



Data Protection Policy (GDPR)

1. Objective of this Policy

We need to hold a lot of personal data in order to deliver our services to children and adults. Our data protection policy sets out the ways in which we safeguard the privacy of that data and yet keep it accessible for those who really need to use it. This Policy will help us to comply with the EU General Data Protection Regulation and the Data Protection Act 2018.¹

2. Some Definitions

Data Controller	The 'Data Controller' is The Hamlet Centre Trust.
Data Protection Lead Member of Staff	Chief Executive.
Data Subject	A 'Data Subject' is a person who can be identified from the data.
GDPR	'GDPR' means General Data Protection Regulation.
Personal Data	'Personal Data' is any information (whether in a computer or in a paper file or in a photograph or on a video recording or on CCTV) whenever that information relates to an identifiable human person.
Processing	'Processing' data includes collecting data, storing data and sharing and transmitting data.
Special Categories of Personal Data	'Special Categories of Personal Data' means data ² relating to a person's racial or ethnic

¹ European GDPR will apply to the UK in the **transition period** lasting from January 31, 2020 until December 31, 2020. The **Data Protection Act 2018** has been amended to be read in conjunction with the new UK-GDPR instead of the EU GDPR which will be used from January 2021.

² In Article 9, the GDPR calls it "Special Categories of Personal Data". <https://gdpr-info.eu/>

	origin, political opinions, religious or philosophical beliefs or trade union membership.
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3. General Principles

We will process personal data only in accordance with the six GDPR principles³:

- Lawfulness, fairness and transparency
- Purpose limitation: we process data only for specified explicit and legitimate purposes.
- Data minimisation: we don't keep data that we don't need.
- Accuracy: data is accurate and up to date.
- Storage limitation: data is destroyed when no longer needed.
- Integrity and confidentiality: data is secured against accidental loss.

4. Staff Responsibilities for Data Protection

Chief Executive	Overall responsibility, reporting to the Trustees. Individual responsibility for donor data, staff data, trustee data, supporter data and volunteer data. Dealing with data breaches.
Finance and Central Services Manager	Payroll data, training data and data relating to suppliers of services to The Hamlet. Data processing systems (whether electronic or paper-based) and overall cyber security. Responding to Data Subject Requests.
Senior Manager: Johnson Place	Service User data relating to children and their families and carers.
Senior Manager: Ella Road	Service User data relating to adults and other Out of Hours service users - and their families and carers.

5. The legal basis for collecting and processing data:

³ GDPR Article 5

There are several reasons why we can lawfully collect, hold and process Personal Data and Sensitive Personal Data:

- The Data Subject may have given consent to the processing. See GDPR Article 6, para. 1(a).
- The Hamlet has contracts with service users and their families. See GDPR Art 6, para. 1(b).
- Sometimes, processing of personal data is necessary so that we can comply with legal obligations. See GDPR Art 6, para 1(c).
- Some of personal data may be processed in order to protect the Data Subject's vital interests - or those of another person. See GDPR Art 6, para 1(d).
- For children who are service users, processing is sometimes necessary to meet the interest of third parties (but not so as to override the fundamental rights of the child). See GDPR Art 6, para 1(f).
- Sensitive Personal Data may be processed when the Data Subject or the relevant carer, has given explicit consent. See GDPR Art 9, paras 1 and 2(a).
- Sensitive Personal Data may also be processed when it is necessary for the provision of health and social care services. See GDPR Art 9, paras 1 and 2(h).

6. Organisational Implementation

Guidance notes will be made available to all employees and volunteers in respect of Data Protection. All employees will be trained to ensure that all Personal Data is accurate, up-to-date and relevant.

We keep a list of all of the types of Personal Data we process and we show the reasons why we are processing it.

We keep a list of all of the people and organisations with whom we share Personal Data and we show why we share that data with them.

Our Data Retention Policy shows how long we retain and when we destroy any Personal Data that we have processed.

7. Subject Access Requests - and Rectification and Erasure

In order to become aware of and verify the lawfulness of our processing, Data Subjects have the right to obtain:

- confirmation that their data is being processed;
- access to their own personal data; and
- other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.⁴

We will usually provide a copy of the information free of charge and within 40 days. However, we will always require proof of identity before releasing any information.

We will charge a reasonable fee when a request is manifestly unfounded or excessive, particularly if it is repetitive. The fee will be based on the administrative cost of providing the information.

Data Subjects have the right to require us to rectify inaccurate data.

Data Subjects have a (limited) right to have their Personal Data removed from our records.

8. Data Protection Breaches

When a breach of data protection occurs:

- we will report the breach promptly (within 72 hours of becoming aware of it) to the Information Commissioner's Office⁵, unless the breach is unlikely to result in a risk to the rights and freedoms of any individual people;
- if the breach is likely to result in a high risk to the rights and freedoms of any individual Data subject, we will notify that Data Subject⁶;
- if the breach might affect other organisations, we will notify those other organisations; and
- we will quickly and thoroughly review our practices and security systems.

This policy should be read in conjunction with other relevant Hamlet policies and accompanying procedures.

⁴ See GDPR Article 15

⁵ GDPR Article 33

⁶ GDPR Article 34

Date approved by the Board: May 2020

Date of next review: 2022

Post holder(s) responsible for this policy: Chief Executive

Signed by Chair of the Board of Trustees: