

KEEP TALKING SERVICES TRUST DATA PROTECTION POLICY

1. Introduction

1.1. Background to the General Data Protection Regulation (GDPR)

Keep Talking Services is committed to protecting the rights and freedoms of data subjects and safely and securely processing their data in accordance with all of our legal obligations.

The General Data Protection Regulation 2016 replaces the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the rights and freedoms of natural persons (i.e. living individuals) and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

We hold personal data about our trustees, employees, volunteers, clients, suppliers and other individuals for a variety of business purposes.

This policy sets out how we seek to protect personal data and ensure that our staff understand the rules governing their use of the personal data to which they have access in the course of their work. In particular, this policy requires staff to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

1.2. Definitions

- **Data subject:** any living individual who is the subject of personal data held by an organisation.
- **Data controller:** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
- **Processing:** any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **Data subject consent:** means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data.
- **Third party:** a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

2. Policy statement

Keep Talking Services controls and processes personal information about its service users, staff, volunteers and trustees.

Keep Talking Services are committed to compliance with all relevant EU and Member State laws in respect of personal data, and the protection of the rights and freedoms of individuals whose information the Trust collects and processes in accordance with the GDPR.

This Policy sets out how Keep Talking Services complies with the GDPR and the existing eight principles in the Act.

- Personal data shall be processed fairly and lawfully.
- Personal data shall only be obtained and further processed for specified and lawful purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose that they are processed.
- Personal data shall be accurate and kept up to date.
- Personal data shall not be kept longer than necessary.
- Personal data shall be processed in line with the rights of the data subject.
- Personal data must be kept secure.
- Personal data must not be transferred to a country without adequate protection.

3. Scope

This policy applies to all trustees, employees, volunteers and others who may be involved in the collection of and processing of personal information on behalf of Keep Talking Services and extends to data whether it is held on paper or electronically. The introduction of GDPR places obligations on both 'controllers' and 'processors' in relation to maintaining and processing personal data.

Partnership arrangements – where Keep Talking Services works in partnership with external service providers this policy is applicable. This policy applies to any third parties contracted to deliver services on behalf of Keep Talking Services.

This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

Who is responsible for this policy?

As our Data Protection Officer (DPO), Alexander Richardson (Chief Executive) has overall responsibility for the day-to-day implementation of this policy. You should contact the DPO for further information about this policy if necessary.

4. Statement of commitment

Keep Talking Services is committed to maintaining high standards of security and confidentiality for information in our custody and control. Safeguarding this information is critical to the successful operation of the Trust. The Trust will treat all information in its care and control with the same degree of security and confidentiality, and this Policy applies to all services within Keep Talking Services and all its trustees, employees & volunteers. The Trust undertakes to inform services users, partners, employees, volunteers and Trustees on how it uses information and the purposes for which information is processed.

The Trust is committed to regular refresher training on GDPR and data protection for staff members that will take place at least once a year.

5. Objectives

The objectives of this Data Protection Policy are:

- To comply with the Data Protection Act (DPA) 1998
- To comply with the European General Data Protection Regulation (GDPR)
- To outline, guide and monitor the coordination of the information, security and data handling procedures in force within Keep Talking Services
- To promote confidence in Keep Talking Services information, security and data handling procedures.
- To provide assurances for third parties dealing with Keep Talking Services
- To provide a benchmark for employees on information, security, confidentiality and data protection issues

GDPR provides the following rights for individuals regarding these data Keep Talking Services holds on behalf of them (Article 5):

- The right to be informed
- The right of access
- The right of rectification
- The right to erase
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

6. Enablers

To support these objectives, Keep Talking Services will:

- Delegate the responsibility of gathering and disseminating and dealing with issues relating to information, security, the DPA, GDPR and other legislation.
- Ensure that all activities that relate to the processing of personal data have appropriate safeguards and controls in place to ensure information, security and compliance with GDPR and DPA.
- Ensure that all contracts, service level agreements or partnership agreements between any part of Keep Talking Services and external third parties (including contract staff), where personal data is processed, make reference to the Act where appropriate.
- Ensure that third parties acting on behalf of the Keep Talking Services are given access to personal information that is appropriate to the duties they are undertaking and no more.
- Ensure that all staff, volunteers and trustees understand their responsibilities regarding data protection and information security (anonymise where possible) under the Act.

7. Data collections

We may collect personal data from you in a variety of means to provide you services. Generally, the type of personal data we collect is the information that we need to enable you to benefit from our services. This includes information such as your first and last name, date of birth, telephone number and email address.

8. Data Sharing

There are a number of occasions where it will be necessary for Keep Talking Services to share personal data collected. Primarily personal data is shared and/ or disclosed to our funders, commissioners and other stakeholders. Under the DPA 1998, Keep Talking Services is required to explain to all individuals how they will use personal data that is collected and shared.

This policy ensures our process for sharing is legal, how accuracy of the data will be maintained and what security measures are in place prior to any sharing of information. It also provides the correct parameters of when it is appropriate to share and/ or disclose data (anonymised where possible).

9. Data Retention

Personal data must be kept in a form such that the data subject can be identified only as long as is necessary for processing.

Personal data will be retained in line with the Retention of Records Procedure and, once its retention date is passed, it must be securely destroyed as set out in this procedure.

Paper records should be retained for the following periods at the end of which they should be shredded:

- Client records – 6 years after ceasing to be a client.
- Staff records – 6 years after ceasing to be a member of staff.
- Unsuccessful staff application forms – 6 months after vacancy closing date.
- Volunteer records – 6 years after ceasing to be a volunteer.
- Timesheets and other financial documents – 7 years.
- Employer's liability insurance – 40 years.
- Other documentation, eg clients briefing documents required for Home from Hospital visit, should be destroyed as soon as it is no longer needed for the task in hand.

Archived records should clearly display the destruction date.

Computerised records e.g. Salesforce CRM, to be anonymised 6 years after ceasing to have any services from us. (Anonymising will remove the personal and special categories of personal data but will not remove the statistical data.)

Information that we use for marketing purposes will be kept with us until you notify us that you no longer wish us to retain this information.

Under GDPR, a new requirement is the right to be forgotten. Individuals can request deletion of certain types of information about them deleted where one of a number of circumstances apply:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR)
- The personal data has to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child

10. Disposal

Where personal and confidential information is no longer required, it will be destroyed unless otherwise set out in policies or when legally required to do so.

11. Exemptions

In some circumstances, Keep Talking Services may be legally obliged to disclose personal data held to specific third parties for example to prevent a criminal offence from being committed, or to prevent the continuation of a criminal offence.

12. Privacy notice

Any documentation which gathers personal and/or special categories of personal data should contain the following Privacy Statement information:

- Explain who we are
- What we will do with their data
- Who we will share it with
- Consent for marketing notice
- How long we will keep it for
- That their data will be treated securely
- How to opt out
- Where they can find a copy of the full notice

13. Data subjects' rights

13.1 Data subjects have the following rights regarding data processing and the data that is recorded about them:

- To make subject access requests regarding the nature of information held and to whom it has been disclosed
- To prevent processing likely to cause damage or distress
- To prevent processing for purposes of direct marketing
- To be informed about the mechanics of automated decision-taking process that will significantly affect them
- To not have significant decisions that will affect them taken solely by automated process
- To request compensation if they suffer damage by any contravention of the GDPR
- To take action to rectify, block, erase, including the right to be forgotten, or destroy inaccurate data
- To request the supervisory authority to assess whether any provision of the GDPR has been contravened
- To have personal data provided to them in a structured, commonly used and machine-readable format, and the right to have that data transmitted to another controller
- To object to any automated profiling that is occurring without consent

13.2 Keep Talking Services ensures that data subjects may exercise these rights.

13.3 Data subjects may make data access requests as described in Subject Access Request Procedure; this procedure also describes how Keep Talking Services will ensure that its response to the data access request complies with the requirements of the GDPR).

13.4 Data subjects have the right to complain to the Keep Talking Services related to the processing of their personal data, the handling of a request from a data subject and appeals from a data subject on how complaints have been handled in line with the Complaints Procedure.

14 Consent

14.1 Keep Talking Services understands 'consent' to mean that it has been explicitly and freely given, and a specific, informed and unambiguous indication of the data subject's wishes that, by statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. The data subject can withdraw their consent at any time.

- 14.2 Keep Talking Services understands 'consent' to mean that the data subject has been fully informed of the intended processing and has signified their agreement, while in a fit state of mind to do so and without pressure being exerted upon them. Consent or their custodial, parent (see 14.6) obtained under duress or on the basis of misleading information will not be a valid basis for processing.
- 14.3 There must be some active communication between the parties to demonstrate active consent. Consent cannot be inferred from non-response to a communication. The Controller must be able to demonstrate that consent was obtained for the processing operation.
- 14.4 For sensitive data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.
- 14.5 In most instances, consent to process personal and sensitive data is obtained routinely by Keep Talking Services using standard consent documents e.g. when a new student signs a learning agreement, or during induction for participants on programmes.
- 14.6 Where the Keep Talking Services provides online services to children, parental or custodial authorisation must be obtained. This requirement applies to children under the age of 16 (unless the Member State has made provision for a lower age limit, which may be no lower than 13) or older people at risk or where an advocate is required.

15 Security of data

- 15.1 All personal data should be accessible only to those who need to use it, and access may only be granted in line with. All personal data should be treated with the highest security and must be kept:
- in a lockable room with controlled access; and/or
 - in a locked drawer or filing cabinet; and/or
 - if computerised, password protected in line with corporate requirements in the Access Control Policy and/or
- 15.2 Manual records may not be left where they can be accessed by unauthorised personnel and may not be removed from business premises without explicit authorisation.
- 15.3 Personal data may only be deleted or disposed of in line with the Retention of Records Procedure. Manual records that have reached their retention date are to be shredded and disposed of as 'confidential waste'. Hard drives of redundant PCs are to be removed and immediately destroyed as required before disposal.
- 15.4 Processing of personal data 'off-site' presents a potentially greater risk of loss, theft or damage to personal data. Staff must be specifically authorised to process data off-site.

When assessing appropriate organisational measures, the Data Protection Officer will consider the following:

The appropriate training levels throughout Keep Talking Services:

- Measures that consider the reliability of employees (such as references, etc.)
- Including of data protection policies in employment contracts
- Identifying of disciplinary action measures for data breaches
- Monitoring of staff for compliance with relevant security training completion

- Physical access controls to electronic and paper based records
- Storing of paper based data in lockable fire-proof cabinets;
- Restricting the use of portable electronic devices outside of the workplace including remote work places
- Adopting clear rules about passwords
- Making regular backups of personal data and storing the media off-site;

These controls have been selected on the basis of identified risks to personal data, and the potential for damage or distress to individuals whose data is being processed.

This policy will be reviewed annually.

Reviewed on: 12/04/2023

Next review date: 12/04/2024

Signed: Alex Richardson

A handwritten signature in black ink, appearing to read 'AR', is positioned to the right of the text 'Signed: Alex Richardson'.

