

Data Protection Policy

Data protection The Data Protection Act 1998 is concerned with the protection of human rights in relation to personal data. The aim of the Act is to ensure that personal data is used fairly and lawfully and that where necessary the privacy of individuals is respected.

What is personal data? Personal data is data relating to an individual. Examples of personal data are staff/volunteer details (including employment records), names, addresses and other information relating to Centre users and other individuals. Processing data includes obtaining, holding, maintaining, storing, erasing, blocking and storing data. The rules about data protection do not distinguish between manual and computer records.

What is sensitive data? Sensitive data (likely to be included in sickness records and DBS Disclosures) means data consisting of information relating to the Equalities Act (2010) 'protected characteristics' as follows:

Age

Disability

Gender reassignment.

Marriage and civil partnership.

Pregnancy and maternity.

Race

Religion or belief.

Sex

Sexual orientation.

Also including civil or criminal offences information.

The Rights of Individuals People are entitled to know what data a Child Contact Centre holds about them and what it is used for, although there is an exemption which allows for non-disclosure of sensitive data if the Child Contact Centre holds it for the purposes of preventing the occurrence of crime due to violence. There is also a right to have any inaccuracies in data corrected or erased.

Principles for holding and processing personal data Irrespective of whether the Child Contact Centre needs to notify the Information Commissioner all Child Contact Centres must abide by eight principles put in place by the Act to make sure that information is handled properly:

These state that:

1. Data must be obtained and processed fairly and lawfully. 2. Data must be held only for specified lawful registered purposes. 3. Data must be adequate, relevant and not excessive. 4. Data should be accurate and kept up to date. 5. Data should not be kept longer than is necessary. 6. Data should be processed in accordance with the rights of data subjects under this Act. 7. Data must be kept secure. 8. Data must not be transferred outside the European Economic Area unless with the consent of the individual or where the country has adequate systems in place to protect personal data.

Good practice tips for safeguarding personal data

1. Manual records should be kept secure in locked cabinets. Restrict access to such records. 2. Computer files should be password protected. 3. E-mail is not a secure medium for sending confidential information. It is not advisable for referrers to email completed referral forms. 4. Identify what is sensitive data, so that proper safeguards can be put in place. 5. When personal data needs to be deleted or destroyed, adequate measures need to be taken to ensure personal data is properly and securely disposed of. This includes the physical destruction of manual files, the deletion of computer files and back-up files. Particular care should be taken over the destruction of manual sensitive data including shredding or disposing via a specialist contractor.

How long should records be kept for? Records should be kept for as long as is deemed necessary apart from the following: 1. Financial records need to be held for 6 years. 2. Accident books and paperwork relating to safeguarding or child protection issues about a specific child should be kept indefinitely as children can request this information up to the age of 21 years.

General NACCC guidelines are that information relating to families, staff and volunteers not used for three years should be treated as confidential waste and disposed of as such.

Does your service need to notify the Information Commissioner? If a Child Contact Centre is merely providing a facility for contact then it does not have to notify the Information Commissioner. However, if any assessment, reporting, mediation, counselling or other service is offered then the Child Contact Centre does need to

notify the Commissioner. Likewise if the families may be contacted for research, publicity or appeals for funding the Child Contact Centre should notify the Commissioner. If you are in any doubt about whether your organisation should notify, contact the Information Commissioner's office (details below). The Information Commissioner's website holds a "Do I need to notify?" questionnaire and has a leaflet entitled "Notification Exemptions: A Self-Assessment Guide".

There is a two-tiered notification fee. The two-tiered structure is based on an organisation's size and turnover. A data controller will need to assess which tier they fall in and hence the fee they are required to pay. The fee for tier 1 is £35 and the fee for tier 2 is £500. A notification fee of £500 applies to data controllers with either a turnover of £25.9M and 250 or more members of staff or if they are a public authority with 250 or more members of staff. All other data controllers fall into the lower-tier category, paying £35 per annum unless they are exempt.

How do you notify or renew your register entry?

You can either notify or renew online at www.ico.gov.uk or via telephone on 0303 123 1113, or by post at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Information line:

If a Child Contact Centre has any questions about, or problems in relation to Data Protection, it should contact the NACCC office or visit the Information Commissioner website on www.ico.gov.uk.

Freedom of Information Act 2000 This Act only applies to public bodies and is therefore unlikely to apply to the majority of Child Contact Centres in the majority of cases. However, the Act is complicated and may apply if Centres are either run by public bodies or under contract to them, although there are then some exceptions for Court related matters. If a Child Contact Centre is approached by a referrer, family, solicitor or a court; advice should be sought before responding.

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