DATA PROTECTION POLICY
VERSION: 3

Version	By Author	Reason	Reviewed Date	Date Ratified
2.5	HB/TS	Page 3 – addition of her/she where relevant	January 2016	March 2016
2.6	HB/TS	Add legislation/further info section	January 2017	April 2017
3	HB/TS	Updated to meet new GDPR requirements	January 2018	March 2018

This policy applies to all Trustees and members of staff, volunteers and freelance workers contracted to Make Some Noise.

Introduction

Make Some Noise is fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act"), which came into force on the 1st March 2000 and General Data Processing Regulations (GDPR) which come into force on 28 May 2018.. Make Some Noise will therefore follow procedures that aim to ensure that all employees, trustees, sub-contractors, agents, consultants, partners or other servants of Make Some Noise who have access to any personal data held by or on behalf of Make Some Noise, are fully aware of and abide by their duties and responsibilities under the Act and GDPR.

Statement of Policy

In order to operate efficiently and to comply with funding requirements, Make Some Noise has to collect and use information about people with whom it works. These may include children, members of the public, current, past and prospective employees, clients and customers, and suppliers. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

Make Some Noise regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between Make Some Noise and those with whom it carries out its activities. Make Some Noise will ensure that it treats personal information lawfully and correctly.

To this end Make Some Noise fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998 and GDPR.

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Staff responsibilities
This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Make Some Noise. Any failures to follow the policy can therefore result in disciplinary proceedings.

Staff or participants who consider that the policy has not been followed in respect of personal data should raise the matter with Make Some Noise Data Protection Co-ordinator (the Chief Executive Officer).

Staff should also ensure that any information they supply to Make Some Noise is accurate and up to date. Make Some Noise cannot be held accountable for errors arising from changes about which it has not been informed.

Right of access
Staff, participants and other users of Make Some Noise have the right to access personal data held about them by Make Some Noise, whether in manual or electronic format. Any individual wishing to exercise this right should apply in writing to the Data Protection Officer.

The principles of Data Protection
GDPR requires that personal data shall meet the following legally enforceable principles:

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;
(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 measure.

Article 5(2) requires that "the controller shall be responsible for, and e able to demonstrate, compliance with the principles".

The Act and GDPR provide conditions for the processing of any personal data. It also makes a distinction between **personal data and special categories of data"**.

Personal data
The GDPR applies to "personal data" meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – eg key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

Sensitive personal data
The GDPR refers to sensitive personal data as "special categories of personal data".

GDPR Article 9 states that "Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation **shall be prohibited**."

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing. GDPR Article 10 states that "Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. Any comprehensive register of criminal convictions shall be kept only under the control of official authority. "

NB: It is important to note that, where the ability to identify an individual depends partly on the data held and partly on other information (not necessarily data), the data held will still be "personal and/or sensitive personal data".

NB: The presumption is that, because information about these matters could be used in a discriminatory way, and is likely to be of a private nature, it needs to be treated with greater care than other personal data. In particular, if you are processing sensitive personal data you must satisfy one or more of the conditions for processing which apply specifically to

such data, as well as one of the general conditions which apply in every case. The nature of the data is also a factor in deciding what security is appropriate.

Handling of personal/sensitive information
Make Some Noise will, through appropriate management and the use of strict criteria and controls:-

Observe fully conditions regarding the fair collection and use of personal information:

- Meet its legal obligations to specify the purpose for which information is used
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Apply strict checks to determine the length of time information is held (please see Appendix 1)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act and GDPR.

  These include:
  - The right to be informed that processing is being undertaken
  - The right of access to one's personal information within the statutory 40 days
  - The right to prevent processing in certain circumstances
  - The right to correct, rectify, block or erase information regarded as incorrect.

In addition, Make Some Noise will ensure that:

- There is someone with specific responsibility for data protection in the organisation (the Chief Executive Officer)
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice
- Everyone managing and handling personal information is appropriately trained to do so
- Everyone managing and handling personal information is appropriately supervised
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do
- Queries about handling personal information are promptly and courteously dealt with
- Methods of handling personal information are regularly assessed and evaluated
- Performance with handling personal information is regularly assessed and evaluated
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures (please see Appendix 1)
- All Trustees are to be made fully aware of this policy and of their duties and responsibilities under the Act and GDPR.

All managers and staff will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically
- Individual passwords should be such that they are not easily compromised.

All sub-contractors, consultants, partners or other servants or agents of Make Some Noise must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of Make Some Noise, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between Make Some Noise and that individual, company, partner or firm (see Appendix 1)
- Allow data protection audits by Make Some Noise of data held on its behalf (if requested)
- Indemnify Make Some Noise against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All sub-contractors who are users of personal information supplied by Make Some Noise will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by Make Some Noise.

Implementation
Make Some Noise has identified a Data Protection Officer who will be responsible for ensuring that the Policy is implemented with responsibility for:

- The provision of cascade data protection training
- For the development of best practice guidelines
- For carrying out compliance checks to ensure adherence with the Data Protection Act.

Monitoring, reporting and review
The Chief Executive Officer will ensure that Make Some Noise monitors the effectiveness of this policy through the collection and analysis of monitoring data using the tools featured in the following appendices. This data shall provide the basis of scheduled Data Protection reports to the Board of Trustees and subsequent reviews of this policy.

RELEVANT LEGISLATION
- Data Protection Act 1988
- General Data Protection Regulations (GDPR) May 2018
- Privacy and Electronic Communications Regulations (PECR)

FORMS REFERRED TO IN THIS POLICY
- **Not applicable**

FURTHER INFORMATION

- Information Commissioner's Office (www.ico.org.uk)
- The Law Society (www.law society.org.uk)
- www.acas.org.uk
- www.gov.uk

Appendix 1

PRIVACY STATEMENT

In order to further clarify a number of statements contained in this policy, the following information highlights the intentions of Make Some Noise in adhering to current Data Protection policy:

- Any and all personal data collected by Make Some Noise, for any reason, will not be held for longer than is necessary for that information to fulfil its purpose. Personal data collected for the purpose of monitoring and evaluation of participants on Make Some Noise projects will be held for the period as detailed in Appendix 2. After this time electronic data will be deleted and hard copies will be securely destroyed
- In circumstances where data sharing is necessary, with individuals or professional bodies, all efforts will be made to protect the identities of the persons for whom data has been collected. Where ever possible only demographic information will be supplied. However, where more detailed information is required, which may result in identification of individuals, agreements will be made prior to the supply of any data that will outline the particular processes the receiver of the data is required to follow in order to protect the confidentiality of data, including the scope of its use and the period the information may be held for
- All requests to Make Some Noise by interested parties for data sharing must be accompanied by a full statement of intent related to its use
- All personal data collected with relevance to Make Some Noise projects or operations, by any Make Some Noise employee, freelance contractor, trustee or volunteer, for any purpose will be subject to the requirements of this document including, but not limited to, its collection, storage, purpose and limitations
- Following any amendments or updates made to the Make Some Noise Data Protection Policy, all relevant parties will be supplied with a copy of the new ratified policy to ensure full and continued compliance.

Appendix 2

RETAINING INFORMATION GUIDANCE

HR RECORD - Staff

Type of Record	**Minimum Retention Period**	**Reason for Length of Period**
Application forms	Successful – duration of employment Unsuccessful – 6 months	Feedback to applicants and time limit on litigation
Interview notes	6 months	Feedback to applicants and time limit on litigation
Safeguarding record (A record of the dates of DBS and/or Update Service Checks and Disclosure numbers only)	25 years	Requirement of Insurers
Personnel Files	6 years from end of employment	Provision of references and potential litigation
Annual Leave records	2 years	Good practice
Appraisal/assessment records	5 years	Good practice
Summary of record of service	10 years from end of service	Provisions of references and requests for confirmation of employment
Records relating to accident or injury at work	3 years after the date of the last record (or if the accident involves a child/young adult, then until that person reaches the age of 21)	• Social Security (Claims and Payments) Regulations 1979; • RIDDOR 1995
Documentation relating to a grievance	2 years	Allows appropriate appeal mechanism and monitoring future grievances
Documentation relating to a disciplinary process	1 year for a verbal warning 1 year for first written warning 2 years for final written warning	In accordance with organisational policy & procedures

HR Records - Freelancer

Type of Record	**Minimum Retention Period**	**Reason for Length of Period**
Safeguarding record (A record of the dates of DBS and/or Update Service Checks and Disclosure numbers only)	25 years	Requirement of Insurers
HR File (including all recruitment documentation, safeguarding checks and contracts	6 years	Safeguarding Practice (consistent with Insurance requirements)
Contract documentation	25 years	Safeguarding Policy

ACCOUNTING / FINANCE / MANAGEMENT RECORDS

Type of Record	Minimum Retention Period	Reason for Length of Period
Accounting Records	6 years	Section 221 of the Companies Act (1989 & 2006 modifications)
Income Tax and NI returns	6 years after end of financial year to which records relate	Income Tax (Employment) Regulations 1993
Wages and Salary records	6 years	Taxes Management Act 1970
Statutory Sick Pay records/calculations	6 years (as Income Tax)	Statutory Sick Pay (General) Regulations 1986
Statutory Maternity Pay records/calculations	6 years (as Income Tax)	Statutory Maternity pay (General) Regulations 1986
Board Papers	6 years	Companies House and Charities Commission guidance

PARTICIPANT / PROGRAMME DOCUMENTATION

Type of Record	**Minimum Retention Period**	**Reason for Length of Period**
Participant Data	7 years from last attendance	Safeguarding Policy
Registers	6 years from date of last session	Good Safeguarding Practice (Self-Imposed)
Photographs	7 years	Safeguarding Policy
Session Reports	6 years from date of last session	Good Safeguarding Practice (Self-Imposed)