

DATA PROTECTION POLICY

Purpose	This policy sets out Headway Tyneside's approach to the collection and use of personal data relating to staff, trustees, volunteers, members and anyone else who the charity comes in contact with. Not only must we comply with the law, but also, protecting personal data is important for the maintenance of confidence between us and those we work with.
Scope	Headway Tyneside Trustees, Staff & Volunteers
Approver	Trustee Board
Last Approval Date	April 2024
Review Cycle	At least every 3 years
Next Review	By February 2027 at latest

1. Headway Tyneside needs to collect and use personal data about data subjects to include service users, staff, trustees, volunteers, members and donors (hereby recognized as "data subjects") in order to carry out our business effectively and to provide high quality services. We recognise that the lawful and correct treatment of personal data is very important to maintain confidence between ourselves, our service users, their carers and families, our staff, trustees and volunteers, and professionals in the field of brain injury.
2. Any personal data we collect, record or use in any way, whether it is held on paper, computer or on other media, will have appropriate safeguards applied to it to ensure we comply with the General Data Protection Regulation (May 2018) and the Data Protection Act, 1998 and adhere to the 8 principles of data protection, as set out in the Act, which states that personal data must be:
 - Fairly and lawfully processed
 - Processed for limited purposes and not in any other way which would be incompatible with those purposes
 - Adequate, relevant and not excessive
 - Accurate and kept up to date
 - Not kept for longer than is necessary for the purpose
 - Processed in line with the data subject's rights
 - Kept secure, and
 - Not transferred to a country which does not have adequate data protection laws

3. In order to adhere to these principles, we will:
 - Observe the conditions concerning the fair collection and use of personal data
 - Meet our obligations to specify the purposes for which personal data is used
 - Collect and process appropriate personal data only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
 - Ensure the quality of personal data used
 - Apply strict checks to determine the length of time personal data is held
 - Ensure that the rights of individuals about whom the personal data is held can be fully exercised under the Act
 - Take appropriate security measures to safeguard personal data, and
 - Ensure that personal data is not transferred abroad without suitable safeguards.
4. Where we collect any sensitive data we will take appropriate steps to ensure that we have explicit consent by obtaining express permission to hold, use and retain the information. Sensitive data is personal data that clearly identifies the data subject, including their name, address, date of birth, telephone number and next of kin. It can also include other sensitive information about a data subject's health conditions, racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, details of the commission or alleged commission of any offence and any court proceedings relating to the commission of an offence.
5. We do not normally have the need to provide information we retain on any of our data subjects to organisations or individuals outside Headway Tyneside, other than to Social Services and other related statutory bodies during the course of client reviews and / or to any company which Headway Tyneside engages to undertake its administration processes. When we are asked to participate in service-user reviews, or if for any other reason we intend to pass information to another agency, we will always inform the data subject (service user, volunteer or staff member) of the information we intend to reveal and seek their agreement to our doing so.
6. Headway Tyneside has decided that the following categories of contacts will be considered as having a "legitimate interest" and will therefore not be required to sign a permissions agreement:
 - a) Website enquiries
 - b) Verbal/telephone enquiries
 - c) Email enquiries
 - d) Hospital liaison patients, carers and families.
7. Headway Tyneside has decided that at the present time, there is no requirement to appoint a Data Protection Officer.
8. Headway Tyneside respects the privacy of data subjects and in connection with the handling of information it will ensure that:
 - The Chair is the Data Controller for Headway Tyneside and as such assumes overall responsibility for data captured and stored

- Everyone managing and handling personal information known as Data Collectors understands the requirements of the Act and their responsibilities under it
- Everyone managing and handling personal information is appropriately trained to do so
- Everyone managing and handling personal information is appropriately supervised
- Queries about handling personal information are promptly and efficiently dealt with
- The way in which personal information is managed will be reviewed and audited from time to time.
- Methods of handling personal information are kept under review and assessed and evaluated as appropriate

9. Under the Data Protection Act and General Data Protection Regulations (May 2018) any individual may write to the Chair (Data Controller) of Headway Tyneside, at: c/o Irwin Mitchell, Wellbar Central, Gallowgate, Newcastle upon Tyne NE1 4TD and request a copy of the information we hold about them. After proving their identity, the Data Controller will disclose to the individual all data held on them in an easily readable form and will be sent electronically. In accordance with GDPR information is provided free of charge within 30 days, however, Headway Tyneside reserves the right to charge a “reasonable” administration fee when a request is unfounded or excessive, or particularly if it is repetitive.

If the data subject believes that the information we hold on them is inaccurate then they are entitled to ask for it to be amended.

10. All data subjects under Article 17 have the right to be forgotten. If the subject is no longer working with or a client of the charity, Headway Tyneside will delete all data being held immediately upon request.
11. As Data Controller, Headway Tyneside’s Chair is legally required to ensure that the information is processed securely and that the risk of accidental loss or inappropriate access is minimised. Periodically, the Chair (either personally, or by a nominee) will conduct a data audit in order to check and verify data and procedures.
12. Headway Tyneside is responsible for keeping all data safe. This is required for all data whether kept in electronic or written form.
13. Headway Tyneside staff and volunteers will be responsible for ensuring that all devices used to capture data are downloaded with suitable anti-virus protection programmes. Current staff members and volunteers will not use their private email addresses for Headway Tyneside communications and any documents or information downloaded to USB sticks must be encrypted and passworded accordingly.
14. Any breaches of data will be investigated by the Data Controller within 24 hours of notification and will be recorded in Headway Tyneside’s Data Breach Register. Steps will be taken to mitigate the breach and the individual to whom the breach relates will be informed immediately and written to, to confirm details of the breach and to include the steps Headway Tyneside has taken. Where there is a considered serious breach, the Data Controller will inform The Information Commissioners Office (ICO) within 72 hours and the Charity Commission as soon as possible.

15. All business partners, who handle and process data on Headway Tyneside's behalf to undertake administration processes, will be asked to provide evidence that their operations are compliant with the GDPR. This may include providing a copy of their own Data Protection Policy and/or an acknowledgement that they have read and comply with this Data Protection Policy.
16. Data will be stored for as long as data subjects remain a service-user of Headway Tyneside and for seven years thereafter (or for an under-18, until they are 25). Any data subjects requiring access to their data should write to the Data Controller ie., Chair. It is the responsibility of the data subject to advise Headway Tyneside of any changes to their personal details.
17. Headway Tyneside will obtain disclaimers from all parties accessing its data from personal devices such as homeworkers using PC's, laptops, ipads, iphones etc. to confirm that they are responsible for keeping the data safe and secure by password-protecting their devices. Whilst it is accepted that this applies principally to employees, it applies also to any volunteers and trustees who access Headway Tyneside data from personal devices
18. All confidential waste being sensitive data no longer required, will be disposed of by a confidential method.
19. Headway Tyneside has no access to any CCTV equipment and disclaims any responsibility in relation to any video data captured and stored during any activity or event at which Headway service-users may be present.

FURTHER INFORMATION

For further information about the GDPR and how they affect you, please visit the Information Commissioner's website at:

www.ico.org.uk (where the full code is available to be downloaded)

If you have any queries you can contact the ICO helpline on 0303 123 1113 or write to the ICO at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF