

13 - Data Protection Policy

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Reviewed by:	Anne Stenning, CFO
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1. Introduction

The Data Protection Act 1998 is legislation which relates to the processing and disclosure of all personally identifiable information relating to living people.

2. Scope and Definitions

2.1 This policy relates to all identifiable information held in any format by Brain-in-Hand Ltd. This includes:

- All user and client records
- All information relating to Brain-in-Hand Ltd staff, applicants and contractors

2.2 Identifiable information includes anything that may be used to identify a person directly or indirectly. This could include (but is not restricted to) name, address, full postcode, date of birth, NHS number and/or locally identifiable codes, telephone numbers, email addresses.

2.3 Identifiable information also applies to photographs, pictures, videos and audio tapes

2.4 Any format relates to identifiable information that is held on computers, disks, CDs, audio tape, video, X-ray, CCTV or on paper in structured files in manual filing systems where personally identifiable information is stored in a methodical way.

3. Aims of our Data Protection Policy

The aims of our Data Protection Policy are to ensure that the eight principles of the Data Protection Act 1998 are adhered to:

- Personal data shall be obtained and processed fairly, lawfully and with the informed consent of the data subject.
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate 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.
- Personal data shall not be transferred to a country or territory outside the European Economic Area 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.

4. Roles and Responsibilities

Executive and Board

4.1 The Chief Executive Officer has overall responsibility for data protection at Brain-in-Hand Ltd and is responsible for the management of the organisation and for ensuring appropriate mechanisms are in place to support service delivery and continuity.

4.2 Brain-in-Hand Ltd must ensure that it meets its legal responsibilities and adopts internal and external governance requirements.

4.3 Brain-in-Hand Ltd has a particular responsibility for reflecting users' interests regarding the use of user identifiable information and for sharing it in an appropriate and secure manner.

4.4 The Brain-in-Hand Ltd Board is responsible for ensuring that this policy is implemented and that the data protection policy and processes are developed, reviewed and implemented.

All Staff

4.5 All Brain-in-Hand Ltd staff who create, receive and use data have data protection responsibilities. In particular, all staff must ensure that they manage and store data in compliance with this policy and with any guidance subsequently produced.

5. Legal and Professional Obligations

Brain-in-Hand Ltd will take actions as necessary to comply with legal and professional obligations, in particular:

- The Public Records Act 1958
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Common Law Duty of Confidentiality
- The NHS Confidentiality Code of Practice
- Any new legislation affecting records management as it arises.

In respect of any disclosure or safeguarding concern, all staff are required to abide by best practice outlined in the Government publication "**Information Sharing – Guidance for Practitioners**"

<http://www.safeguardingschools.co.uk/wp-content/uploads/2015/03/Information-Sharing-Advice-for-safeguarding-practitioners.pdf>

6. Training

6.1 All Brain-in-Hand Ltd staff will be made aware of their responsibilities with regard to data protection through generic and specific training programmes and guidance.

7. Review

This policy will be reviewed every two years (or sooner if new legislation, codes of practice or national standards are to be introduced).