

Data Protection Policy

Data Protection Policy

Introduction

As part of its usual business activity, Healthwatch Rutland needs to collect and use, or else may acquire, certain types of information about Data Subjects who come into contact with Healthwatch Rutland. This personal information must be collected and dealt with appropriately. Whether the information is held on paper, electronically, or recorded on other material, there are safeguards under the Data Protection Act 1998.

HWR is also a Local Healthwatch of Healthwatch England and thereby handles and records data in accordance with Healthwatch England's *Information Sharing Agreement* and their *Freedom of Information Act Requests to Local Healthwatch Information and Guidance*. (Both of these are held in the Healthwatch Rutland office electronically).

Staff, Board Members and Volunteers gathering and recording data away from Healthwatch Rutland's office and using their own rather than the organisation's (or Healthwatch England's) equipment and systems need to adhere to Healthwatch Rutland's Home or Remote Working Policy.

Definitions

The following list is intended to aid understanding of this policy:

Data Controller - Healthwatch Rutland is the Data Controller under the Act, which means that it determines the purposes for which personal information held will be used. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes for which this data will be used.

Data Protection Act 1998 (The Act) – The UK legislation that provides a framework for responsible behaviour by those using personal information. It was enacted in 1998 and amended by subsequent legislation.

It should be noted that the General Data Protection Regulation (GDPR) was enacted in April 2017 and will come into force on 25th March 2018. This will require radical changes to the way data must be handled in future so this policy will need to be updated once the HWR Board has assessed the changes necessary.

Data Protection Officer – The person responsible for ensuring that Healthwatch Rutland adheres to its data protection policy and complies with the Data Protection Act 1998. The identity of the Data Protection Officer will be publicly available.

Data Subject/Service User – The individual whose personal information is being held or processed by Healthwatch Rutland (for example: a client, an employee, a supporter).

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data.

* See definition

Notification – Notifying the Information Commissioner about the data processing activities of Healthwatch Rutland, as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Act.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Healthwatch Rutland.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject’s offences

Disclosure

Healthwatch Rutland may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Healthwatch Rutland to disclose data (including sensitive data) without the data subject’s consent.

These are:

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting the privacy and confidentiality of a Data Subject or another person

3. The Data Subject has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion

Healthwatch Rutland regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom they work.

Healthwatch Rutland will, to the best of its ability, ensure that personal information is treated lawfully and correctly.

To this end, Healthwatch Rutland will adhere to the Principles of Data Protection, as detailed in the Act.

Specifically, the Principles require that personal information:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with those purposes
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing, accidental loss or destruction of, or damage to, personal information
8. 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 information

Healthwatch Rutland will, through appropriate management, strict application of criteria and controls:

- To the best of its ability, fully observe conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensure the quality of information used

- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is established as inaccurate information
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred outside the European Economic Area without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

Data collection

Informed consent

Informed consent is when

- A Data Subject clearly understands why their information is needed, with whom it will be shared and the possible consequences of agreeing or refusing the proposed use of the data
- and then gives their consent.

Healthwatch Rutland will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Healthwatch Rutland will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal, for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

It is Healthwatch Rutland's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data access and accuracy

All Data Subjects have the right to access the information Healthwatch Rutland holds about them. Healthwatch Rutland will also take reasonable steps to ensure that this information is kept up to date by asking data subjects, at regular intervals, whether there have been any changes in their circumstances.

In addition, Healthwatch Rutland will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- All Healthwatch Rutland personnel processing personal information understands that they are contractually responsible for following good data protection practice
- All Healthwatch Rutland personnel processing personal information are appropriately trained to do so
- All Healthwatch Rutland personnel processing personal information are appropriately supervised
- There is a procedure in place and publicly available, for individuals to access data held about themselves
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly its policy on handling personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Act.

In case of any queries or questions in relation to this policy please contact the Healthwatch Rutland Data Protection Officer:

Insert name and contact details of the Data Protection officer.

Name:	<i>Sarah Iveson</i>	Signed:
Position:	<i>Chief Executive</i>	
Date:		