



# Data Protection Policy and Procedures

## Policy statement

Macc is committed to a policy of protecting the rights and privacy of individuals, Voluntary, community & social enterprise (VCSE) group members, trustees, staff, volunteers and others in accordance with The Data Protection Act 1998. The policy applies to all VCSE group members and staff at Macc. Any breach of The Data Protection Act 1998 or Macc Data Protection Policy is considered to be an offence and in that event, Macc disciplinary procedures apply.

As a matter of good practice, other organisations and individuals working with Macc, and who have access to personal information, will be expected to have read and comply with this policy. It is expected that any staff who deal with external organisations will take responsibility for ensuring that such organisations sign a contract agreeing to abide by this policy.

## Legal Requirements

Data are protected by the Data Protection Act 1998, which came into effect on 1 March 2000. Its purpose is to protect the rights and privacy of individuals and to ensure that personal data are not processed without their knowledge, and, wherever possible, is processed without their consent.

The Act requires Macc to register the fact that we hold personal data and to acknowledge the right of 'subject access' – VCSE group members, trustees, staff and volunteers must have the right to copies of their own data.

## Managing Data Protection

Macc ensures that our details are registered with the Information Commissioner. The current Notification expires in **10<sup>th</sup> September 2017**. A copy of the notification is located in the Macc office. You can see Macc's registration online on the Data Protection Register by going to: <https://ico.org.uk/ESDWebPages/Entry/Z9595019>

## Purpose of data held by Macc

Data are held by Macc for the following purposes:

1. Staff and Volunteer Administration
2. Fundraising
3. Realising the Objectives of a Charitable Organisation or Voluntary Body
4. Accounts & Records
5. Advertising, Marketing & Public Relations
6. Information and Databank Administration
7. Journalism and Media
8. Processing For Not For Profit Organisations
9. Research

## **Data Protection Principles**

In terms of the Data Protection Act 1998, Macc is the 'data controller', and as such determines the purpose for which, and the manner in which, any personal data are, or are to be, processed. Macc must ensure that we have:

### **1. Fairly and lawfully processed personal data**

Macc will always put our logo on all paperwork, stating their intentions on processing the data and state if, and to whom, Macc intend to give the personal data. Also provide an indication of the duration the data will be kept.

### **2. Processed for limited purpose**

Macc will not use data for a purpose other than those agreed by data subjects (VCSE group members, trustees, staff, volunteers and others). If the data held by Macc are requested by external organisations for any reason, this will only be passed if data subjects (voluntary and community group members, trustees, staff, volunteers and others) agree. Also external organisations must state the purpose of processing, agree not to copy the data for further use and sign a contract agreeing to abide by The Data Protection Act 1998 and Macc Data Protection Policy.

### **3. Adequate, relevant and not excessive**

Macc will monitor the data held for our purposes, ensuring we hold neither too much nor too little data in respect of the individuals about whom the data are held. If data given or obtained are excessive for such purpose, they will be immediately deleted or destroyed.

### **4. Accurate and up-to-date**

Macc will provide our members (VCSE group members, trustees, staff, volunteers and others) with a copy of their data once a year for information and updating where relevant. All amendments will be made immediately and data no longer required will be deleted or destroyed. It is the responsibility of individuals and organisations to ensure the data held by Macc are accurate and up-to-date. Completion of an appropriate form (e.g. Macc ORCA Database form) will be taken as an indication that the data contained are accurate. Individuals should notify Macc of any changes, to enable personnel records to be updated accordingly. It is the responsibility of Macc to act upon notification of changes to data, amending them where relevant.

### **5. Not kept longer than necessary**

Macc discourages the retention of data for longer than it is required. All personal data will be deleted or destroyed by Macc after one year of non-membership has elapsed.

### **6. Processed in accordance with the individual's rights**

All individuals that Macc hold data on have the right to:

- Be informed upon the request of all the information held about them within 40 days.
- Prevent the processing of their data for the purpose of direct marketing.
- Compensation if they can show that they have been caused damage by any contravention of the Act.
- The removal and correction of any inaccurate data about them.

## **7. Secure**

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data.

All Macc computers have a log in system and the Macc ORCA Database is password protected, which allow only authorised personnel to access personal data. Passwords on all computers are changed frequently. All personal and financial data is kept in a locked filing cabinet and can only be accessed by the Chief Executive, the Deputy Chief Executive and the Finance & Facilities Manager. When Macc personnel are using the laptop computers and other electronic equipment out of the office care should always be taken to ensure that personal data on screen is not visible to strangers.

## **8. Not transferred to countries outside the European Economic Area, unless the country has adequate protection for the individual.**

Data must not be transferred to countries outside the European Economic Area without the explicit consent of the individual. Macc takes particular care to be aware of this when publishing information on the Internet, which can be accessed from anywhere in the globe. This is because transfer includes placing data on a web site that can be accessed from outside the European Economic Area.

### **Sensitive Data**

Where personal data is considered 'sensitive' it must only be processed with the explicit consent of the subject, or where there is a legal requirement. Whilst it is accepted that data of this nature may sometimes be used for monitoring purposes, strict safeguards will always be in place to ensure that individuals cannot be identified.

- Racial or ethnic origin
- Political opinion
- Religious or spiritual beliefs
- Trade union membership
- Physical and mental health
- Sexual orientation
- Gender reassignment
- Commitment (or alleged commitment) of any offence
- Outcomes of proceedings for any offence committed (or allegedly committed), the disposal of the proceedings or the sentence of the court.

### **Disclosure Requests**

Macc has a responsibility to its trustees, staff and volunteers to be cautious about any external requests for information about them. The Data Protection Act does not require positive responses to such requests. Occasionally, other legal duties may mean that there is no choice but to respond. In some cases the Data Protection Act will not stand in the way of disclosure but the choice will ultimately be one for Macc to make. In other cases compliance with the Data Protection Act will be a barrier to disclosure.

If Macc receive requests for information from, for example, debt collectors, HMRC or other parties a response will not be made to any such telephone requests. To be consistent and to ensure the validity of the caller Macc will always ask for such requests in writing on the

appropriate headed paper. Exceptionally, it may be appropriate to respond to a caller, but checks must be taken such as calling them back on a known number.

The trustee / staff member / volunteer will be informed of any disclosures made, unless Macc is prevented from doing so by law, for instance if informing the trustee/ staff member / volunteer would constitute a 'tip off' prejudicing the outcome of any investigation. All requests for information and the responses given will be kept in an appropriate place – preferably the personal file. Should verbal requests have been answered a record of the request and the response given will be noted and retained on file.

Trustees, staff and volunteers should note that it is a criminal offence to knowingly or recklessly disclose information about employees without the employee's consent. When an employee leaves they will be kept informed about how requests for information in the future will be dealt with. It is recommended that their consent be obtained when they leave to enable responses to references to be made when required, rather than having to obtain their consent at some time in the future.

### **Subject Access Requests**

The Office of the Information Commissioner has produced a Good Practice Guide on dealing with Subject Access Requests which is available at on their website [www.ico.gov.uk](http://www.ico.gov.uk) or direct link: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

In responding to Subject Access Requests, the following points should be noted:

- In most cases, Macc will hold only very basic contact information for individuals who are not trustees, staff or volunteers of Macc, much of which will already be in the public domain.
- Macc is entitled to charge a fee of £10 to any individual requesting a copy of their personal data held by Macc.
- Where an employee of Macc makes a request for information this is most likely to be for access to their personnel file. Macc employees are entitled to see their personnel file at any time but the personnel file itself remains the property of Macc and may not be removed from the Macc office.
- Where someone who works for Macc in a voluntary capacity (e.g. as a Trustee) makes a request for information this is most likely to be for access to their volunteer records. Volunteers are entitled to see their records at any time but the records remain the property of Macc and may not be removed from the Macc office.
- In all instances where a decision is reached that information is to be withheld or cannot be supplied, Macc's response to the request will include a clear statement of the grounds on which the information is being withheld (e.g. it does not exist, breaches the rights of other individuals or is considered a management forecast).
- The status of personal data may change over time and any Subject Access Requests should be considered afresh without reference to previous requests by an individual.

On receipt of Subject Access Requests, Macc will contact the Information Commissioner helpline for advice either by telephone 0303 123 1113 (in which case a note of the conversation will be made) or by email to [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

## **Employee/Volunteer Monitoring**

Monitoring of work to check on the quantity and quality of work produced is a recognised component of the employer-employee relationship. In the case of volunteers monitoring is still required as part of quality assurance for Macc's work generally and as part of general supervision. Staff and volunteers will understand that their work is to be monitored from Day One of starting to work at Macc. Such information will usually be discussed during induction and/or support and supervision sessions.

Other forms of monitoring are generally conducted to check compliance with Macc policies, procedures and standards of conduct. Should such monitoring be necessary staff / volunteers will be advised that this is the case. Other powers for monitoring are dealt with under the Regulation of Investigatory Powers Act 2000 (RIPA).

## **Records**

Macc will retain records as required by law, the basic guidelines are:

- Application form - Duration of employment / volunteering
- References received - 1 year
- Payroll and tax information - 6 years
- Sickness records - 3 years
- Annual leave records - 2 years
- Unpaid leave/special leave records - 3 years
- Annual appraisal/assessment records - 5 years
- Records relating to promotion, transfer, training, disciplinary matters - 1 year from end of employment / volunteering
- References given/information to enable reference to be provided - 5 years from reference/ end of employment / volunteering
- Summary of record of service e.g. name, position held, dates of employment – 10 years from end of employment / volunteering
- Records relating to accident or injury at work - 12 years

## **Exemptions**

There are a number of exemptions from the subject access provisions, including employment references supplied in confidence and for records of the intentions of the data controller in relation to any negotiations with the data subject (e.g. pay increases or promotion). However, the previous exemptions for payroll and pensions no longer apply; such information is now treated in the same way as other personal data.


