



1. Introduction

Homemaker Southwest recognises the importance of correct and lawful treatment of personal data, and is committed to meeting its obligations under the Data Protection Act (1998).

The organisation has a registered entry with the Information Commissioner as required by the Act, and this is renewed annually.

2. Purpose

The purpose of this policy is to ensure that the staff, volunteers and trustees of Homemaker are clear about the purpose and principles of Data Protection and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against Homemaker or its staff, volunteers or trustees

3. What the policy covers

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

4. Principles

The Act sets out eight principles which must be followed. These state that personal data must be

- i. processed fairly and lawfully;
- ii. only processed for specified and lawful purposes;
- iii. adequate, relevant and not excessive;
- iv. accurate, and where necessary kept up to date;
- v. not kept longer than is necessary;
- vi. processed in accordance with the rights of the data subject;
- vii. kept secure;
- viii. transferred only to countries with adequate security.

5. Definitions

Data subject is the person about whom information is held.

Data Controller is Homemaker Southwest.

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject to the processing of personal information about her/him. Explicit consent is needed for processing sensitive personal data

Informed consent - is when

- a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- and then gives their consent

Processing – means collecting, amending, handling, storing or disclosing personal information

Personal data is information relating to living individuals that enables them to be identified - such as names, addresses, age.

Sensitive personal data includes information on race, ethnic origin, religion, physical or mental health condition, political opinions, Trade Union membership, sexual life, criminal record or criminal proceedings relating to a data subject’s offences

6. Data held by Homemaker Southwest

For the purposes of these procedures, data collected, stored and used by Homemaker falls into 2 broad categories:

1. Homemaker’s internal data records:

Staff, volunteers and trustees

2. Homemaker’s external data records:

Clients

6.1 Internal Data Records

Homemaker obtains personal data (names, addresses, phone numbers, email addresses), application forms, and references and in some cases other documents from staff, volunteers and trustees. This data is stored and processed for the following purposes:

- Recruitment
- Equal Opportunities monitoring
- Tracking
- To distribute relevant organisational material e.g. meeting papers
- Payroll

Access

The contact details of staff, volunteers and trustees will only made available to other staff, volunteers and trustees (as per Homemaker’s Lone Working Policies). Any other information supplied on application will be kept in a secure filing cabinet and/or password protected computer file, and is not accessed during the day to day running of the organisation

6.2 External Data Records.

Homemaker will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Homemaker will ensure that the Data Subject

- clearly understands why the information is needed

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- understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- as far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- has received sufficient information on why their data is needed and how it will be used

Data Storage

Information and records relating to clients will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

It is Homemaker's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party or destroyed.

7. Data access and accuracy

All Data Subjects have the right to access the information Homemaker holds about them. Requests should be made in writing and signed by the individual. Requests can be made to a caseworker or a member of the management team.

In response to a Data Subject Access request, Homemaker aims to disclose as much information as possible within 40 days, while respecting the right of any third party to maintain confidentiality wherever reasonable. (See appendices 1 & 2)

8. Who is responsible for meeting the requirements?

Compliance with the Act is the responsibility of all staff, paid or unpaid. Although as employers, the Board of Homemaker have ultimate responsibility for ensuring that the requirements of the DP Act are met: they, in turn, expect the Management Team to provide the necessary resources and information to enable individual staff to adhere to the requirements of this policy.

Homemaker will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action. Any employee who breaches this policy statement will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution.

Date policy last reviewed and approved: January 2016

Date next review due: January 2018

Clients and staff have the right to ask to see personal and sensitive information held about them by Homemaker, and the organisation would wish to respond positively.

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The following checklist suggests how such requests should be handled.

1. The request must be made either verbally or in writing by the individual concerned.
2. The request may be made to a caseworker or to a manager.
3. The Director should be informed of any such request, and the Line Manager given the task of preparing the information for disclosure.
4. If the request is reasonable, the file should normally be available to view within 10 working days. The individual should be notified accordingly.
5. If there is third-party information contained within the file, this should not be disclosed without the third-party's consent.
6. The Line Manager should contact the third party to ask whether they will give their consent to disclosing the information on file. The response should be in writing wherever possible.
7. The file should be sorted to take out third-party information if applicable.
8. The individual making the request should be invited to the office to view the file in a private room.
3. Where no consent has been given for third-party information to be disclosed, the individual should be made aware of this, and may be encouraged to contact the third party direct to follow this up if appropriate.
4. A note should be made on file to say that the individual had access to their file, and the date recorded.

DISCLOSURE OF INFORMATION TO THIRD PARTIES

There may be occasions on which other agencies ask for information about a mutual client.

The following checklist suggests how such requests should be handled.

1. The identity of the person requesting the information must be known to the member of staff receiving the enquiry.
2. The request should be shared with the Line Manager.
3. A judgement must be made on whether it is a reasonable request, (ie is relevant to the work being undertaken by the third party, and is in the interests of the client)
4. If it is considered a reasonable request, the consent of the client should normally be sought, unless it is information required by law, or to assist in the prevention/detection of a crime, or in cases of potential/actual risk/abuse.
5. Once above criteria are satisfied, disclosure should be made.