

ACCT Data Protection Policy

Aim:

The Data Protection Act (2018) covers information about individuals which is held on computer or in a manual filing system, or which is recorded with the intention that it will be part of such systems. The Act applies to people or organisations that use or hold such personal data.

The Act is based on the right of the individual (the Data Subject) to know what information is being held about them, and how the information will be used. The Act sets out principles to ensure that personal data is:

- processed fairly and lawfully
- obtained only for specified and lawful purposes
- adequate, relevant and not excessive in relation to the purposes for which it is processed
- accurate and where necessary kept up to date
- not kept for longer than is necessary
- processed according to the rights of the Data Subject under the Act
- technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- not transferred to areas outside of the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

Policy Statement:

Asperger's Children and Carers Together (ACCT) regards the protection of individuals' personal and sensitive data to be of the greatest importance and will comply with the requirements of the current Data Protection legislation at all times.

ACCT is registered with the ICO (Information Commissioners Office) and the Manager is the named Data Controller.

Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the Act.

ACCT is required to 'notify' the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner's website at the following link :

http://www.ico.gov.uk/what_we_cover/promoting_data_privacy/keeping_the_register.aspx

ACCT is registered with the Information Commissioner as a data controller and will maintain its notification status with the Commissioner. ACCT will hold personal data in accordance with the principles and requirements of good practice. Procedures will be put in place to ensure the fair processing of data relating to individuals.

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

ACCT collects a large amount of personal data every year including: member, child, staff and volunteer records, as well as the many different types of attendance data used by ACCT. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

Throughout this policy, the term “individuals” or “service users” usually means parent carers, and sometimes also children and young people with disabilities. For the purposes of this policy, the term is usually synonymous with the legal term “data subject”.

Protocol and Procedure:

INDIVIDUALS’ RECORDS

All information regarding individuals will be treated as confidential apart from the names, addresses and dates of birth of any children and young people attending our children’s or teenage clubs. This will be shared with one member of staff at the local authority and they will keep this information confidential and only use the information for data purposes. All information sent from our office via computer will be encrypted using the AVCO Sfs system. Where other information on parent carers or children/young people has to be disclosed to other organisations, ACCT will normally seek prior consent. Any disclosure without consent will only be authorised in exceptional circumstance, and parent carers and, where appropriate, the children/young person, will be given every opportunity to know what is in their files; to know with whom ACCT shares information; and to have access to their files if they wish, at no charge.

Parent carers and children/young people will be given a clear opportunity to opt out in advance of any use of their details by ACCT for marketing or fundraising. Information on children and young people being cared for will not be used for marketing or fundraising purposes, other than for statistical information.

INFORMATION HELD

The following information is kept on service users and their families:

- Name, address, telephone number, email address and age of children. This information is kept on computer for the purpose of sending information to all members
- Medical information for those children attending Acctivate Children’s and Teenage Club. This information is kept on a computer and manually and is stored in a secure cabinet. Access is available only to the ACCT Trustees, the Manager and Deputies.
- Registers of names and children’s ages are kept for each activity. During the session they will be held by the Activity Leader, after which they will be stored in a secure cabinet. Access is available only to the ACCT Trustees, Manager and Deputies.
- Consent for collecting this information will be obtained from each member (for children and young people under 18, and for young people themselves ages 18+).
- Incident, Safeguarding, Restraint and First Aid Records are kept in individual files and a central file. This is stored in a secure cabinet. Access is available only to the ACCT Trustees, the Manager and Deputies.

Personal information will be held about paid staff and volunteers, consultants and trustees:

- Name, address, telephone number and email address. This information is kept on computer for the purpose of sending information to staff and volunteers
- Medical information, this is stored in a secure cabinet

- Staff and volunteer signing in sheets from club sessions
- Application forms, interview notes, ID, supervision notes, DBS details, training records. This information is kept on a computer and manually and is stored in a secure cabinet. Access is available only to the ACCT Trustees, the Manager and Deputies.
- Pay records and annual leave allowance are held by secure email and manually and is stored in a secure cabinet. Access is available only to the ACCT Trustees, the Manager and Deputies. Payroll records are sent by secure email to our payroll provider VAS.

ACCT staff and volunteers will not have access to information on other staff or volunteers, with the exception of Chair of Trustees, and where necessary, trustees.

When staff and volunteers leave, all personnel documents will be kept in accordance with ACCT's procedures, see appendix.

Every member of staff that holds personal information has to comply with the Data Protection Act when managing that information.

Personal information will be held about:

- Donors / Funders
- Suppliers
- Regulatory Bodies
- Partner Organisations

Some of this information is kept on a computer and some is held manually and is stored in a secure cabinet. Access is available only to the ACCT Trustees, the Manager and Deputies.

ACCT must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them

ACCT has a legal responsibility to comply with the Act.

RESEARCH

Records relating to users of ACCT's services will not be used for research purposes except in the following circumstances:

- Where research is being carried out for ACCT's own purposes, any researcher must undertake to respect client confidentiality before being given access to records.
- Where the research involves the compilation of statistics, or the amalgamation of records into a form where no information about specific individuals is disclosed or can be inferred, individuals do not need to be contacted, and no consent need be sought.

USE OF CASE HISTORIES AND PHOTOGRAPHS

ACCT will always take reasonable steps to seek the consent of an individual where that parent carer's individual case history is used for research or any other purpose, even when that parent carer's story is used anonymised or disguised. If consent is refused, or if the individual cannot be contacted, the case will not be used.

Where photographs of staff, volunteers or members are used to publicise or promote the organisation (Annual Reports, Newsletters, website etc), permission will be sought from the individuals using the ACCT consent form, and the photograph used for a limited length of time.

SHARING OF INFORMATION

ACCT will not normally share any information about individuals with any other agency without their consent.

However:

- Information sharing may take place without the consent or the knowledge of the individual concerned, in circumstances outlined in ACCT's Confidentiality Policy.
- Where ACCT is legally bound to provide information, no consent need be sought, nor will individuals necessarily be informed that the information has been provided.
- Statistical or other information may be shared, for research or other purposes, without the consent or knowledge of the individuals to which it relates, **only** where individuals cannot be identified,
- Exceptionally, personal data may be shared in a collaborative or consortium arrangement without their informed consent, if a data- sharing protocol provides adequate safeguards.

ACCESS REQUESTS BY INDIVIDUALS

All individuals have a legal right of access to their own personal data, and to a copy of the data if they wish, within the statutory time limit of 40 days. No reason need be given. ACCT will not make a charge for this.

Parent carers do not have an automatic right of access to personal information about the person they care for if they are 18 and over.

ACCT may withhold access in certain circumstances including:

- where the data has originated from a third party
- where the data was provided explicitly on a confidential basis by a third party acting in a professional capacity (such as a doctor or social worker)
- where the data contains information that relates to an identifiable third party.

In any case where a file contains information about more than one-person, great care will be taken when providing an individual with access to his/her personal data to avoid inadvertently breaching the confidentiality of a third party.

RECORD KEEPING AND DESTRUCTION

It is necessary for ACCT to keep records of personal details of parent carers and other individuals, their circumstances and ACCT's contact with them. This record-keeping serves many purposes, including facilitating the smooth running of ACCT, enabling it to maximise the help we give to individuals and for monitoring purposes.

ACCT will take the utmost care to ensure that records are accurate, factual and legible, and that we record no more information than is necessary. ACCT will always correct any error in our records that is brought to our attention.

Records will be kept securely, and ACCT will take steps to ensure that they will only be accessible to persons properly authorised for that purpose.

Electronic records will similarly be kept securely and will be subject to adequate back-up arrangements.

Paper records will be destroyed as per the Appendix. The same stipulation will apply to electronic records, but in this case the records may be anonymised instead of being deleted.

OFF-SITE WORKING

There are occasionally circumstances in which ACCT nominated staff need to take personal information from the office to and from the service setting. There may also be occasions where personal information is included in email communication. Where this needs to occur, especially in relation to information about children, all information will be password protected. Paper copies of sensitive and confidential information will remain in the office and kept in a lockable filing cabinet.

Document Retention Schedule

Appendix

Types of Records	Retention Policy
Allegations to LADO and / or persons posing a risk to children	Date case closed + 100 years
Child Protection Cases	Date of birth + 32 years or if the child dies before they reach 18, then 6 years from date of birth
Children's Social Care (Where none of the above apply) <ul style="list-style-type: none"> • Children in need • Support provided for child / family regarding disabilities 	Date of birth + 32 years or if the child dies before they reach 18, then 6 years from date of birth
Safety Inspection, Monitoring and Regulation	Date of last action + 6 years
Closed Club Records <ul style="list-style-type: none"> • Service user's leavers files • Administration 	Date of club closure + 10 years
Session Records <ul style="list-style-type: none"> • Registers • Service user records • Session record • Safety Checks 	Date of birth + 25 years
Membership <ul style="list-style-type: none"> • Admission Records 	Date of last action + 2 years
ACCT Trustee Records	Date of last action + 6 years
Special Educational Needs and Disabilities <ul style="list-style-type: none"> • Assessment and support 	Date of birth + 32 years
Accidents/Incidents/Restraints	Incident / Resolution + 21 years
Health and Safety Investigations	Date of last action + 6 years
Risk Assessments (Children)	Date of birth + 25 years
Risk Assessments (Work-based)	Retain 2 previous assessments
Employee Record	End of contract + 6 years
Employee Disciplinary – Unfounded Concern	Final outcome + 1 day
Employee Disciplinary – level 1 to level 3 (verbal to written warning)	Final outcome + 6, 12 or 18 months
Employee Performance Supervision Records	Financial year end + 6 years
Employee Sickness Records and Return to Work	Financial year end + 3 years
Employee Time Sheets and Annual Leave	Financial year end + 3 years
Employee Training Record	End of contract + 6 years
Employee Training Attendance Registers	End of training + 6 years (up to 50 years for health and safety course)
Payroll, Salary and Pensions	Employment start date + 65 years
Unsuccessful Job Applications	Final outcome + 6 months
Accounting and Reporting	Financial year end + 6 years
Banking Related Records	Financial year end + 6 years
Budget Management	Financial year + 6 years
External Grant Funding	Varies – can be up to 25 years from project end
Purchasing and Payment Processing	Financial year end + 6 years