



# DATA PROTECTION POLICY

Approved by Matt Smith

Date of Last Review 14/08/2022

Date of Next Review 14/08/2023

## **Data Protection Policy**

### **Aim**

Beyond Youth Project (BYP) regard the lawful and correct treatment of personal information as very important and therefore aims to make sure that all personal data collected about its staff, pupils, parents, visitors and other individuals is collected, stored and processed in accordance with the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR). This policy applies to all personal data, regardless of whether it is in paper or electronic format.

This legislation requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 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.
- 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.
- 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 measures.

### **General Provisions**

This policy applies to all personal data processed by BYP and includes the personal data of staff and volunteers, users of our service and their families and the organisations that refer them to us.

#### **Lawful, fair and transparent processing**

Beyond Youth Project will ensure that the data is collected and processed within a lawful, fair and transparent way as per the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form either electronically or in hard paper copy.

When collecting data, Beyond Youth Project will ensure that the Individual/organisation:

- Clearly understands the purposes for why the information is needed and what it will be used for.
- Grants explicit consent for their data to be processed using opt in / opt out selection.
- Is made aware of the consequences of deciding not to give consent to processing.
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any pressure.
- They will be advised that they can revoke their consent at any time and be advised how to do so.

### **Lawful purposes**

All data processed by Beyond Youth Project will be done on one of the following lawful bases: consent, contract, vital interests, public task, legitimate interests or legal obligation. Where consent is relied upon as a lawful basis for processing data, evidence of informed opt-in or other explicit consent shall be kept with the personal data held. Where communications are sent to individuals based on their consent, the option for the individual to unsubscribe will be clearly available.

### **Disclosure**

Beyond Youth Project may occasionally have to share data with other agencies such as public sector authorities, funding bodies and other voluntary agencies, but will only do so with consent. The Individual/member will be made aware how and with whom their information will be shared.

There are circumstances where the law allows BYP to disclose data (including sensitive data) without the data subject's consent. These include:

- Carrying out a legal duty or as authorised by the Secretary of State
- Protecting vital interests of an Individual/member or other person
- The Individual/member has already made the information public
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes – i.e. race, disability or religion
- Providing a confidential service where the Individual/members consent cannot be obtained or where it is reasonable to proceed

### **Data Accuracy**

Beyond Youth project will take reasonable steps to ensure that any personal data we obtain is clear and accurate. BYP will take all reasonable steps to ensure that information provided is kept up to date by asking data subjects whether there have been any changes. Where changes have been made, we will ensure systems and records are updated promptly. All individuals, parents and organisations have a responsibility in helping BYP to keep their data accurate and up to date.

## **Data Minimisation**

Beyond Youth Project shall ensure that the personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. BYP will not hold personal data on the off chance that it might be useful in the future. This will only happen if it is permissible to hold such information for a foreseeable event that may never occur e.g. contacting a next of kin in the event of an accident.

## **Storage**

Beyond Youth Project will ensure that personal data is only kept for as long as it is needed or required by statute. This is outlined in the privacy statement. Data will be held in as few places as necessary and staff should not create additional duplicating files/folders within cloud storage or on their computer desktop.

## **Data Security**

Beyond Youth Project takes the security of data seriously and has internal controls in place to protect against loss, accidental destruction, misuse or disclosure and to ensure data is not accessed except by employees / volunteers in the undertaking of their duties.

Beyond Youth Project will ensure that personal data held on computer databases and electronic devices are secured with password protection and encryption protocols. Where personal data is required to be kept in hardcopy format, (e.g. Personnel files), these will be secured in lockable storage.

## **Data Breach**

Beyond Youth Project have a Policy for case of data breach that outlines how suspected or potential data breach situations should be dealt with.

## **Transfer**

Beyond Youth Project will ensure that personal information is not transferred outside the European Economic Area (EEA) without reassurance of adequate safeguards being in place from third parties holding this data. Where BYP are required to share/transfer data to other bodies we shall only do so with the express consent of the data subject. The only instance whereby this would be invalid is if we have to disclose data under the circumstances stipulated in the section titled disclosure above

## Individual & Other Rights

Beyond Youth Project will adhere to the GDPR rights for individuals which stipulate:

- The **right to be informed** about the collection and use of their personal data. Beyond Youth Project will provide individuals with privacy information including the purposes for processing their personal data, retention periods for that data and who it will be shared with.
- The **right to access** their personal data and supplementary information so they can be aware of and verify the lawfulness of the processing. To submit a subject access request the individual should apply in writing detailing the information they require access to, this should then be sent to the Data Protection Officer. In some cases, Beyond Youth Project may need to ask for proof of identity before processing the request, if this is the case we will inform the individual which documents we require. Beyond Youth Project will respond to a request within one month from the date of receipt and this will normally be in an electronic format, unless requested otherwise. If a subject access request is manifestly unfounded or excessive the organisation is not obliged to comply with it. Alternatively, the organisation can agree to respond but will charge a fee based upon the administrative cost of responding to the request.
- The **right to rectification or erasure** allows individuals to request that any inaccurate personal data is rectified/updated or that their data is permanently erased. A request for rectification or erasure should be made in writing to the Beyond Youth Project, who will complete the request within one month from the date of receipt. Electronically held data will be irretrievably deleted, hardcopy data will be shredded and disposed of securely.
- The **right to restrict** processing enables individuals to restrict or stop how their data is being processed whereby it's no longer necessary for the purposes of the processing; if the individual's rights override the organisation's legitimate grounds for processing data (where the organisation relies on its legitimate interests as a reason for processing data) or if there is a dispute relating to this override of individuals rights.
- The **right to object** to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling) and direct marketing (including profiling). Individuals can also complain if they think Beyond Youth Project has failed to comply with data protection legislation.

## CCTV

Beyond Youth Project use CCTV in some locations on site to ensure that they remain safe. We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use

## Photographs and videos

As part of our activities, we may take photographs and record images of individuals within BYP. We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials. Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both

the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used. Any photographs and videos taken by parents/carers at events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this. Where Beyond Youth Project takes photographs and videos, uses may include:

- Within BYP on notice boards, brochures etc
- Online on our school website or social media pages.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

### **Accountability**

Beyond Youth Project take responsibility for complying with the GDPR. We will keep evidence of the steps we take to comply with the GDPR and will put in place appropriate technical and organisational measures to safeguard personal information. This will include

- Adopting, implementing and reviewing our data protection policy and underpinning policies on a regular basis
- Adopting, implementing and reviewing our data protection policy on a regular basis
- Taking a 'data protection by design and default' approach - to ensure data protection measures are in place throughout the lifecycle of our processing operations
- Implementing appropriate security measures and recording/reporting personal data breaches
- Ensuring data protection safeguards are an integral part of our risk assessment processes

### **Staff Responsibilities**

Beyond Youth Project will provide training on data protection responsibilities to all staff, volunteers and trustees as part of their induction process. During their role, staff and volunteers may have access to the personal data of others and where this is the case the organisation relies on individuals to help meet its data protection obligations.

Individuals who have access to personal data are required to:

- Understand that they are responsible for adhering to good data protection practice.
- Understand that they are contractually responsible for adhering to good data protection practice.
- Not disclose data except to individuals who have appropriate authorisation whether internal or external to the organisation.
- Keep data secure by complying with the rules on access to premises, computer access, including password protection, secure file storage and ongoing deletion/shredding of documents that are no longer required for the purpose intended.

- Not to remove personal data or portable devices containing or that can be used to access personal data from the organisation's premises without adopting appropriate security measures such as encryption/password protection and not leaving devices unattended or within vehicles.
- Not to store personal data on local drives or on personal devices that are used for work purposes.

### **Two Key Definitions**

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name, address, online identifiers (IP address). It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Beyond Youth Project.

**Sensitive personal data** – refers to data about:

- Racial or ethnic origin
- Political affiliations/opinions
- Religious or philosophical beliefs
- Sexuality
- Physical or mental health
- Biometric data
- Criminal record or proceedings