

Felixstowe Youth Development Group



Policy Number 21

Data Protection

(Issue 8 – Revised January 2021)

Approved by _____ David Rowe

Chair of Felixstowe Youth Development Group

Approved by Trustees 19/1/2021

Registered Charity Number: 1102380

Registered Address: 2nd Floor, 54 Cobbold Road, Felixstowe IP11 7EL

Felixstowe Youth Development Group (FYDG)

Level Two Youth Project

DATA PROTECTION POLICY

Section A Introduction

Felixstowe Youth Development Group (FYDG) Level Two is committed to being data compliant with the General Data Protection Regulations (GDPR) introduced in May 2018. This policy in separate sections will cover Young People & Adults. Adults include Staff, Volunteers, Directors & Trustees.

All Level Two Staff & Volunteers who process or use any personal information must ensure that they follow the principles below. Personal or confidential information must not be discussed in any public place including the open areas of the Level Two Youth Hub. Unauthorised disclosure by a member of staff, volunteer or trustee will be treated as a disciplinary matter & could be considered gross misconduct. (See appendix 6 Confidentiality Agreement). Any Breach of this Policy should be reported to the Data Controller (DC) & the Senior Information Risk Officer (SIRO) who will if necessary report to the Information Commission Officer (ICO).

Data Protection Principles

Under the GDPR, the data protection principles set out the main responsibilities for organisations. Article 5 of the GDPR requires that personal data shall be:

- “a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Definitions

Personal data is information that relates to the identity of a natural person and can identify them directly or indirectly. An identifier could be a name, number, location data, and online identifier, physical, physiological, genetic, economic, cultural or social. The Data Controller – (DC) is responsible for compliance with the principles. The FYDG Data Controller is the Project Manager, currently Shez Hopkins. The FYDG Senior Information Risk Officer (SIRO) is a Trustee, currently Stephen Wyatt.

Disposal of confidential material

Confidential material will be secured & taken from the hub by the DC to a reputable waste disposal firm. If a computer is to be disposed of or passed to another member of staff then confidential information should be deleted from the hard drive.

Section B – Young People

Collecting Data – The condition under which we process data will normally be by the consent of the person providing the data. Young people aged 13 and above may give consent themselves. Under that age, consent must be given by the Parent/carer. Where we are unable to get consent we may choose to use the condition of legitimate interest. (See Appendix 1)

There are two ways we collect data. A “Registration Consent” form (see Appendix 4) is completed by the young person or their parent when the young person attends a session for the first time. This form contains the privacy statement; this statement is also available on the Level Two Website. The Lead worker will check whether there is any urgent medical information which needs to be shared with the staff on duty. The completed paper copy is filed in a locked filing cabinet in the PYW office.

Other data we collect is when a young person chooses to share information relating to their emotional & mental health and well-being. This is recorded after a session when no young people are present & the recording sheets, once analysed, are placed in a folder and stored in the PYW office to which Young People do not have access.

What data – We will collect the following data:- Name, Date of Birth, Sessions attended, Gender, Phone number, Address, email, school attended, health issues, regular medication, additional needs & allergies. Also, parent name, phone number & email. Optional data collected relates to Religion and Ethnicity. Other data we collect relates to supporting young people’s emotional & mental health and well-being. For Mentoring & Counselling we also ask for information about the reason for referral, the referring organisation and other agencies working with the young person. Personal information given by a young person during a mentoring or counselling session is confidential to the parties involved unless Safeguarding principles override. Case studies will be completely anonymised with subject identifiers removed.

Reason for holding data – Basic contact details are held to enable communication with a parent or carer when needed, for example in case of an emergency. Data is also held to meet requests from funders about diversity and inclusion and to evidence outcomes for funders. We hold data young people have chosen to give us to enable us to best support their emotional & mental health & wellbeing.

Using data – Personal data will only be used in order to meet the physical, emotional or mental needs of the young person.

Storing data - Personal data will be kept for as long as a young person is attending Level Two. We aim to update the contact phone number at least every two years. After a year of non-attendance we will delete the data. Data is stored both in paper form and electronically.

Paper copies of the Registration Consent Form and sign in sheets are stored in locked, fireproof cabinets.

Electronic data is stored on two devices & in both cases these are password protected. One password is needed to access the computer and another password is needed to access the data.

1. A computer in the DC office contains all data collected on the Registration Consent Form.
- 2 A computer in the Admin office contains a password protected spreadsheet with only young person name, Date of Birth, Parent contact no. & sessions attended.

Access to Data

An individual can request to see their own Data.

The DC, Deputy Project Manager (DPM), Lead Youth Workers (LYW) will have a separate log in on the DC computer

Personal data on the DC's computer is only accessible by the DC & SIRO.

DC, DPM, PYW & Lead Workers will have access to the paper copies of session recordings. A confidentiality statement signed by all staff will protect against misuse of this data.

Third party Sharing of data - We share anonymised data with funders to evidence outcomes for funded work. When in the best interests of the young person, we may also share selective information with other organisations with whom we are already jointly working. We will also share data if required to by law or if the young person is considered at risk of harm. For further guidance see appendix 7.

CCTV/Digital Images – See appendix 5

Privacy Statement

I understand this information will be treated as confidential. It will be used to contact my parent / carer in the event of an emergency; Shared with Level Two Youth Workers if they need to know about a health condition, other agencies if required by law or if I am considered to be at risk of harm. You may also log additional information that I choose to share with you. This will only be accessible by Level Two Youth Workers & will be treated as confidential. You will only hold information for as long as you need it.

I have the right to see any information you hold about me, have it corrected or have it erased. If you are unable to get consent you may hold information under legitimate interest.

Section C Adults

Collecting Data – The condition under which we process data is by the consent of the person providing the data, except when employment law requires it. For Volunteers & Trustees consent will be given at the point of joining the organisation.

What data –

- Staff - we will keep the information we are required to by employment law. This currently includes Contracts, pay rates, payroll, sickness, accident and injury records, & information about hours worked, health issues & personal & emergency contact details. In accordance with good practice we will also keep a log of DBS numbers; records of training, Supervisions/appraisal; employment history; absence; personal details as recorded in application form minutes of meetings with workplace representatives; any capability or disciplinary records; individual and collective redundancy consultation meetings and agreements.
- Volunteers – Log of DBS numbers, sickness, accident and injury records, & information about hours worked, health issues & personal & emergency contact details. We will also keep records of training, Supervisions/appraisal; personal details as recorded in application forms, minutes of meetings attended; any capability or disciplinary records.
- Trustees – contact details, including emergency contact; profile & photograph as supplied by Trustee; DBS number; Records of training & meetings attended.
- Other adults – DBS number as required, Contact & company contact details, Application forms.

- Occasional data collected includes DVLA data, passport number & gift aid forms.

Reason for holding data – In accordance with employment & tax law, as good practice; in case of an emergency communication needed or in compliance to carry out duties.

Using data – To ensure staff are paid; for reference about achievements or concerns & to fulfil duty of care. We will also use data to communicate information.

Storing data - Data is stored both in paper form and electronically.

Paper copies of data are stored in locked cabinet in the DC office.

Electronically data is stored on two computers in Rm4 (Admin Office) & Rm. 6 (DC office).

Selected other data such as timesheets & supervision records are stored on DC, DPM & PYW computers. These are password protected for both computer & personal data access. We will keep staff records in accordance with employment law. Gift aid forms will be kept for 6yrs in accordance with HMRC requirements. After this time data will be destroyed through confidential waste. For Trustees & volunteers, records will be destroyed within 6months of leaving the organisation. We will keep application forms for up to six months.

Access to Data

Personal data on the DC's computer is only accessible by the DC, DPM & SIRO.

Paper copies of adult data are normally only accessed by the DC or SIRO.

Third party Sharing of data - We will share data as required to by law, in order to ensure staff are paid, & in accordance with our policies.

CCTV/Digital Images – See appendix 5

Privacy Statement – I understand this information will be treated as confidential. It will be used to contact me or my next of kin in the event of an emergency; you may also log additional information that I choose to share with you. This will be treated as confidential. You will only hold information for as long as you need it.

I have the right to see any information you hold about me, have it corrected or have it erased.

Employment Law & good employment practice requires us to hold other information which is listed in our Data Protection Policy. I have the right to complain to the Information Commissioners Office (ICO).

I declare I have read the Privacy Statement & the information on this form is correct & complete.

Appendices

Appendix 1

Legitimate Interest Assessment

Purpose

Our first basis for collecting & holding personal data will be by Consent. However we may need to use legitimate interest in certain circumstances so that we are able to exercise our duty of care towards young people accessing our provision. This applies to holding emergency contact phone numbers, parental email addresses for non-emergency communication & information voluntarily shared by a young person which enables us to provide support.

Necessity

Legitimate interest will be appropriate in the following circumstances:-

- Where a parent / carer of a young person under the age of 13 fails for whatever reason to provide consent.
- Where a young person aged 13 or above clearly indicates that they do not understand the basis of consent.
- Where a young person over the age of 13 gives us consent to hold their data including parental contact detail without parental consent
- The data that we would hold whereby we may use legitimate interest would be name, age, gender, religion, ethnicity, email, home address, contact numbers, medical conditions or health related issues and any other information the young person chooses to share.

Balancing

The data we are holding is in the interest of our organisation so that we can fulfil our duty of care. Equally it is also in the interests of the young person who will benefit from emergency help & the provision of support for physical, emotional & mental well-being.

We may also use legitimate interest in order to lawfully disclose personal data to a third party. Such sharing would be with organisations also working to support young people so that they can benefit from a holistic approach.

To protect the interests of young people the procedures in our data protection policy for storing data, ensuring rights of access & to be forgotten will also apply.

We keep our Legitimate Interest Assessment under review, and amend it if circumstances change.

We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.

Board Members Consent Form

(Data Controller for Level Two Youth Project is Shez Hopkins – Project Manager)

I understand this information will be treated as confidential. It will be used to contact me or my next of kin in the event of an emergency. You may also log additional information that I choose to share with you. You will only hold information for as long as you need it; afterwards this information will be disposed of using a confidential waste disposal process.

I have the right to see any information you hold about me, have it corrected or have it erased. I can also make a complaint to the Information Commissioner’s Office (ICO).

Board Members full name	
Address (Including Postcode)	
Telephone Number	
Date of Birth	
Email	
Emergency contact name & number (preferably a mobile)	
Any additional needs, medical issues or allergies.	

- I consent for photographs taken of me can be used by Level Two for publicity purposes, including Level Two Facebook page & Website. Yes No
- I am happy to receive updates & information via email Yes No
- I have read the Privacy Statement & the information on this form is correct & complete. I understand it is my responsibility to inform and update Level Two of changes to the above information.

Signed

Appendix 3

Staff & Volunteers Consent Form
(Data Controller for Level Two Youth Project is Shez Hopkins – Project Manager)

I understand this information will be treated as confidential. It will be used to contact me or my next of kin in the event of an emergency; you may also log additional information that I choose to share with you. This will be treated as confidential. You will only hold information for as long as you need it.

I have the right to see any information you hold about me, have it corrected or have it erased.

Employment Law & good employment practice requires us to hold other information which is listed in our Data Protection Policy. I have the right to complain to the Information Commissioners Office (ICO).

Full name	
Address (Including Postcode)	
Telephone Number	
Date of Birth	
Email	
Name & number of emergency contact (preferably a mobile)	
Any additional needs, medical issues or allergies.	

- I consent for photographs taken of me during sessions / activities to be used by Level Two for publicity purposes, including Level Two Facebook page & Website. Yes No
- I am happy to receive updates & information via email Yes No
- I have read the Privacy Statement & the information on this form is correct & complete. I understand it is my responsibility to inform and update Level Two of changes to the above information.

Signed

Appendix 4

Young Person Consent form

Young Person Emergency Contact Details


(Data Controller for Level Two Youth Project is Shez Hopkins – Project Manager)

I understand this information will be treated as confidential. It will be used to contact my parent / carer in the event of an emergency; Shared with Level Two Youth Workers if they need to know about a health condition, other agencies if required by law or if I am considered to be at risk of harm. You may also log additional information that I choose to share with you. This will only be accessible by Level Two Youth Workers & will be treated as confidential. You will only hold information for as long as you need it.

I have the right to see any information you hold about me, have it corrected or have it erased. If you are unable to get consent you may hold information under legitimate interest.

Young Person's full name		
Address (Including Postcode)		
Home Telephone Number		
Young Person Date of Birth		
School & Year Group		
Parent / Carer Email		
Parent / Carer name & emergency contact number (preferably a mobile)		
Any additional needs, medical issues or allergies. (If asthmatic please carry your inhaler with you at all times.)		
Religion		No Religion <input type="checkbox"/> Christian <input type="checkbox"/> Other <input type="checkbox"/>
		(If other please state)
Ethnicity		White British <input type="checkbox"/> White European <input type="checkbox"/> White Other <input type="checkbox"/>
		Asian, Asian UK, Indian <input type="checkbox"/> Other <input type="checkbox"/> Ethnic Background <input type="checkbox"/>

- I consent for photographs taken of me during sessions / activities to be used by Level Two for publicity purposes, including Level Two Facebook page & Website. Yes No
- I am aware of the Level Two code of conduct.
- I am happy to receive updates & information via email Yes No

- I have read the Privacy Statement & the information on this form is correct & complete. I understand it is my responsibility to inform and update Level Two of changes to the above information. 

Signed by Young Person age 13yrs+ or Parent / Carer if under 13yrs **Date**

Appendix 5

Digital Image Policy

Objective – As part of our Data Compliance under the GDPR regulations to protect the safety of young people's images on Level Two Facebook, website and publicity.

- The 2018 General Data Protection Regulations (GDPR) state that consent is required for processing of sensitive personal data. All young people, staff, volunteers & Board members complete a consent form saying "I consent for photographs taken of me during sessions / activities to be used by Level Two for publicity purposes, including Level Two Facebook page & Website."
- Images will be used only for the purposes of Level Two website, Facebook and publicity in the media or Press.
- Verbal consent from the young person, and anyone else who will appear in the frame, will be obtained immediately prior to recording or taking photographs.
- All images will be taken on Level Two Youth project equipment which is kept in a locked secure cabinet. Images are then downloaded onto the Project Administrator's PC and kept in a separate password protected file. The only people with access to this password are the Data Controller, Project Manager, Deputy Project Manager & Project Administrator. Images will be deleted from Level Two recording equipment once downloading is completed. Images on the computer will be deleted after one year or earlier if no longer needed. Only staff authorised by the Data Controller or Project Manager will be permitted to take photos and filming of Young People.
- Individual's names will not accompany any photographs published in any print or digital format. Images used on the Project's website or promotional materials will not be accompanied by any information about the young person(s) pictured.
- The young person or the Parent / Carer signing the consent form have the right to view these images & have them deleted.
- Whenever possible Images are taken in groups. Young people give verbal consent prior to photographs being taken. Any individuals not wishing to be photographed are invited to move away from the shot.
- All photographs and images remain the property of the Level Two Youth Project.
- Further consent will be requested if external agencies enquire about using Level Two photographs or images.
- Level Two Youth Project reserves the right to ask spectators or other individuals to refrain from taking visual recordings. Any press photographers in attendance will be briefed on our digital image policy and the conditions of the young person's and parent/carers consent, before they commence work.
- At public events, the Level Two Youth Project cannot be held responsible for images taken by anyone apart from its own staff.

Staff currently authorised to take photographs or video film images are:-

Project Manager, Deputy Project Manager, Lead Youth Workers

CCTV

CCTV cameras cover the stairwell and the internal and external entrance to the building. They do not cover any other private property. There is clear signage that CCTV is in operation. The purposes are: - to monitor movement and behaviour on the staircase and to identify who is asking for access to the building. Images will be stored for no longer than 28 days. They will only be looked at if an incident has been reported. They will be disclosed only to the Police at their request or if legally required to do so by a third party. We will make every effort to ensure that there is no corruption of evidence for the Police. This policy will be reviewed every two years. Level Two is registered with the I.C.O. (Information Commissioner's Office) registration number ZA151950. The person responsible for ensuring compliance with this policy and the principles of the Surveillance Camera Code of Practice (see appendix 3 of the ICO Data Protection Code) are the Data Controller & Senior Information Risk Owner. The IT technician is also authorised to assist in recovery of images to a secure location within the Level Two office in response to a Police request.

Staff & Volunteer Confidentiality Agreement

This employee / volunteer confidentiality agreement is made between _____

(Hereon referred to as the "Employee") & Level Two Youth Project (Hereon referred to as the "Employer").

The Employee agrees to the terms of this agreement:

1. The Employee acknowledges that, in the course of employment by the Employer, the Employee has, and may in the future, come into the possession of certain confidential information belonging to the Employer including but not limited to young people, service user information, methods, or processes
2. The Employee hereby covenants and agrees that he or she will at no time, during or after the term of employment, use for his or her own benefit or the benefit of others, or disclose or divulge to others, any such confidential information.
3. Upon termination of employment, the Employee will return to the Employer, retaining no copies, all documents relating to the Employers business including, but not limited to, reports, correspondence, Service User information, computer programs, and all other materials and all copies of such materials, obtained by the Employee during employment.
4. Breach of this agreement by the Employee will entitle the Employer to an injunction to prevent such disclosure, and will entitle the Employer to legal remedies, including legal fees and costs.
5. This agreement may not be modified except in writing signed by all the parties concerned.

Employer

(Signature)

(Date)

Employee / Volunteer

(Signature)

(Date)

Shez Hopkins
Project Manager

Level Two Youth Project

Appendix 7

Information Sharing

Seven key questions for information sharing:-

- Is there a clear and legitimate purpose for sharing information?
- Does the information enable a person to be identified?
- Is the information confidential?
- Is this in line with the Level Two Data Protection Policy?
- Is there sufficient public interest?
- Are you sharing appropriately and securely?
- Have you properly recorded your decision?

Trustee Confidentiality Agreement

This confidentiality agreement is made between _____

(Hereon referred to as the "Trustee") & Felixstowe Youth Development Group (Hereon referred to as the "Company").

The Trustee agrees to the terms of this agreement:

1. The Trustee acknowledges that he or she has, and may in the future, come into the possession of certain confidential information belonging to the Company including but not limited to young people, service user information, methods, or processes.
2. The Trustee hereby covenants and agrees that he or she will at no time, during or after the term of service, use for his or her own benefit or the benefit of others, or disclose or divulge to others, any such confidential information.
3. Upon termination of service, the Trustee will return to the Company, retaining no copies, all documents relating to the Company's business including, but not limited to, reports, correspondence, Service User information, computer programs, and all other materials and all copies of such materials, obtained by the Trustee during service.
4. Breach of this agreement by the Trustee will entitle the Company to an injunction to prevent such disclosure, and will entitle the Company to legal remedies, including legal fees and costs.
5. This agreement may not be modified except in writing signed by all the parties concerned.

Company Secretary

(Signature)

(Date)

Trustee

(Signature)
