

The Charity of Marjorie Hurst

Data Protection & Privacy Policy

Introduction:

The purpose of this policy is to enable the Charity of Marjorie Hurst to comply with the law (the Data Protection Act 1998 and the General Data Protection Regulations 2018) in respect of the data it holds about individuals.

The Charity will:

- follow good practice
- protect residents, Trustees, staff and other individuals by respecting their rights
- demonstrate an open and honest approach to personal data and
- protect the Charity from the consequences of a breach of its responsibilities.

This policy applies to all the information that we control and process relating to identifiable, living individuals including contact details and medical information.

Lawful basis for holding personal data

The Charity of Marjorie Hurst holds data on residents, Trustees and staff.

It is necessary for the Charity to hold data on residents for them to live in the almshouses and to help protect their welfare. There are regulations in the letter of appointment to an almshouse which require new residents to disclose personal information to the Charity for these purposes.

The Charity holds contact details, date of birth details and details on other appointments and interests of the Trustees and staff. This is for the purposes of administering the Charity on a day to day basis and for reporting to regulatory bodies including the Charity Commission and the Regulator of Social Housing.

Rights of individuals

All individuals who come into contact with the Charity of Marjorie Hurst have the following rights under the GDPR:

- the right to be informed
- the right of access to a copy of their personal data
- the right to have inaccurate personal data rectified
- the right to have personal data erased in certain circumstances
- the right to restrict the processing of data in certain circumstances
- the right to data portability that allows individuals to obtain and reuse their personal data for their own purposes across different services.
- The right to object to the processing of personal data in certain circumstances
- The right not to be subject to automated decision-making including profiling.

Collecting and using personal data

The Charity of Marjorie Hurst collects and uses personal data in connection with the provision of almshouses for the elderly. The Charity collects personal data with the consent of residents in the following ways:

- by asking applicants for accommodation to complete paper forms

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- by asking new residents to provide GP and next of kin contact details on a form
- by asking residents, either verbally or on paper, to provide or update information held by the telecare monitoring service, Astraline, in case of an emergency

The Charity will only share personal data if it has express consent from the individual, unless it is in the following circumstances:

- the data is required by emergency services to protect the resident/s and/or the property
- the data is required by social services to protect the resident
- any other circumstance where data must be shared for legal reasons eg a court case

The Charity will only pass on information to Astraline that is specifically required for their purposes in operating the monitoring service. From time to time the Charity may wish to pass on a resident's contact details to contractors so that work can be arranged but will only do so with the consent of the resident.

The Charity of Marjorie Hurst will:

- not use any of the personal data it collects in ways that have unjustified adverse effects on the individuals concerned
- be transparent about how it intends to use the data and give individuals appropriate privacy notices when collecting their personal data
- handle people's personal data only in ways they would reasonably expect
- not do anything unlawful with the data.

Keeping Data Secure

The Charity will take all appropriate measures to prevent unauthorised or unlawful processing of personal data and to protect personal data against loss, damage or destruction. This means that:

- Personal files for residents, Trustees and staff and applications for accommodation will be stored securely with access only by the Clerk
- electronic files containing personal data are stored on a password-protected personal computer that stays in an office
- if any data is taken from the office the data must be held securely at all times whilst in transit and at the location the data is held.

Roles and Responsibilities

The Trustees recognise their overall responsibility for ensuring that the Charity complies with its legal obligations. A Trustee, named in Appendix A, is responsible for data protection as follows:

- briefing Trustees on Data Protection responsibilities
- reviewing Data Protection and related policies
- advising other staff on Data Protection issues
- ensuring that Data Protection induction and training takes place
- notification
- handling subject access requests.

All Trustees and staff 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 roles.

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Significant breaches of these policies will be handled under disciplinary procedures.

Key risks to the safety of data control and process:

The Trustees have identified the following potential key risks:

- breach of confidentiality (information being given out inappropriately)
- individuals being insufficiently informed about the use of their data
- misuse of personal information by staff or volunteers
- failure to up-date records promptly
- poor IT security and
- direct or indirect, inadvertent or deliberate unauthorised access.

The Trustees will review the Charity's procedures regularly, ensuring that the Charity's records remain accurate and consistent and in particular:

- IT 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 Trustees and staff will be discouraged from establishing unnecessary additional data sets
- effective procedures will be in place so that relevant systems are updated when information about an individual changes.

If a breach of data security is suspected or occurs the Trustee responsible for data protection should be notified immediately. If the breach has not been resolved by the Trustees responsible for data protection then the Information Commissioner's Office (ICO) should be contacted (see Appendix A). The ICO is the independent body set up to uphold information rights.

Subject Access Requests

Any individual who wants to exercise their right to receive a copy of their personal data can do so by making a Subject Access Request, ('SAR') to the Clerk. The request can be made verbally or in writing and the individual must satisfy the Clerk of their identity before receiving access to any information.

A SAR must be answered within one month of receipt by the Charity.

Retention of personal data

The Charity will not keep personal data for longer than is necessary. This means that:

- a resident's file will be completely destroyed after one year of the resident leaving or passing away
- application forms for unsuccessful applicants will be destroyed three years after the date of application
- records of complaint/investigations concerning residents will be destroyed six years after the resident leaves or passes away
- Trustees personal files will be destroyed one year after ceasing to be a trustee
- staff personal files will be destroyed six years after employment ceases.

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APPENDIX

Contact Details

Clerk to the Trustees:

Sarah Baron

Tel: 01565 640755

Email: mhurstcharity@gmail.com

Trustee Responsible for Data Protection:

Paul Baron

Tel: 07850 506333

Email: pbaron2018@gmail.com

Information Commissioner's Office:

Tel. 0303 123 1113

Web: <https://ico.org.uk/concerns>