Tom Harrison House
"Honour, Hope, Healing"

Data Protection Policy Statement

Data Protection Act 2018
See also GDPR Fair Processing Notice

Tom Harrison House is committed to a policy of protecting the rights and freedoms of individuals with respect to the processing of all data held by it which affects their privacy, whether in their personal or family life, business or professional capacity.

The charity will ensure that its practices relating to the collection, storing, use, disposal and disclosure of personal data are always in accordance with its data protection registration under the Data Protection Act 2018.

The policy applies to all employees of the charity.

The Data Protection Act 2018 (the "Act")

The Act aims to promote high standards in the handling of personal information and so protect the individual's right to privacy.

The Act gives individuals ("Data Subjects") the right to know what information is held about them, either in computerised or manual form, whenever the record was completed. The Act also provides a framework to ensure that personal information is handled properly.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight data protection principles. "Processing" includes obtaining, recording, holding or storing information and carrying out any operations on the data, including adaptation, alteration, use, disclosure, transfer, erasure and destruction.

The eight principles set out the need to make sure that personal information is:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate and up to date;
- not kept for longer than is necessary;
- processed in line with one's rights;
- kept secure; and
- not transferred to other countries without adequate protection.

The Act defines both personal data and sensitive personal data:

"Personal data" has a broad-ranging definition and can include not only items such as home and work address, age, telephone number and schools attended but also photographs and other images, if focused on an individual and disclosing information which is biographical in a significant sense.

"Sensitive personal data" consists of racial/ethnic origin, political opinion, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual life and criminal record.

The second function of the Act provides individuals with important rights. The rights give entitlement to:

- be informed whether personal data is processed (including being held or stored);
- a description of the data held, the purposes for which it is processed and to whom the data may be disclosed;
- receive a copy of the information constituting the data; and
- information as to the source of the data.

There are exemptions to these rights when a request can be refused:

- when the Data Protection Officer has not been paid the requisite fee or has not been provided with sufficient information to be reasonably satisfied as to the identity of the applicant or the location of the information requested;
- where the information would reveal the identity of another individual. This provision does not apply where the person to be identified is a health professional who has either compiled or contributed to either the records or care of the patient;
- where revealing information would cause serious harm to the physical or mental health of the Data Subject or any other person (which may include a health professional);
- where the request has been made on behalf of the Data Subject, such as a parent for a child, and the information has been provided in the expectation, or where the Data Subject had indicated, that it would not be disclosed to the applicant, or if the data was obtained as a result of any examination or investigation to which the Data Subject consented on the basis that information would not be so disclosed.

Scope of Policy

This policy covers every aspect of the organisation's data whether it is held in either computerised or manual form, whenever the record was completed.

Policy

Areas of Responsibility
All those working for and on behalf of the charity have a duty to abide by the data protection principles, with departmental managers being responsible for the day-to-day supervision of systems to ensure compliance with the Act. A senior staff member (at Manager level or above) is assigned as the charity's Data Protection Officer.

A printed copy of the charity's "GDPR Fair Processing Notice" is provided to all clients at the admission stage, to inform them of the nature of data collection and processing and of the charity's responsibilities, and the clients' rights, relating to their data.

Access to Data
The charity will seek to take an approach which facilitates access to a Data Subject's personal data by individuals without them having to make formal Subject Access Requests under the Act, whilst acting within the data protection principles.

Responding to Access Requests
A request for access must be made in writing but no reason need be given. Furthermore, the request does not have to refer to the Act but should make it clear that it is a formal request and not just an everyday enquiry.

The Data Protection Officer is entitled to satisfy his/herself that the applicant is either the Data Subject or, if applying on behalf of a Data Subject, authorised to do so by the Data Subject. In some circumstances, the Data Protection Officer may also request a £10 fee for providing the data.

Requests for access must be responded to promptly and no later than the 40 calendar day period prescribed by the Act, and must be notified to the Data Protection Officer as soon as they are received. Any cases of doubt as to whether a request for access to personal data is a Subject Access Request under the Act must be referred to the Data Protection Officer without delay.

The applicant must be given a copy of the information and, where the data is not readily intelligible, an explanation given (e.g. of abbreviations or medical terminology).

Format and special needs should be considered.

In exceptional circumstances, if compliance is not possible within the 40 day period, the applicant should be advised.

Data Security

All charity users of personal data must ensure that all personal data they hold is kept securely. They must ensure that it is not disclosed to any unauthorised third party in any form either accidentally or otherwise.

Any breach will be taken seriously and may result in action being taken under the appropriate disciplinary code. This is because it is a criminal offence under the Act to knowingly or recklessly obtain, disclose or procure the disclosure of personal information, without the consent of the Data Protection Officer. It is also an offence to sell, or offer to sell, personal information that has been obtained illegally. The charity will investigate any breach of the Act and, if found to have occurred may result in dismissal and criminal prosecution.

Data Protection and References

References given by or on behalf of the charity are exempt from the Act and should not be included in information to be disclosed. References received by the charity are not exempt. However, before any disclosure is made, consideration must be given to the Data Protection rights of the provider of the reference, including any desire expressed by them in regard to disclosure.

Retention of Data

Personal data must only be kept for the length of time necessary to perform the processing for which it was collected. This applies to both electronic and non-electronic personal data.

Data Transfer

When transferring personal data internally, the recipient must only process the data in a manner consistent with the charity's policies and for the original purpose for which the data was collected.

Personal data can only be transferred out of the European Economic Area under certain circumstances and in the event of such a request, the Data Protection Officer should be consulted.

Rights of Rectification

The Act gives individuals the right to have any data corrected if it is inaccurate by applying to the Information Commissioner's Office or to the courts.

Procedures/Guidelines in response to requests from service users or other Data Subjects

If a service user asks any member of staff how to access the data held by the charity about him or her, he/she should be advised that there is a standard procedure to comply with such requests, as follows:

The service user ("Data Subject") is asked to put the request in writing to the Data Protection Officer and, where appropriate, provide verification of identity. This can be the original or copy of driving licence, passport, birth certificate, national identity card or photo-pass, and, as evidence of address, a recent bill from a utility company or bank, building society or credit card statement in the Data Subject's name.

- The authorisation of a person claiming to be acting on behalf of a Data Subject should also be verified through a letter signed by the Data Subject; with some means of showing it is genuine.
- If preferred, the Data Subject can complete a Data Subject Access Request Form
- If the request is addressed to anyone other than the Data Protection Officer, it should immediately be forwarded to the Data Protection Officer at the project office.

The Data Protection Officer acknowledges the letter in writing advising any fees to provide the service and asking for a description of the data required, if it is not clear from the application.

The Data Subject is also informed that there is a statutory deadline of 40 calendar days in which the charity must respond. The 40 day period does not start until receipt of any additional information required. Furthermore, there is no need to supply the information until after any fees had been paid.

On receipt of the additional information (if required), the Data Protection Officer will notify the relevant Manager of the request, who will then ask for photocopies to be prepared of the data requested.

When the paperwork has been collated, the manager will ensure that any reference to third parties, i.e. persons other than the Data Subject or his/her therapist, who might be recognisable as other data subjects, are deleted so as to be illegible.

The paperwork is then checked by both the Director and the Manager for entries in the data that could potentially jeopardise the service user's present or future recovery when in the charity's treatment services.

A Subject Access Request Form is completed, listing the documents that are to be sent to the Data Subject, which is signed by the Manager to confirm the documentation is appropriate to send to the Data Subject.

The documentation is given to the Data Protection Officer at the project office, together with a copy of the signed Subject Access Request Form. The original form is placed on the Data Subject's file.

On completion of the collection and receipt of any fees, the Data Protection Officer records and despatches the documentation to the Data Subject by Recorded Delivery/Special Delivery post, as appropriate.

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APPENDIX A

DATA SUBJECT ACCESS REQUEST FORM

The Data Protection Act 1988 provides you (the "Data Subject") with the right to receive a copy of the personal data we hold about you.

This form is used to confirm your identity and to assist us in locating your personal data.

This form can also be used to confirm the identity and authority of someone making the request on behalf of the Data Subject.

Your request will be processed within 40 calendar days of receipt by us of such information we may reasonably require to satisfy ourselves as to your identity and to locate the information sought, together with payment of any fees.

If you need help completing this form, please contact the Data Protection Officer (see end of form for details)

Section 1: Who is the Data Subject?

Full name:

Address:

Previous address (if at the above address for less than two years)

Telephone number:

Email address:

Other relevant identifying information:

Now go to Section 2

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DATA SUBJECT ACCESS REQUEST FORM

Section 2: Details of the person requesting the information

Are you the Data Subject?

Please tick: ☐ **Yes** ☐ **No**

If you answered "Yes", go straight to Section 3. Otherwise, please provide the following information about yourself:

Full name:

Date of birth:

Address:

Telephone number:

Email address:

If you are NOT the Data Subject, you must supply documentary evidence to confirm the Data Subject's authority which supports this request e.g. the Data Subject's written authority.

Now go to Section 3

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DATA SUBJECT ACCESS REQUEST FORM

Section 3: Documents you must send to confirm the identity / address of the Data Subject

You must confirm the identity of the Data Subject by sending us a copy of one of the documents listed below. Please tick the appropriate box to indicate which document you have enclosed.

- ☐ Full valid driving licence issued by a member state of the EC/EEA
- ☐ Birth certificate or certificate of registry of birth or adoption certificate
- ☐ Full valid current passport
- ☐ ID card issued by a member state of the EC/EEA
- ☐ Travel documents issued by the Home Office
- ☐ Certificate of naturalisation or registration
- ☐ Home Office standard acknowledgement letter

If the Data Subject's name is now different from that shown on the document you submit to confirm his/her identity, you must also supply documentary evidence to confirm the Data Subject's change of name e.g. marriage certificate, decree absolute or nisi papers, change of name deed or statutory declaration. You must also confirm the address of the Data Subject by sending us a copy of one of the documents listed below. Please tick the appropriate box to indicate which document you have enclosed.

- Gas, electricity or water bill in the Data Subject's name for the last quarter
- Council tax demand in the Data Subject's name for the current financial year
- Bank, building society or credit card statement in the Data Subject's name for the last quarter.

Now go to Section 4

Section 4: Please describe the information you seek together with any other relevant information. This will help to identify the information you require.

Our search for information relating to the Data Subject will be based on the information provided below. Please tick the boxes next to the purposes that you would like us to search.

- ☐ Accounts and records (for example purchases, sales or other transactions)
- ☐ Service User / Client records
- ☐ HR and employment records
- ☐ Information and database administration
- ☐ Staff administration
- ☐ Any other purposes not listed above (please state):

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DATA SUBJECT ACCESS REQUEST FORM

DECLARATION: To be completed by all applicants.
Please note that any attempt to mislead may result in prosecution.

I, ……., certify that the information given on this application form to Tom Harrison House is true. I understand that it is necessary for tom Harrison House to confirm my/the Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signature: Date:

Print name:

Note: The period of 40 days in which Tom Harrison House must respond to this request will not begin until it is satisfied on these matters.

Please return the completed form to:

The Data Protection Officer
Tom Harrison House
4 Argyle Road
Anfield
Liverpool
L4 2RS

Documents which must accompany this application:

- Evidence of your identity
- Evidence of the Data Subject's identity (if different from above)
- Authorisation from the Data Subject to act on their behalf (if applicable)
- Stamped addressed envelope for return of proof of identity/authority documents

APPENDIX B

DATA SUBJECT ACCESS REQUEST FORM

To be filed in client file / employee HR file as appropriate

Subject Name:

Treatment / Employment Dates:

Date of information request:

LIST OF INCLUDED DOCUMENTS:

CHECKED	SIGNATURE	DATE
Manager:		
Director:		
SEALED PACKAGE PASSED TO DATA PROTECTION OFFICER		
RECORDED POSTAGE OF PACKAGE TO DATA SUBJECT		