

Policy Title:	Data Protection Policy
To be read in conjunction with:	Privacy Notices
Approval Date:	August 2024
Approval:	Board of Trustees
Next Review Date:	+ 3 years
Summary:	The purpose of this policy is to communicate the Charity's arrangements for appropriate collection storage and archiving of data.
Implementation:	This policy will be disseminated to employees and other members of the Charity via the electronic filing system and access to a google shared drive.

Definitions

GDPR	means the General Data Protection Regulation.
Responsible Person	Data Protection Officer: CEO
Register of Systems	means a register of all systems or contexts in which personal data is processed by the Charity.

1. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the GDPR.

On May 25th 2018 the General Data Protection Regulation (GDPR) and the Data Protection Act (DPA) came into force.

The GDPR is a European Law that has been adopted in Britain and will remain in force after Britain leaves Europe. It has been created to make data protection rules very similar throughout Europe and to give people more say and power about how their personal information is used. There are sections in the GDPR that 'the Member State' must decide. Our member state is the United Kingdom.

The Data Protection Act 2018 (DPA) gives the details that are needed for the sections the 'Member State' need to decide.

These new laws replace the previous Data Protection Act 1998

Child Protection Law still overrides privacy laws so for safeguarding concerns you can still make referrals and share relevant information without parents' consent if a child is at risk of significant harm.

The ICO has a dedicated telephone helpline for small organisations: 0303 123 1113

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.”

2. General provisions

- a. This policy applies to all personal data processed by the Charity.
- b. The Responsible Person shall take responsibility for the Charity's ongoing compliance with this policy.
- c. This policy shall be reviewed every three years.
- d. The Charity shall register with the Information Commissioner's Office as an organisation that processes personal data.

3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

4. Lawful purposes

- a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).
- b. The Charity shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for

the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

5. Data minimisation

- a. The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

6. Accuracy

- a. The Charity shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

7. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary, the Charity shall put in place archiving guidelines for each area in which personal data is processed and review this process annually.
- b. The archiving guidelines shall consider what data should/must be retained, for how long, and why. These guidelines will be incorporated alongside the systems register.

8. Security

- a. The Charity shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

10. Terms you need to know

data - information

data subject – a living person who has data about them collected by others

data processing – collecting, storing, sharing, and destroying information about data subjects

data controller – a person who is in control of data processing Produced by Childminding UK.

data processor – a person who is processing data on behalf of a data controller

personal data – any information about a living person that can be used to identify them

special categories of personal data – personal information of a more sensitive nature such as religion, health etc.

There are currently 10 conditions for processing sensitive data. The DPB will add more.

right to erasure – also known as the 'right to be forgotten' a person can ask for all information about them to be deleted. This won't apply to information you need to keep to fulfil your childminding responsibilities.

subject access request – a person can ask to see any data that you keep about them. There are conditions around this regarding exceptions, timescales and charging

Lawful basis or bases – there are 6 lawful bases that are legal reasons for processing data



Information Commissioners Office (ICO) – UK’s independent authority to uphold privacy laws
Data Protection Principles – the principles that guide how you process personal data

10. Training

It is the aim of TRAIN that all staff will be fully informed of their Data Protection obligations and as a minimum we will provide annual training.

11. Your rights

If you'd like to use any of your rights, please contact us using the information below.

Right to access your personal data

You have the right to see the personal data that we hold about you in many circumstances, by making a request. This is sometimes termed ‘Subject Access Request’. If we agree that we must provide personal data to you (or someone else on your behalf), we aim to do so within one month from when your identity has been checked.

We would ask for proof of identity and enough information about your interactions with us so that we can locate your personal data.

Right to correct your personal data

If any of the personal data we hold about you is inaccurate or out of date, you may ask us to correct it.

If you would like to exercise your right, please contact us as set out below.

Right to stop or limit our processing of your personal data

You have the right to object to us processing your personal data for particular reasons, to have your information deleted if we are keeping it too long or have its processing restricted in some circumstances.

Right to stop or limit our processing of your personal data

You have the right to have personal data deleted. This is also known as the ‘right to be forgotten’. The right only applies in certain circumstances.

Right to portability

The right to portability gives you the right to receive personal data you have provided to us in a structured, commonly used and machine-readable format.

If you would like to exercise this right, please contact us as set out below.

You can make any of the above requests by emailing info@trainyouth.org.uk

We want to make sure that your personal data is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.