

13 - Data Protection Policy

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1. Introduction

The Data Protection Act 2018 and the General Data Protection Regulation (Regulation (EU) 2016/679) cover the requirements around the processing 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 principles of the Data Protection Act 2018 are adhered to in that Personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to the data subject;
- 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, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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;
- 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 in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject;
- 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.

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 2018
- 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

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).