



# Confidentiality and Data Protection Policy

## 1. Background

- 1.1. The 1998 Data Protection Act is the main legislation governing the protection of personal information in the UK, and defines the law on processing data (information) held on identifiable living people. The Act was enacted to bring UK law into line with the EU Data Protection Directive of 1995, which requires Member states to protect people's fundamental rights and freedoms - in particular their right to privacy in processing personal data
- 1.2. Data protection law governs what may and may not be done with personal information. Personal information may be electronic (e.g. stored on a computer) or manual (e.g. in a paper filing system).
- 1.3. Possible consequences of breaching the Act include:
  - A serious breach of data protection is also a disciplinary offence and will be dealt with under the FRESH's Disciplinary Procedure. Serious breaches of this policy constitute gross misconduct, and may lead to summary dismissal or termination of voluntary relationships with FRESH.
  - Staff, Directors or volunteers may be criminally liable if they knowingly or recklessly disclose personal data

## 2. Confidentiality

- 2.1. FRESH will keep all information confidential regardless of how it is obtained, unless it is collected and stored with the specific purpose of distribution. For example unless a Member organisation has asked us not to do so we would normally pass on their contact details to a third party wishing to contact them without seeking their further permission.

If an organisation had asked us not to pass on their details we would contact them to find out what action they wished us to take.



- 2.2. Information such as details on Members, service users, volunteers and employees is presumed to be confidential, and will only be given to a third party with the express permission of the person or organisation concerned.
- 2.3. FRESH will share any concerns about the safety or welfare of a child, young person or vulnerable adult with the appropriate agencies, in line with our Safeguarding Children and Vulnerable Adults policy and procedures. At all times FRESH will ensure that the needs of the child or vulnerable adult are paramount.
- 2.4. FRESH will not pass on mailing lists or contact details to commercial organisations.

### 3. **Data Protection**

- 3.1. This policy is intended to enable FRESH to meet its duties under the Data Protection Act 1998. FRESH has adopted the Data Protection Principles set out in the Data Protection Act– see Appendix A.
- 3.2. The Act covers all information, whether stored in manual or computerised databases. It requires appropriate measures to be taken to ensure the security of information held. This means that any manual lists should be locked in a desk or drawer when not in use, that computerised lists should not be stored on a shared hard disk, and that removable data storage devices should be locked away when not in use.

Key points are:

- Data should only be collected and stored with the knowledge and permission of the people about whom it is collected and kept
- Data should only be used for the purpose for which it was originally collected
- Data should only contain information necessary for the purpose for which it was originally collected
- Data should be accurate
- Data should only be kept for as long as is necessary for the purpose for which it was collected
- People about whom data is collected and kept have the right to see any information held about them, however it is stored.



## 4. Security of Information

- 4.1. Hard copies of confidential information (such as employee, volunteer, client or service user files) are kept in a locked drawer or cabinet, and access is restricted to the Secretary and Deputy Secretary. In the event of the absence of these office-holders, access may be delegated to another Director
- 4.2. Information stored electronically which includes:-
  - Financial records for FRESH and other organisations
  - Accounts and bookkeeping records
  - Membership registersis stored on computers with password access. Only those officers who need access to the databases are given the password. Information stored on floppy disks or USB data storage is stored in locked drawers or cabinets when not in use.
- 4.3. Should the Board become aware that there has been a breach of security, an investigation into the cause and scale of the breach will be carried out and measures introduced to ensure that there is no recurrence.

## 5. Access to Records

- 5.1. Anybody about whom FRESH holds personal information has the right to inspect their records or to receive a copy.
- 5.2. Manual records are stored by FRESH for a at least six years, and are then destroyed. Records may be kept for longer periods.
- 5.3. Anybody who has questions or concerns about this policy, its implementation or any of their personal data held by FRESH has the right to ask for an explanation and/or further information.

## 6. Consents

- 6.1. Entitlement to privacy is essential, and strict guidelines exist for obtaining, handling and storing personal or individual information in any form.
- 6.2. FRESH will seek written permission from individuals before taking photographs at events. Reasons for taking photographs and how the images are to be used will be explained, together with information about how and for how long the images will be stored.
- 6.3. If children are in attendance at events where photographs are being taken, a separate consent form must be completed by the child's parent/guardian. (See attached consent forms)



## 7. **Whistle blowing**

If an employee, volunteer, or Director has concerns about the conduct of another FRESH employee, volunteer, or Director, or about the ethics of FRESH's corporate behaviour or decisions, they should raise the matter with confidence that it will be treated seriously and confidentially and without fear of recrimination.

This may be done informally by discussion with a Director, or through the Whistle blowing Procedure. In either case every effort will be made to ensure that the complainant's confidentiality is maintained. If expressing such concerns means that a complainant needs to divulge confidential information, this will not be regarded as a breach of confidentiality.

## 8. **Review**

8.1. This policy will be reviewed annually by the Board on or around the anniversary of its adoption.

8.2. Date of next scheduled review : November 2014



## Appendix A – Data Protection Principles

1. Personal data will be processed fairly and lawfully
2. Personal data will be obtained only for one or more specified and lawful purposes, and will not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data will be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data will be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes will not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data will be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data will 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 data.





## Photography consent form

Photographs and videos taken today may be used by Fairness, Respect Equality Shropshire (FRESH) Ltd as publicity or training materials. They may be sent to the press and broadcast media with a press release, printed in publications, electronic presentations, submission to newsletters, exhibition packs or on our website. Please note that websites can be viewed throughout the world and not just the United Kingdom where UK law applies.

To comply with the Data Protection Act 1998, we need your permission before we take any photographs. Please answer the following question and sign and date the form where indicated. We will not use the images taken, or any other information you provide, for any other purpose than above.

I grant permission for photographs and other images to be used for:

\* Please note the terms and conditions of use of these images can found on the reverse of this form.

	Please tick	
	Yes	No
<b>Website</b>		
<b>Printed publications</b>		
<b>Electronic presentations</b>		
<b>Newsletters</b>		
<b>Newspapers</b>		
<b>Exhibition packs</b>		
<b>Training materials</b>		

P.T.O.



**I have read and understood the conditions of use detailed below:**

<b>Name:</b> <b>BLOCK CAPITALS</b>	
<b>Signature:</b>	
<b>Address:</b>	
<b>Date:</b>	

**Please return the completed form to:**

Jonathan Hyams  
7 Severn Bank  
Castlefields  
Shrewsbury SY1 2JD

**Terms and conditions of use of photographic and video images:**

1. Your image(s) will be retained indefinitely on our files. You may withdraw your consent at any time by writing to Jonathan Hyams, 7 Severn Bank, Castlefields, Shrewsbury SY1 2JD, or by emailing [info@Freshshropshire.org.uk](mailto:info@Freshshropshire.org.uk). However, you must acknowledge that images that have been used with your consent may still be in circulation and not withdrawn.
2. Addresses will not be disclosed in detail but we may state, for example, 'Jo Jenkins, from Minsterley'.
3. We will NOT disclose personal postal or email addresses, telephone or fax numbers.
4. All personal information will be stored securely in compliance with the Data Protection Act 1998.
5. Websites can be seen globally and no warranty can be given that adequate data protection legislation will apply outside the UK.
6. FRESH cannot accept any liability for any loss, damage or person injury, howsoever caused, through use of the images by third parties.





# Child photography consent form

Fairness, Respect, Equality (FRESH) Ltd would like to take a photograph or video of the child(ren) in your care. These images may be used as publicity or training materials. They may be sent to the press and broadcast media with a press release, printed in publications, electronic presentations, submission to newsletters, exhibition packs or on our website. Please note that websites can be viewed throughout the world and not just the United Kingdom where UK law applies.

To comply with data protection and child protection legislation, we need your permission before we take any photographs. Please supply the following information and sign and date the form where indicated. We will not use the images taken, or any other information you provide, for any other purpose than above.

<b>I am the parent or guardian of</b>		[ Name(s) of child(ren) ]

## I grant permission for photographs of the child(ren) to be used for:

\* Please note the terms and conditions of use of these images can found on the reverse of this form.

	Please tick	
	Yes	No
<b>Website</b>		
<b>Printed publications</b>		
<b>Electronic presentations</b>		
<b>Newsletters</b>		
<b>Newspapers</b>		
<b>Exhibition packs</b>		
<b>Training materials</b>		

P.T.O.



**I have read and understood the conditions of use detailed below**

<b>Name:</b> <b>BLOCK CAPITALS</b>	
<b>Parent or Guardian?</b>	
<b>Signed:</b>	
<b>Address:</b>	
<b>Date:</b>	

**Please return the completed form to:** Jonathan Hyams  
7 Severn Bank  
Castlefields  
Shrewsbury SY1 2JD

**Terms and conditions of use of photographic and video images:**

1. Your image(s) will be retained indefinitely on our files. You may withdraw your consent at any time by writing to Jonathan Hyams, 7 Severn Bank, Castlefields, Shrewsbury SY1 2JD or by emailing [info@Freshshropshire.org.uk](mailto:info@Freshshropshire.org.uk). However, you must acknowledge that images that have been used with your consent may still be in circulation and not withdrawn.
2. Addresses will not be disclosed in detail but we may state, for example, 'Jo Jenkins, from Minsterley'.
3. We will NOT disclose personal postal or email addresses, telephone or fax numbers.
4. All personal information will be stored securely in compliance with the Data Protection Act 1998.
5. Websites can be seen globally and no warranty can be given that adequate data protection legislation will apply outside the UK.
6. FRESH cannot accept any liability for any loss, damage or person injury, howsoever caused, through use of the images by third parties.

