

## Data Protection Policy

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## Policy Summary

1.1 Happy Grove Therapy is committed to compliance with all relevant UK and EU laws in respect of personal data, and to protecting the “rights and freedoms” of individuals whose information is collected by Happy Grove Therapy in accordance with the Data Protection Act 2018 (DPA) and Article 8 of the Human Rights Act .

## 1.2 Objectives

The objectives for this policy are that it should enable Happy Grove Therapy to meet its own requirements for the management of personal information; that it should support organisational objectives and obligations; that it should impose controls in line with Happy Grove Therapy’s acceptable level of risk; that it should ensure that Happy Grove Therapy meets applicable statutory, regulatory, contractual and/or professional duties; and that it should protect the interests of all individuals.

1.3 Kids Inspire is committed to complying with data protection legislation and good practice including:

- a. processing personal information only where this is strictly necessary for legitimate organisational purposes;
- b. collecting only the minimum personal information required for these purposes and not processing excessive personal information;
- c. providing clear information to individuals about how their personal information will be used and by whom;
- d. only processing relevant and adequate personal information;
- e. processing personal information fairly and lawfully;
- f. maintaining an inventory of the categories of personal information processed by Kids Inspire;
- g. keeping personal information accurate and, where necessary, up to date;
- h. retaining personal information only for as long as is necessary for legal or regulatory reasons or, for legitimate organisational purposes;
- i. respecting individuals’ rights in relation to their personal information, including their right of subject access;

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keeping all personal information secure;

k. only transferring personal information outside the EU in circumstances where it can be adequately protected;

l.

the application of the various exemptions allowable by data protection legislation;

m. developing and implementing Data Protection systems to enable the policy to be implemented;

n. where appropriate, identifying internal and external stakeholders and the degree to which these stakeholders are involved in the governance of Kids Inspire's Data Protection; and

o. the identification of workers with specific responsibility and accountability for the risk of processing data.

#### 1.4

##### Notification

Kids Inspire has notified the Information Commissioner that it is a data controller and that it processes certain information about data subjects. Kids Inspire has identified all the personal data that it processes, and this is contained in the Data Mapping Register. A copy of the ICO notification details is retained by Data Protection Officer and the ICO Notification Handbook is used as the authoritative guidance for notification.

The ICO notification is renewed annually on 17th February.

The Data Protection Officer is responsible, each year, for reviewing the details of notification, in the light of any changes to Kids Inspire's activities (as determined by changes to the Data Mapping Register and the management review) and to any additional requirements identified by means of data protection impact assessments.

The policy applies to all employees, trustees, and volunteers of Kids Inspire. Any breach of the DPA or the principles outlined in Kids Inspire's policies relating to Data Protection will be dealt with under Kids Inspire's disciplinary policy and may also be a criminal

offence, in which case the matter will be reported as soon as possible to the appropriate authorities.

Partners and any third parties working with or for Kids Inspire, and who have or may have access to personal information, will be expected to have read, understood and to comply with this policy and sign the Charity's Confidentiality Agreement. No third party may access personal data held by Kids Inspire without having first entered into a data confidentiality agreement, which imposes on the third party obligations no less onerous than those to which Kids Inspire is committed.

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3.1

Background to the Data Protection Act 2018 (DPA)

The Data Protection Act 2018 has enacted The General Data Protection Regulation 2016 into UK legislation and replaces the Data Protection Act 1998 and the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the "rights and freedoms" of living individuals, and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

Responsibilities under the Data Protection Act 2018

Kids Inspire is a data controller and a data processor as described under the DPA.

3.2 Senior Managers and all those in managerial or supervisory roles throughout Kids Inspire are responsible for developing and ensuring good information handling practices within the organisation; responsibilities are set out in individual job descriptions.

3.3 The Data Protection Officer, a Trustee, is accountable to the Board of Trustees of Kids

Inspire for the management of personal information within Kids Inspire and for ensuring that compliance with data protection legislation and good practice can be

demonstrated. This accountability includes:

3.3.1 development and implementation of this policy; and

3.3.2 security and risk management in relation to compliance with the policy.

3.4 The Data Protection Officer, who the Board of Trustees considers to be suitably qualified and experienced, has been appointed to take responsibility for Kids Inspire's compliance with this policy on a day-to-day basis and, in particular, has direct responsibility for ensuring that Kids Inspire complies with the DPA, as does the Senior Management Team in respect of data processing that takes place within their area of responsibility.

3.5 The Data Protection Officer has specific responsibilities in respect of procedures such as

the Subject Access Request Procedure and to advise staff seeking clarification on any aspect of data protection compliance.

3.6 Compliance with data protection legislation is the responsibility of all members of Kids

Inspire who process personal information.

3.7 Kids Inspire's Induction Procedure sets out specific policies relating to the handling of

personal data. It is also contained within Clauses 16 and 17 of the contract of employment with Kids Inspire.

3.8 Staff members of Kids Inspire are responsible for ensuring that any personal data supplied by them, and that is about them, is accurate and up-to-date as described in the

Staff Handbook.

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Data protection principles

All processing of personal data must be done in accordance with the following data protection principles of the Regulation, and Kids Inspire's policies and procedures are designed to ensure compliance with them.

4.1 Personal data must be processed lawfully, fairly and transparently.

The DPA requires transparency whereby the controller has transparent and easily accessible policies relating to the processing of personal data and the exercise of individuals' "rights and freedoms". Information must be communicated to the data subject in an intelligible form using clear and plain language.

The specific information that must be provided to the data subject must as a minimum include:

4.1.1 the contact details of the data controller;

4.1.2 the contact details of the Data Protection Officer;

4.1.3 the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

4.1.4 the period for which the personal data will be stored;

4.1.5 the existence of the rights to request access, rectification, erasure or to object to the processing;

4.1.6 the categories of personal data concerned;

4.1.7 the recipients or categories of recipients of the personal data, where applicable;

4.1.8 where applicable, that the controller intends to transfer personal data to a recipient

in a third country and the level of protection afforded to the data;

4.1.9 any further information necessary to guarantee fair processing.

4.2 Personal data will only be collected for specified, explicit and legitimate purposes.

Data obtained for specified purposes must not be used for a purpose that differs from those formally notified to the Information Commissioner as part of Kids Inspire's registration.

4.3 Personal data must be adequate, relevant and limited to what is necessary for processing.

4.3.1 The Data Protection Officer is responsible for ensuring that information, which is not

strictly necessary for the purpose for which it is obtained, is not collected.

4.3.2 All data collection forms (electronic or paper-based), including data collection requirements in new information systems, must be approved by the Data Protection Officer.

4.3.3 The Data Protection Officer will ensure that, on an annual basis all data collection methods are reviewed by an internal audit to ensure that collected data continues to be adequate, relevant and not excessive.

4.3.4 If data is given or obtained that is excessive or not specifically required by Kids Inspire's documented procedures, the Data Protection Officer is responsible for ensuring that it is securely deleted or destroyed.

4.4 Personal data must be kept in a form such that the data subject can be identified only as

long as is necessary for processing.

4.4.1 Where personal data is retained beyond the processing date, it will be encrypted, archived or anonymised in order to protect the identity of the data subject in the event of a data breach.

4.4.2 Personal data will be retained in line with the retention of records procedure (see Data

Mapping exercise) and, once its retention date is passed, it must be securely destroyed as set out in this procedure.

4.4.3 The Data Protection Officer must specifically approve any data retention that exceeds

the retention periods defined and must ensure that the justification is clearly identified and in line with the requirements of the data protection legislation. This approval must be written.

4.5 Personal data must be processed in a manner that ensures its security

4.6 Appropriate measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

These controls have been selected on the basis of identified risks to personal data, and the potential for damage or distress to individuals whose data is being processed.

Kids Inspire's compliance with this principle is contained in its Information Security Management System (ISMS), which has been developed in line with ISO/IEC 27001:2013

and the information security policy.

4.7 Personal data shall not be transferred to a country or territory outside the European Union 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.

5.

Data subjects' rights

Data subjects have the following rights regarding data processing, and the data that is recorded about them:

5.1 To make subject access requests regarding the nature of information held and to whom

it has been disclosed.

5.2 To prevent processing likely to cause damage or distress.

5.3 To prevent processing for purposes of direct marketing.

5.4 To be informed about the mechanics of automated decision-taking process that will significantly affect them.

5.5 Not to have significant decisions that will affect them taken solely by automated process.

5.6 To sue for compensation if they suffer damage by any contravention of the DPA.

5.7 To take action to rectify, block, erased, including the right to be forgotten, or destroy inaccurate data.

5.8 To request the ICO to assess whether any provision of the DPA has been contravened.

5.9 The right for personal data to be provided to them in a structured, commonly used and machine-readable format, and the right to have that data transmitted to another

controller.

5.10 The right to object to any automated profiling without consent.

#### Complaints

Data Subjects who wish to complain to Kids Inspire about how their personal information has been processed may lodge their complaint directly with the Data Protection Officer via [dpo@kidsinspire.org.uk](mailto:dpo@kidsinspire.org.uk), marked for the attention of Lucie Walker-Hutt.

Data subjects may also complain directly to the Board of Trustees in writing.

#### Complaints

should be marked for the attention of Simon Carpernter, Chairperson of the Trustees, c/o Kids Inspire, Hargrave House, Molrams Lane, Chelmsford, Essex, CM2 7FW.

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#### Consent

Kids Inspire understands 'consent' to mean that the data subject has been fully informed of the intended processing and has signified their agreement, while in a fit state of mind to do so and without pressure being exerted upon them. Consent obtained under duress or on the basis of misleading information will not be a valid basis for processing. There must be some active communication between the parties which demonstrate active consent. Consent cannot be inferred from non-response to a communication. For sensitive data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.

In most instances consent to process personal and sensitive data is obtained routinely by Kids Inspire using standard consent documents e.g. when a new member of staff signs a contract of employment, or during initial assessments for new clients. Where Kids Inspire provides services to children, parental, or custodial authorisation must be obtained. This requirement applies to children under the age of 16.

#### Security of data

All staff are responsible for ensuring that any personal data which Kids Inspire holds and

for which they are responsible, is kept securely and is not under any conditions disclosed to any third party unless that third party has been specifically authorised by Kids Inspire to receive that information and has entered into a confidentiality agreement. For example, to fulfil our safeguarding duty, client data must be shared by law with Social Care.

All personal data should be accessible only to those who need to use it. You should form

a judgment based upon the sensitivity and value of the information in question, but personal data must be kept:

- in a lockable room with controlled access; and/or
- in a locked drawer or filing cabinet; and/or
- if computerised, password protected; and/or

stored on (removable) computer media which are encrypted

Care must be taken to ensure that PC screens and terminals are not visible except to authorised staff of Kids Inspire. All staff are required to sign a contract of employment before they are given access to organisational information of any sort.

Manual records may not be left where they can be accessed by unauthorised personnel and may not be removed from business premises without explicit authorisation.

Personal data may only be deleted or disposed of in line with the Data Retention section on the Data Mapping Procedure. Manual records that have reached their retention date are to be shredded and disposed of as 'confidential waste'. Hard drives of redundant PCs are to be removed and immediately destroyed as required before disposal.

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Rights of access to data

Data subjects have the right to access any personal data (i.e. data about them) which is held by Kids Inspire. Access must be given without charge.

Subject Access Requests must be authorised by the Data Protection Officer.

8.1. Requests for information can be made in writing; which includes email, and be addressed to the Head of Operations, Victoria Haylock. If the initial request does not clearly identify the information required, then further enquiries will be made.

8.2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate

This list is not exhaustive.

8.3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 13 or above) and the nature of the request. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

8.4. The response time for subject access requests, once officially received, is 30 days. However, the 30 days will not commence until after clarification of information sought.

8.5 The Data Protection Act allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.

8.6. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or school. Before disclosing third party information consent should be obtained.

8.7. Any information which may cause serious harm to the physical or mental health or emotional condition of the individual or another should not be disclosed, nor

should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

8.8. If there are concerns over the disclosure of information, then additional advice should be sought.

8.9. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

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#### Disclosure of data

Kids Inspire must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends, government bodies, and in certain circumstances, the Police. All staff should exercise caution when asked to disclose personal data held on another individual to a third party. It is important to bear in mind whether or not disclosure of the information is relevant to, and necessary for, the conduct of Kids Inspire's business.

The DPA permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- to safeguard national security;
- prevention or detection of crime including the apprehension or prosecution of offenders;
- assessment or collection of tax duty;
- discharge of regulatory functions (includes health, safety and welfare of persons at work);
- to prevent serious harm to a third party;
- to protect the vital interests of the individual, this refers to life and death situations.

All requests to provide data for one of these reasons must be supported by appropriate paperwork and all such disclosures must be specifically authorised by the Data

Protection Officer / Staff with responsibility for Safeguarding.

In the event of a Data Breach

If any data is lost, destroyed, corrupted or disclosed it will be deemed that there has been a data breach.

If a data breach takes place the ICO will be notified within 72 hours of the company being made aware of the breach. Where all information pertaining to the breach cannot be gathered in this period, the breach will be notified, and information will be provided to the ICO in a phased manner. In the meantime, the Data Protection Officer will look to limit and contain the breach, assessing the implications the breach may have for the data subject.

In the event of a data breach staff should immediately report the breach to the Data Protection Officer, Lucie Walker-Hutt, and in their absence the COO or CEO as they will be responsible for investigating with the board of trustees.

The above members of Kids Inspire will ensure that the unlawful recipient of the personal data is advised not to distribute or disclose the personal data. They will also be advised to delete the data and confirm in writing that they have done so. The consequences of not doing so will be made clear to them. Where necessary the individual who has been affected by the breach will also be contacted so that they can take appropriate action i.e. freezing of bank accounts.

The Data Protection Officer is responsible for notifying the ICO when there has been a breach of data that is assessed to pose a risk to an individual's rights and freedoms. If there is deemed to be no risk to rights and freedoms as a result of a breach the Data Protection Officer will be responsible for documenting the risk assessment and the justification for the decision not to report to the ICO.