



## **Data Protection Policy**

### **1. Introduction:**

Essex Family Forum takes very seriously its duty to ensure it handles data appropriately and lawfully.

### **2. Policy Scope:**

This policy applies to all Management Committee members, Volunteers, Contractors, Employees and anyone approved to represent Essex Family Forum. Each person handling Personal Data must understand and comply with the principles of the Acts.

### **3. Policy Purpose:**

To ensure that Essex Family Forum complies with legislative requirements as to how it “collects, stores and processes” data about individuals when undertaking its operations.

This policy explains how committee members, employees, representatives and volunteers are expected to comply with the Acts.

### **4. Policy Background:**

#### **4.1 Legislation**

The legislation that underpins this policy includes, but is not limited to:

- Data Protection Acts 1998, 2003, 2017
- General Data Protection Regulations (GDPR) 2018

#### **4.2 Legal Duty**

The Data Protection Acts (the Acts) aim to protect all personal data which is collected, processed, stored and disposed of by an organisation. Personal data is information about a living, identifiable person. The Acts apply to data in paper and electronic format including images.

Essex Family Forum has a legal responsibility to ensure all information is processed in accordance with the above Acts.

## 5. Policy Guidance:

### 5.1 Definitions

- A data subject is an identifiable living individual
- Personal Data is information which relates to a living individual who can be identified including images
- A data controller is a person who determines the purposes for which data is to be processed and the manner in which that data is processed

### 5.2 Data Protection Principles

The Acts identify eight principles which Essex Family Forum, and those working within it, MUST legally comply with. Additionally, Essex Family Forum is not required to register with the Information Commissioners Office (ICO) to allow data storage, handling etc. but has to comply with the following principles:

1. **Personal Data shall be processed fairly and lawfully**
2. **Processing Personal Data for specified purposes** Personal Data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or other purpose
3. **Information Standards – the amount of Personal Data you may hold** Personal Data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
4. **Information Standards – keeping Personal Data accurate and up to date** Personal Data shall be accurate and, where necessary, kept up to date
5. **Information Standards – retaining Personal Data** Personal Data processed for any purpose or purposes shall not be kept for longer than is necessary for that purposes or those purposes
6. **The Rights of Individuals** Personal Data shall be processed in accordance with the rights of data subjects under this Act
7. **Information Security** Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of Personal Data and accidental loss or destruction of, or damage to, Personal Data. In practice it means that the Charity will have appropriate security to prevent the Personal Data held being accidentally or deliberately compromised
8. **Sending Personal Data outside the European Economic Area (EEA)** Personal Data shall not be transferred to a country or territory outside the EEA unless that country or territory ensures adequate protection of the rights and freedoms of data subjects in relation to the processing of Personal Data.

## 6. Policy Wording:

### 6.1 Policy Statement

*Essex Family Forum CIC is a Community Interest Company limited by guarantee and registered in England and Wales (no. 12537224) at County Hall, Market Road, Chelmsford. CM1 1QH*

Essex Family Forum is committed to ensuring compliance with the Acts, and will:

- Delete records of any parent or child upon death (N.B. a child's record is deleted when a parental record is deleted), where this has been advised to Essex Family Forum
- Respect the rights of each individual
- Be open and honest about the Personal Data it holds
- Provide training and support to those handling Personal Data in the course of their duties
- Include Data Protection guidance at all induction sessions following recruitment
- Periodically revisit the subject during its ongoing training sessions
- Store data securely in accordance with the relevant legislation and the Essex Family Forum IT policy

The Management Committee will endeavour to ensure data is managed within the requirements of the Acts and will minimise access to any Personal Data within its work.

## **6.2 Confidentiality**

Essex Family Forum provides guidance on Data Protection and Confidentiality during their in-depth induction process, and expects all responsible individuals to comply with its policies on Data Protection and Confidentiality.

## **7. Policy Procedure:**

### **7.1 Information Sharing**

Whilst data gathering, Essex Family Forum will include a Data Protection statement indicating that:

*"Essex Family Forum will use any data gathered within the legal requirements of the Data Protection legislation and that Personal Data will not be shared with third parties unless fully anonymised, consent has been provided or it is required by law. Please be aware that specific situations may still lead to you being identified, even though your specific personal data will not be shared. A subscriber may, at any time, request to be removed from our data systems and their records will be deleted unless there are other legal precedents. "*

- Individuals may provide consent for specific elements of their data to be shared. Such consent MUST be recorded and include the data to be shared and with whom.
- Consent cannot be assumed by a non-response to a request for consent.
- Consent may be given in writing or verbally
- There are circumstances in which Essex Family Forum may have to legally disclose Personal Data without obtaining the data subject's

consent. Such circumstances might include safeguarding, prevention and detection of crime, terrorism, legal proceedings.

## **7.2 Data Currency**

Essex Family Forum have deemed that personal information will have a life of **three years** after which it will be either renewed by an individual or erased. Images captured for historical records will be exempt. Essex Family Forum will maintain a list of signed photographic consents where individuals are identifiable and the images are used for publicly or promotional purposes.

## **7.3 Issues/clarifications**

If there are any issues regarding Data Protection, they should be reported to the Management Committee

## **7.4 Subject Access Request (SAR) Process**

A data subject (person) or approved agent may make a request to have a copy of all of the data held on them by an organisation.

Previous Data Protection legislation allowed a charge for this but the new GDPR allows for no such charges and imposes a strict timescale for responses.

Given that Essex Family Forum has restricted data stores of information it should be able to lift data from its database and its limited spreadsheets with ease, however, checking data within emails may be a little more challenging - hence the need to erase emails which do not have a use.

On receipt of a request, it will be passed immediately to the nominated Data Officer (DO). The DO will then check the validity of the request for authenticity and once authenticated will liaise with those who hold the Forum's data stores to gather a response which will be forward to the subject.

## **7.5 Incident Reporting Process**

Should Essex Family Forum suffer a data loss or breach the individual identifying the breach will pass all relevant information to the Management Committee who will record the incident information and assess if the loss/breach is significant enough to be reportable to the ICO.

## **7.6 Other Collection of Personal Data**

On occasions Essex Family forum collects members' and professionals' data when they apply to attend events, surveys or other such activities - usually name, telephone, email, dietary needs, accessibility needs.

Such data will be usually processed in accordance with the Essex Family Forum's general principles within this policy document.

Where such Personal Data is gathered, it will be destroyed once it is no longer required and all such data will not exceed the 3 year maximum data currency watershed.

## **7.7 Images**

Essex Family Forum uses images and video in its website and within publications. Where images are gathered for historical recording of the Forum's work or publicity, individuals who may be captured are made aware that images are being captured for these purposes and asked to leave the scene if required. Essex Family Forum will maintain an image history recording the work of the Forum.

Such images may then be used on the Essex Family Forum website or in its publication/promotions, however, at all times such use will be mindful and respectful of the individuals concerned.

Any individual in an image (or parent of an individual where children are concerned) may ask for an image to be removed from material or erased from our data store by contacting the Management Committee.

## **7.8 Non-Personal Data**

Any non-personal data Essex Family Forum may hold that avoids the criteria for collection of data covered under Data Protection will be checked to ensure anonymity in reports etc.

## **7.9 Data Ethics**

Essex Family Forum takes its ethical considerations for data collection very seriously.

- Surveys - We will advise survey participants that we will or may share their data with relevant organisations for the purpose of improving SEND provision within England and the United Kingdom. We will also be clear about what the data will be used for. We use tools, such as, but not limited to, Survey Monkey for many of our surveys and data is collected anonymously, unless you choose to share your personal details and opt in. Where participants ask for their data to be removed, we will endeavour to do this, if their data can be identified from the anonymous data collected. We will always seek consent for your data to be shared.
- Graffiti Walls – Our virtual Graffiti wall is powered by Survey Monkey or another reputable survey software. Our Graffiti Wall will have a statement to advise you of the possibilities of how we may share the data you give to us. Where participants ask for their data to be removed, we will endeavour to do this, if their data can be identified from the

anonymous data collected. Our Graffiti Walls at in-person events will always be accompanied by a statement making it clear how your data may be used and your rights regarding data withdrawal. We will always seek consent for your data to be shared.

- Family Champion Feedback – If you give any feedback to a Volunteer Family Champion or any Essex family Forum Employee or Committee Member, either at an in-person event, by telephone, email, messaging, or social media, it will be confirmed to you what purposes your data may be used for and your rights to data withdrawal, where your feedback can be identified from the anonymised data. When engaging with a Family Champion or any Essex Family Forum Employee or Committee Member, and sharing feedback, we will always seek consent for your data to be shared.

**8. Approval and Review Dates:**

**Approved on:** January 2021

**Approved by:** Management Committee

**Date for Review:** January 2022