made clear.

10. Monitoring & Review

The effectiveness of this Data Protection Policy will be reviewed annually and action taken as necessary.

This Policy will be reviewed in 2017.



Appendix A: Privacy Statement

When you request information from People Know How, sign up to any of our services or buy things from us, People Know How 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.

Our services are delivered by our staff members and volunteers. We will pass your contact details to the relevant services, so that they can let you know what activities are available in your area. If you have signed up to an event, series of sessions or other service we will also pass your details to the staff member/volunteer providing that service. The staff member/volunteer may hold additional information about your participation in local activities.

We would also like to contact you in future to tell you about other services we provide, and ways in which you might like to support People Know How. 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 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 a Subject Access Request Application Form to be sent to you, or write to Glenn Liddall – People Know How Secretary – People Know How Office, Ocean Terminal, Ocean Dr, Edinburgh EH6 6JJ or email to glenn.liddall@peopleknowhow.org 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.



Appendix B: Confidentiality Statement

This Statement is to be signed by all staff members and volunteers within People Know How.

When working for People Know How, you will often need to have access to confidential information that may include, for example:

- Personal information about individuals who are involved in the activities and services organised by People Know How.
- Information about the internal business of People Know How.
- Personal information about staff members and volunteers working for People Know How

People Know How is committed to keeping this information confidential, in order to protect people and People Know How itself. ‘Confidential’ means that all access to information must be on a need to know and properly authorised basis. You must use only the information you have been authorised to use, and for purposes that have been authorised. You should also be aware that under the Data Protection Act, unauthorised access to data about individuals is a criminal offence.

You must assume that information is confidential unless you know that it is intended by People Know How to be made public. You must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular you must:

- Not compromise or seek to evade security measures (including computer passwords)
- Not gossip about confidential information, either with staff members/vounteers or people outside People Know How
- Not disclose information — especially over the telephone — unless you are sure that you know who you are disclosing it to, and that they are authorised to have it

If you are in doubt about whether to disclose information or not, do not guess. Withhold the information while you check with an appropriate person whether the disclosure is appropriate.

There are certain cases where you might have access to information related to someone’s personal safety. In these instances, you should abide by People Know How’s Confidentiality Policy and Child and Vulnerable Adult Protection Policy.

If you are worried someone may be at risk or that it may be an emergency call 999.

Your confidentiality obligations continue to apply indefinitely after you have stopped working for People Know How.

I have read and understand the above statement. I accept my responsibilities regarding confidentiality.

Signed (Staff Member/Volunteer):

Date:



Appendix C: Subject Access Request Application Form

This Form should be provided to individuals who are seeking access to any information People Know How may hold about them.

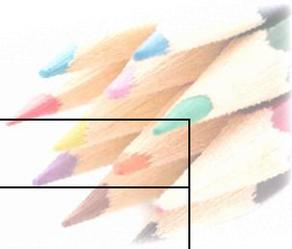
Guidance

- 1 The Data Protection Act 1998 gives individuals who are the subject of personal data ("data subjects") a general right of access to the personal data that relates to them.
- 2 Requests for access to records and other information about those records are known as "subject access requests".
- 3 All subject access requests must be made using this Form.
- 4 If you have changed your name, you should give us details of your previous name(s) to enable us to identify all the information we hold about you.
- 5 We will require proof of your name and address before we release your information. Please supply two official documents that show your name and address clearly. This ensures that we do not release your information to the wrong person. If someone is requesting the information on your behalf, we will require two official documents to prove their identity also.
- 6 You should also give us details of any previous addresses for the period you wish us to identify information for.
- 7 Please give us as much assistance as possible in identifying the information you want. People Know How can refuse your request if you do not provide us with sufficient information to locate the data you seek, or if you cast your request in such wide terms that it would require disproportionate effort to produce it. Please note that People Know How can only release information about you. We will not release information that identifies third parties (this includes information about members of your family).
- 8 A fee of £10 payable to People Know How is required for each Subject Access Request. The fee is non-refundable (even if our enquiries reveal that we do not hold any information about you).

Please submit your completed application form, payment and proof of identification to:

Glenn Liddall
People Know How Secretary
People Know How Office
Ocean Terminal,
Ocean Dr,
Edinburgh
EH6 6JJ
Or email to: glenn.liddall@peopleknowhow.org

If we hold information about you and if we are able to disclose this to you, your Subject Access Request will be complied with within 40 days from receipt of all of the following: This Completed Application, the required fee and the necessary information to confirm your identity and to locate the data.



1	Surname		Previous Surname	
	Forename		Previous Forename	
	Title(s)		Date of Birth	

2	Address	Previous Address		
	Postcode		Previous Postcode	
Daytime Contact Telephone Number:				

3 *To help us comply with your request it would help us if you could provide us with as much details as possible about the information you require:*

Service(s) or area(s) within People Know How where you think the information you seek is held. Please also include any reference number(s), date(s) etc. that are related, if known:

Please indicate as clearly as possible, if necessary with a covering letter, what the information is that you are actually seeking. Please do not just write "ALL":

4 Documents/information supplied in support of identification:

I request that you provide a copy of the information to me / _____ who is acting as my agent (Please *PRINT* the name of the agent who is acting on your behalf).

Your signature:	Date: