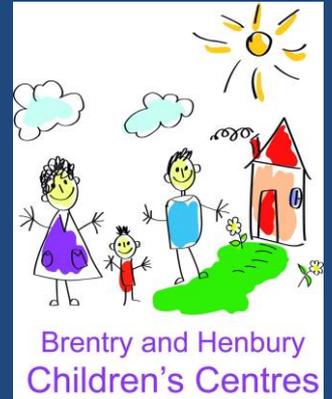


# BRENTRY & HENBURY CHILDREN'S CENTRE

## DATA PROTECTION POLICY



**Pritchetts Law**

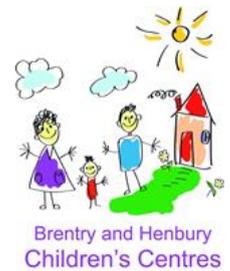
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# Brentry & Henbury Children's Centre

## Data Protection Policy



**Brentry and Henbury Children's Centre ("BHCC") recognises that it has a responsibility to ensure that all reasonable precautions are taken to provide and maintain data protection policies and practices which ensure that the BHCC complies with all statutory requirements and codes of practice.**

**BHCC will, so far as is reasonably practicable, pay particular attention to ensure that:**

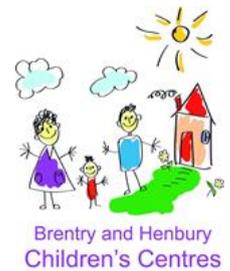
- 1. All Personal Data is processed fairly and lawfully;**
- 2. Any processing of Personal Data is limited to that Personal Data that is adequate, relevant and not excessive for BHCC's lawful business purposes and no other purposes;**
- 3. Any Personal Data is accurate and kept up to date and stored only for so long as is needed by the Company for its lawful business purposes;**
- 4. All Personal Data is safeguarded against accidental loss, destruction or damage by appropriate technical and organisational measures;  
and**
- 5. No Personal Data shall be transferred to a country or territory outside the European Economic Area without the appropriate measures to ensure the rights and freedoms of the relevant individuals are adequately protected.**

**Director**

**May 2017**

# Brentry & Henbury Children's Centre

## Data Protection Policy



<b>ID</b>	<b>Content</b>	<b>Page Number</b>
1.	<b>Purpose &amp; Status of this Policy</b>	
2.	<b>Compliance Responsibilities</b>	
3.	<b>Notification to the Information Commissioner</b>	
4.	<b>Reporting breaches of the data protection principles or this Policy</b>	
5.	<b>What are our key responsibilities when processing personal data?</b>	
6.	<b>What are the consequences of breaching the Act?</b>	
7.	<b>Compliance with the First Principle - Fair and lawful Processing</b>	
8.	<b>Compliance with the Second Principle - Processing for limited purposes</b>	
9.	<b>Compliance with the Third Principle - Adequate, relevant and non-excessive Processing</b>	
10.	<b>Compliance with the Fourth Principle - Accurate data</b>	
11.	<b>Compliance with the Fifth Principle - Timely Processing</b>	
12.	<b>Compliance with the Sixth Principle - Processing in line with Data Subject's rights and handling subject access requests</b>	
13.	<b>Compliance with the Seventh Principle - Data security</b>	
14.	<b>Compliance with the Eighth Principle – Overseas Transfer of Information</b>	
15.	<b>Providing information To and sharing information with Others</b>	
16.	<b>Monitoring and review of this policy</b>	
<b>Appendix 1</b>	<b>Definition of Data Protection Terms used in this Policy</b>	

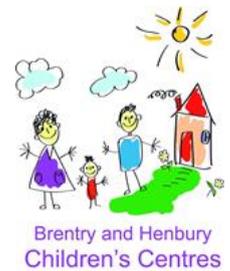
# Brentry & Henbury Children's Centre

## Data Protection Policy



# Brentry & Henbury Children's Centre

## Data Protection Policy

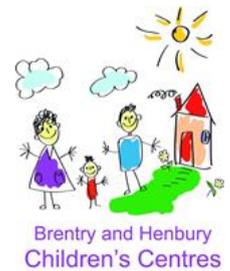


### 1. WHAT IS THE PURPOSE AND STATUS OF THIS POLICY?

- 1.1 The purpose of this policy is to outline the responsibilities of staff under the Data Protection Act 1998 (the “Act”) when Processing Personal Data; and responding to requests by individuals for access to their Personal Data. A copy of the Act can be located on the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 1.2 The Act provides a framework to protect Personal Data and is designed to balance the need of an organisation to hold Personal Data to communicate with individuals against an individual's right to privacy.
- 1.3 The Act applies to BHCC because during the course of BHCC's activities we will collect, store and Process Personal Data relating to living, identifiable individuals with whom we as an organisation interact.
- 1.4 The information we Process, which may be held on paper, on a computer or on other media, is subject to certain legal safeguards specified in the Act and other regulations. The Act imposes restrictions on how we may use that information. BHCC also recognises the need to treat that information in an appropriate and lawful manner.
- 1.5 This policy sets out our rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, Processing, storage, transportation and destruction of Personal Data. All directors, trustees, partner organisations, contractors, suppliers and staff (including volunteers, agents, temporary and casual workers) who have been permitted access by BHCC to Personal Data must familiarise themselves fully with the Act and this policy and should ensure that the terms of this policy are applied fully in relation to the handling or Processing of Personal Data.
- 1.6 Data protection law compliance is monitored by the Information Commissioner's Office, an independent official body. The Information Commissioner is responsible for administering the provisions of the Act and has powers to take legal action against businesses or individuals found to be acting unlawfully. This policy is designed to protect BHCC and its directors, trustees,

# Brentry & Henbury Children's Centre

## Data Protection Policy



partner organisations, contractors, suppliers, staff and members of the public by preventing such breaches from happening. The policy seeks to ensure that Personal Data Processed by or on behalf of BHCC is dealt with in compliance with the Act.

- 1.7 BHCC is committed to compliance with its legal obligations and with good practice guidance. As part of normal business practice and in order to effectively deliver services, from time to time BHCC needs to collect Personal Data. BHCC always tries to ensure the information collected is accurate and isn't an invasion of anyone's privacy. BHCC is aware that Personal Data must be collected, recorded, stored and used in the correct manner and in accordance with the Act. Employees who are involved with the handling of Personal Data will receive appropriate training during their employment and they will receive continued support and guidance from the BHCC Data Protection Compliance Manager. BHCC will ensure that it treats Personal Data lawfully and correctly and adhere to the Principles of Data Protection as defined in the Act.
- 1.8 This policy may be amended at any time.
- 1.9 If you consider that the policy has not been followed in respect of Personal Data about yourself or others you should raise the matter with the Data Protection Compliance Manager.
- 1.10 Any breach of this policy will be taken seriously and may result in disciplinary action.

## 2. COMPLIANCE RESPONSIBILITIES

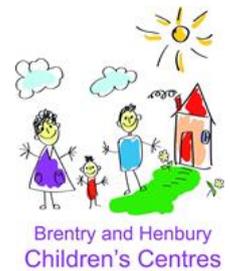
### 2.1 Data Protection Compliance Manager

The BHCC Data Protection Compliance Manager has overall responsibility for ensuring compliance by BHCC with the Act and with this policy. That post is held by [BHCC's Centre Manager:

Address: David Jones, Director, Brentry & Henbury Children's Centre, Brentry Lane, Brentry, Bristol BS10 6RG

# Brentry & Henbury Children's Centre

## Data Protection Policy



Telephone: +44(0) 117 959 3800

Email: [david@bhchildrenscentre.org.uk](mailto:david@bhchildrenscentre.org.uk)

Any questions or concerns about the operation of this policy should be referred in the first instance to the Data Protection Compliance Manager.

### 2.2 Board of Trustees and the Governance & Policy Committee

The BHCC Governance & Policy Committee will assist the Data Protection Compliance Manager by monitoring the data protection policy on a regular basis. This Committee meets at least once every six (6) months and acts as a sub-committee of the Board of Trustees. It regulates its proceedings as it thinks fit.

BHCC's Board of Trustees will be apprised of data protection matters to ensure that sufficient resources are available to provide any data protection technical and organisational measures to safeguard Personal Data. Moreover, information and training for employees will be provided in order (as far as is reasonably practicable) to achieve and maintain a high standard of data protection compliance.

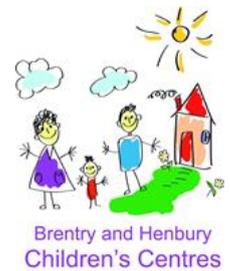
### 2.3 Departmental managers

Senior Leaders at BHCC have the responsibility to provide leadership and to promote responsible attitudes towards data protection. Each of these individuals will:

- Ensure that each new employee is given basic data protection awareness training on induction, including data protection procedures appropriate to their specific jobs;
- Review and implement training requirements for all staff in accordance with a framework as set out in the Information Commissioner's 'Training checklist for small and medium sized organisations'.

# Brentry & Henbury Children's Centre

## Data Protection Policy



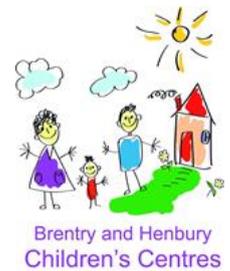
- Ensure that all staff are made aware of any data protection procedures in place and the name of the competent person(s) designated to implement those procedures;
- Ensure all staff for whom they are responsible are aware of the data protection policy;
- Ensure that their area of operation complies with the Act;
- Ensure that their use of Personal Data is registered with the Information Commissioner and that Personal Data held in their areas are only processed for one or more of the purposes described in BHCC's entry on the Data Protection Register;
- Keep up to date with data protection matters applicable to the operations of BHCC;
- Investigate all breaches of the data protection principles with the assistance of the Data Protection Compliance Manager, with a view to prevention;
- Ensure good housekeeping standards are applied and carry out data protection compliance checks;
- Ensure all processing of employees' Personal Data will be carried out in accordance with the Information Commissioner's 'Employment Practices Code'.
- Ensure that any use of CCTV by BHCC shall be in accordance with any guidance or code of practice issued by the Information Commissioner, including the 'CCTV Code of Practice 2008'.

### 2.4 Managers

Managers at BHCC have the responsibility to provide leadership and to promote responsible leadership attitudes towards data protection.

# Brentry & Henbury Children's Centre

## Data Protection Policy



Room Leaders must ensure that all tasks carried out in their sections are performed with the utmost regard for the data protection of all personal data involved in those tasks.

Breaches of the data protection principles or this data protection policy must be reported immediately to the Data Protection Compliance Manager.

Particular regard must be paid to:

- Procedures and methods of working to ensure that they are data protection compliant;
- Providing safe arrangements for the handling, storage and transfer of Personal Data;
- Supplying sufficient information, instructions, training and supervision to enable staff to comply with the data protection principles and this policy;
- Ensuring that their area of operation complies with the Act;
- Ensuring that their use of Personal Data is registered with the Information Commissioner and that Personal Data held in their areas are only processed for one or more of the purposes described in BHCC's entry on the Data Protection Register.

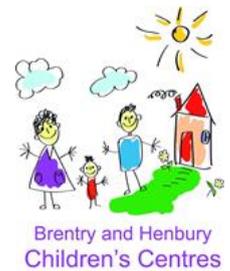
### 2.5 All Employees

BHCC will use all reasonable endeavours to ensure, through appropriate training and management, that our responsibilities under the Act are adhered to. In addition to this all Staff have a personal and contractual responsibility to ensure that:

- Their Processing of Personal Data complies with the Data Protection Principles and the procedures detailed in this policy, including reporting any breaches;

# Brentry & Henbury Children's Centre

## Data Protection Policy



- They to do everything they can to safeguard BHCC's Personal Data and compliance with the data protection principles;
- They take steps to ensure that all personal data is kept secure at all times;

Any member of staff knowingly or recklessly breaching this Data Protection Policy and/or the data protection legislation may be subject to BHCC's disciplinary procedures.

### **3. NOTIFICATION TO THE INFORMATION COMMISSIONER**

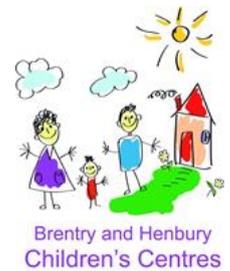
An organisation Processing Personal Data is required to notify the Information Commissioner (the UK Regulator of the Act) with details of the Personal Data it Processes. The Information Commissioner retains a public register to notify the public about who is Processing Personal Data and why. Failure to notify the Information Commissioner where required is a criminal offence, although some notification exemptions are available under the Act. BHCC is registered with the Information Commissioner.

### **4. REPORTING BREACHES OF THE DATA PROTECTION PRINCIPLES OR THIS POLICY**

- 4.1 Any individual who becomes aware of a breach of the data protection principles or of this policy should report the full details to the Data Protection Compliance Manager.
- 4.2 The Data Protection Compliance Manager will record the incident in a data protection incident book and will regularly inspect these records.
- 4.3 The breaches will be reported to the Information Commissioner, as and when necessary or as required by law.
- 4.4 Any "near miss" incident which occurs should also be reported to your immediate supervisor who will be responsible for making a report to the Data Protection Compliance Manager.

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4.5 All breaches will be investigated by the Data Protection Compliance Manager, who will carry out their investigation with regard to the Information Commissioner's note, "Guidance on data security breach management".

4.6 The Data Protection Compliance Manager will ensure that necessary action is taken to prevent recurrence.

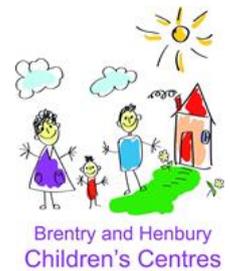
### 5. **WHAT ARE OUR KEY RESPONSIBILITIES WHEN PROCESSING PERSONAL DATA?**

Anyone Processing Personal Data, including BHCC, must comply with the eight data protection principles set out in the Act. The Principles are a commonsense checklist which staff should follow to ensure that Personal Data are Processed appropriately. These provide that:

- I. Personal Data shall be Processed fairly and lawfully and, in particular, shall not be Processed unless:
  - a. At least one of the conditions in Schedule 2 of the Act is met, and
  - b. In the case of Sensitive Personal Data, at least one of the conditions in Schedule 3 of the Act is also met.
- II. Personal Data shall be obtained only for one or more specified and lawful purposes, and shall not be further Processed in any manner incompatible with that purpose or those purposes.
- III. Personal Data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are Processed.
- IV. Personal Data shall be accurate and, where necessary, kept up to date.
- V. Personal Data Processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

# Brentry & Henbury Children's Centre

## Data Protection Policy



- VI. Personal Data shall be Processed in accordance with the rights of Data Subjects under this Act.
- VII. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful Processing of Personal Data and against accidental loss or destruction of, or damage to, Personal Data.
- VIII. Personal Data shall 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.

### **6. WHAT ARE THE CONSEQUENCES OF BREACHING THE ACT?**

- 6.1 As well as the possibility of significant damage to BHCC's reputation a breach of the Act could also amount to a criminal offence or could lead to unlimited fines in the courts, monetary penalties from the Information Commissioner of up to £500,000, payment of compensation to affected Data Subjects and investigations by the Information Commissioner.

### **7. COMPLIANCE WITH THE FIRST PRINCIPLE - FAIR AND LAWFUL PROCESSING**

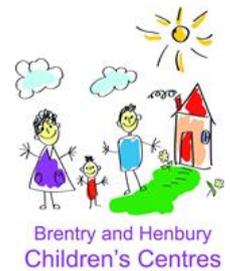
- 7.1 The Act is intended not to prevent the Processing of Personal Data, but to ensure that it is done fairly and without adversely affecting the rights of the Data Subject.

#### **7.2 Fair Processing Information**

For Personal Data to be Processed fairly and lawfully, the Data Subject must be told the following information when Personal Data about them is collected (or as soon as possible thereafter):

# Brentry & Henbury Children's Centre

## Data Protection Policy



- Who the Data Controller is - in our case Brentry & Henbury Children's Centre Limited (sometimes also called Henbury Court Children's Centre or Brentry & Henbury Children's Centre);
- Who the Data Controller's representative is - in our case the Data Protection Compliance Manager;
- The purpose(s) for which their Personal Data is to be Processed by BHCC;
- The identities of anyone to whom the data may be disclosed or transferred;
- An opt-out or opt-in to direct marketing being received (note that there are specific rules under the Regulations that dictate whether an opt-out or opt-in consent should be obtained. Specific legal advice should be sought in relation to which to use before carrying out direct marketing campaigns);
- The methods BHCC intends to use for contacting individuals for direct marketing purposes (e.g. by mail, email, SMS, fax and/or by telephone); and
- Any other information that is necessary to ensure fair Processing (e.g. whether it is obligatory to provide all the information requested, whether any disclosures will be made outside the EEA, what BHCC's data retention policy is etc.).

Wherever possible, BHCC shall therefore ensure that when Personal Data is gathered from individuals for use by BHCC, that the individual has made available to him or her a fair processing notice setting out the information set out above.

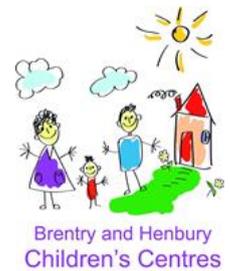
All fair processing notices prepared by BHCC to be made available directly to individuals where BHCC collects Personal Data, or indirectly by BHCC's agents or contractors collecting information to be shared with BHCC, shall be approved in writing by the Data Protection Compliance Manager.

### 7.3 Fair Processing Conditions

For Personal Data to be Processed fairly and lawfully, certain conditions also have to be met under Schedules 2 & 3 of the Act. These conditions include, among other things, requirements that at least one of the following conditions has been met:

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- I. The Data Subject has provided their informed consent to the Processing; or
- II. The processing is necessary: (a) for the performance of a contract to which the Data Subject is a party, or (b) for the taking of steps at the request of the Data Subject with a view to entering into a contract.
- III. The processing is necessary for compliance with any legal obligation to which the BHCC is subject, other than an obligation imposed by contract.
- IV. The processing is necessary in order to protect the vital interests of the Data Subject (e.g. in life and death type situations).
- V. The processing is necessary for the exercise of any functions of a public nature exercised in the public interest by BHCC.
- VI. The processing is necessary for the purposes of legitimate interests pursued by the Data Controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the Data Subject.

When Sensitive Personal Data are being Processed, further conditions must be met. In most cases it is safest to obtain the Data Subject's explicit written consent to the Processing of such Sensitive Personal Data. Where this cannot be obtained, further advice should be sought from the Data Protection Compliance Manager.

### **8. COMPLIANCE WITH THE SECOND PRINCIPLE - PROCESSING FOR LIMITED PURPOSES**

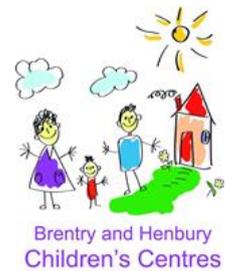
Personal Data may only be Processed for the specific purposes notified to the Data Subject when the data was first collected or for any other purposes specifically permitted by the Act. This means that Personal Data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is Processed, the Data Subject must be informed of the new purpose before any Processing occurs.

### **9. COMPLIANCE WITH THE THIRD PRINCIPLE - ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING**

Personal Data should only be collected to the extent that it is required for the specific purpose notified to the Data Subject. Any data which is not necessary for that purpose should not be

# Brentry & Henbury Children's Centre

## Data Protection Policy



collected in the first place. BHCC considers that the Personal Data that it collects, as set out above, is considered adequate, relevant and not excessive for the Processing purposes set out above.

### 10. COMPLIANCE WITH THE FOURTH PRINCIPLE - ACCURATE DATA

Personal Data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken to check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be updated, corrected or destroyed. BHCC complies with this Principle by reminding Data Subjects regularly to update their contact details held by BHCC.

### 11. COMPLIANCE WITH THE FIFTH PRINCIPLE - TIMELY PROCESSING

Personal Data should not be kept longer than is necessary for the purposes it was collected for. This means that data should be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the Data Protection Compliance Manager.

The register of members will be updated and retained in accordance with the provisions of the Companies Acts.

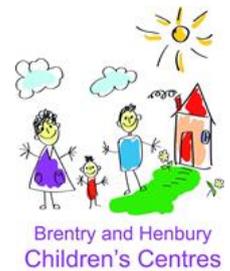
### 12. COMPLIANCE WITH THE SIXTH PRINCIPLE - PROCESSING IN LINE WITH DATA SUBJECT'S RIGHTS AND HANDLING SUBJECT ACCESS REQUESTS

Data must be Processed in line with Data Subjects' rights. Data Subjects have a right under the Act to:

- I. Make a Subject Access Request for any Personal Data held about them by us as a Data Controller (more information provided below);
- II. Prevent the Processing of their data for direct-marketing purposes – this means that Data Subjects may opt not to receive such communications and we must comply with that request;

# Brentry & Henbury Children's Centre

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- III. Be told about and to object to any automated decision making being used in relation to them;
- IV. Ask to have inaccurate data amended; and to
- V. Prevent Processing that is likely to cause damage or distress to themselves or anyone else.

### Dealing with subject access requests

The Act provides individuals with a right of access to personal data held about them, and a right to know where the data came from, how it is used, and to have inaccuracies or errors in their data corrected. The right of access is subject to certain limited exemptions within the Act.

A formal request from a Data Subject for information that we hold about them (a “**Subject Access Request**”) must be made in writing and must describe the information sought. Anyone making a Subject Access Request will usually have to pay a fee of £10 for every request for information, so they should ensure that they specify all the information they need in their first request, otherwise they may have to pay another fee to get information they have asked for on a different occasion.

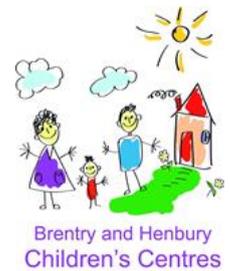
BHCC may also need the requestor to supply further information to satisfy BHCC as to their identity – for example, a copy of their passport/birth certificate or bank/utility bill (showing full address).

Responses to any Subject Access Requests will be prompt and in any event within the statutory 40 calendar days from when both identification confirmation and payment have been received from the Data Subject.

Personal information may be withheld from disclosure to the extent that if it falls under any of the exemptions described in the Act. A copy of the Act can be located on the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk).

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### WHAT DO I DO IF I RECEIVE A SUBJECT ACCESS REQUEST?

In practice, if someone wants to see a small part of their data, we need to apply common sense. We should not require a written request if the individual can prove their identity and the information is available there and then. Such requests should be dealt with quickly and with little formality, although the staff should keep a file note of what is provided and when for particular individuals.

All other (“non-routine”) requests and Subject Access Requests must be directed to the Data Protection Compliance Manager who has been trained in the requirements of the DPA. The Data Protection Compliance Manager will

- Decide whether to charge the fee, log the request on the DP system and advise you what needs to be done;
- Satisfy themselves of the individual’s identity before releasing any data, and ensure that no exemptions apply to the request.
- Process all requests in accordance with the Information Commissioner's ‘Checklist for handling requests for Personal Data (subject access requests)’.

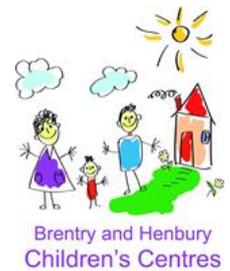
Members of the public who wish to access their personal data should:

- Write to the Data Protection Compliance Manager at Brentry & Henbury Children’s Centre, Brentry Lane, Brentry, Bristol BS10 6RG; or
- Ask us for a Subject Access Request Pack.

Further guidance on handling subject access requests can be obtained from the Data Protection Compliance Manager.

# Brentry & Henbury Children's Centre

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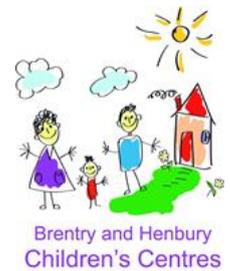


### 13. COMPLIANCE WITH THE SEVENTH PRINCIPLE - DATA SECURITY

- 13.1 We must ensure that appropriate security measures are taken against unlawful or unauthorised Processing of Personal Data, and against the accidental loss of, or damage to, Personal Data. Data Subjects may apply to the courts for compensation if they have suffered damage from such a loss.
- 13.2 The Data Protection Compliance Manager shall carry out a review, at least annually, of the technical and organisational measures adopted by BHCC to safeguard Personal Data, reporting the full details to the Governance & Policy Committee. The review will take into account the latest guidance from the Information Commissioner on security, including the practice note, 'Security of Personal Data'.
- 13.3 The Act requires us to put in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction. Personal Data may only be transferred to a third-party Data Processor who agrees to comply with those procedures and policies, or if they have put in place such adequate measures themselves.
- 13.4 Maintaining data security means guaranteeing the confidentiality, integrity and availability of the Personal Data, defined as follows:
- **Confidentiality** means that only people who are authorised to use the data can access it. Personal Data is held by BHCC in a secure and controlled environment.
  - **Integrity** means that Personal Data should be accurate and suitable for the purpose for which it is Processed.
  - **Availability** means that authorised Data Users should only be able to access the Personal Data if they need it for authorised purposes. Personal Data should therefore be stored centrally by BHCC where possible instead of by individuals including individual staff members. In the event of any, or all of BHCC's computers failing, all Personal Data will be retrievable. The Personal Data is also electronically backed up periodically.

# Brentry & Henbury Children's Centre

## Data Protection Policy



### 13.5 How do staff ensure personal data is kept secure?

The rule is to be as careful with other people's personal data as we would expect others to be with ours. Good security is good practice and common sense. You should speak to your manager if you have any concerns about information security in your work area.

There are some simple steps all staff can take to ensure personal data is kept safe:

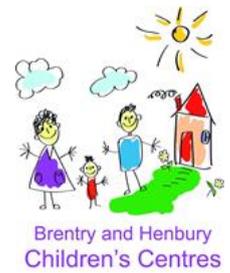
#### Personal data held electronically

- Save work to a secure network folder, accessible only to the group of staff who require access to the data
- Only allow staff access to personal data to the extent needed to do their jobs
- Position VDU screens away from gangways, common areas and from the view of casual visitors to the work area
- Lock screens (Ctrl+Alt+Delete) or log-out when leaving PCs unattended
- All tablets and laptops must be encrypted and passwords must be implemented in line with BHCC's Password Policy.
- Don't share your password
- Don't send external emails containing sensitive personal data unless authorised by a senior member of staff
- Ensure emails containing personal data are addressed to individuals only, not generic or all-user addresses
- Further guidance with regard to IT security can be found within the Information Security Policy. All staff should have an awareness of the content of this policy.

#### Personal data held in hard copy

# Brentry & Henbury Children's Centre

## Data Protection Policy



- Secure all personally identifiable information when not in use (e.g. lock away files at the end of the day)
- Only fax personal data to a secure fax number
- Consider Recorded Delivery when posting sensitive or high-volume personal data
- Dispose of personal data as confidential waste

### Other Security procedures include:

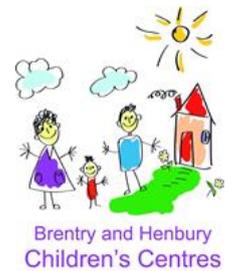
- **Secure lockable desks and cupboards.** Desks and cupboards should be kept locked if they hold confidential information of any kind relating to Data Subjects. (Personal Data is always considered confidential.)
- **Methods of disposal.** Paper documents should be shredded. Floppy disks and CD-ROMs should be physically destroyed when they are no longer required.
- **Equipment.** Data Users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

## 14. COMPLIANCE WITH THE EIGHTH PRINCIPLE – OVERSEAS TRANSFER OF INFORMATION

Certain conditions must be complied with under the Act before any Personal Data can be transferred or made available for access outside the EEA. BHCC policy is therefore not to send any Personal Data outside the United Kingdom. Any exceptions to this must be agreed in writing by the Data Protection Compliance Manager.

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## Data Protection Policy



### 15. PROVIDING INFORMATION TO AND SHARING INFORMATION WITH OTHERS

15.1 Occasionally we may share personal data with third party Data Controllers or Data Processors. We may also need to share information between different parts of BHCC.

15.2 BHCC recognises that Personal Data is confidential and that unauthorised disclosure may lead to criminal offences under the Act. We must therefore make sure that such sharing is carried out lawfully, and that it is appropriate to share. This means that there must be a clear reason why the information should be shared and a clear legal basis for sharing the information.

15.3 Disclosures may usually only be made in accordance with the data protection principles when:

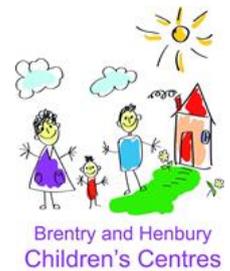
- The permission of the Data Subject has been given.
- The disclosure is by order of a Court, or a statutory duty.
- The disclosure, within BHCC, is for the registered purposes of BHCC.
- The persons to whom the disclosure is made is described in the disclosure section of BHCC's notification entry.

Sometimes we may already have made provisions for the information to be shared and explained to the individual Data Subject what we will do – e.g. to provide joined-up services – in these cases we will have sought consent and will be sharing lawfully on the basis of that consent.

15.4 Sometimes the information is required for a specific purpose, and the conditions of the Act which protect personal data are over-ridden by the requirements of this purpose. This is covered in a number of exemptions in the Act which empower BHCC to share personal data if the intention is to prevent or detect crime, if an order has been made by a court, or if there is another legal provision for such sharing.

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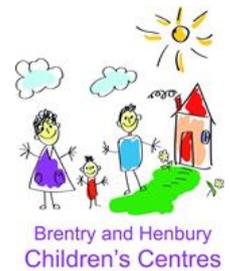
## Data Protection Policy



- 15.5 Sometimes BHCC must make its own decision as to whether to request personal data or share personal data with other Data Controller organisations – perhaps because concerns have been raised over the safety of a child or a vulnerable adult. Where disclosures of Personal Data are required to such third party Data Controllers, all staff at BHCC must adhere to the follow guidance from the Information Commissioner: ‘Data Sharing Code of Practice’ and the guidance note on ‘Releasing information to prevent or detect crime’.
- 15.6 BHCC will not accede to requests from third parties for copies of Personal Data unless it can provide such data in compliance with the Act or where the request qualifies for an exemption under the Act.
- 15.7 Where BHCC uses Data Processors, it will put in place data processing contracts with any such processors it uses. These contracts must: be in writing; set out what the processor may/ may not do with the data; what security measures should be taken to protect the data; the audit rights the BHCC retains to ensure compliance etc. Any such transfers of information to data processors will be made in compliance with the Information Commissioner’s guidance: ‘Outsourcing - a guide for small and medium sized businesses’.
- 15.8 Any individual member of staff dealing with telephone enquiries should be careful about disclosing any Personal Data held by us. In particular they should:
- Check the caller's identity to make sure that information is only given to a person who is entitled to it.
  - Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked.
  - Refer to the Data Protection Compliance Manager for assistance in difficult situations. No-one should be bullied into disclosing Personal Data.
- 15.9 No member of staff of BHCC may disclose Personal Data unless:
- Instructed to do so for any one-off disclosure by the Data Protection Compliance Manager; or

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- In accordance with that member of staff's ordinary job function (e.g. HR staff disclosing employee data to HM Revenue and Customs); or
- To a third party authorised by the Data Protection Compliance Manager; or
- As authorised below:

### **Routine Requests**

The following requests in any form, including by telephone or in person, shall be considered to be routine requests for Personal Data in the ordinary course of BHCC's business, which may be responded to once the person at BHCC receiving the request has been able to verify the identity of the individual making the request:

- Employees of BHCC requesting: Personal Data about themselves from managers or HR personnel; or any other Personal Data to which they have a legitimate need to know in order to carry out their job function;
- Parents or guardians of children using BHCC's services requesting information about themselves or their children; and

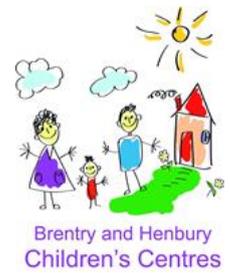
If there is any doubt as to the identity of the person making a routine request or the reason for the request, then the person dealing with the request must ensure that a formal request is made in writing (including by email).

### **Formal Requests**

The following requests in writing (including email) shall be considered to be formal requests for Personal Data in the ordinary course of business, which may be responded to in writing (including by email, if the request is received by email), once the person at BHCC receiving the request has been able to verify the identity of the individual making the request:

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- Any routine request as set out above, where the request is made in writing; or
- Any request to a Manager of employee from any government, regulatory or other competent authority or organisation with a legitimate requirement for the Personal Data (such as Health & Safety Executive, a competent court or tribunal).

Any such request must be referred immediately to the Data Protection Compliance Manager.

15.10 It is a criminal offence to use deception to obtain personal information to which you are not entitled.

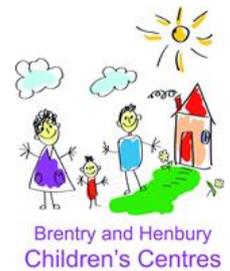
### 16. MONITORING AND REVIEW OF THIS POLICY

16.1 The Data Protection Compliance Manager will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

16.2 This policy was last reviewed by the Data Protection Compliance Manager of BHCC and the Policy & Governance Committee of BHCC in **October 2011**.

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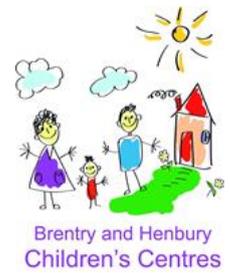
### APPENDIX 1

#### DEFINITION OF DATA PROTECTION TERMS USED IN THIS POLICY

<p><b>“Data”</b></p>	<p>“Data” is information which is stored electronically, on a computer, or in certain paper-based filing systems. <b>“Personal Data”</b> means data relating to a Data Subject who can be identified from that data (or from that data and other information in our possession). Personal Data can be factual (such as a name, address or date of birth) or it can be any expression of opinion about the individual and any indication of the intentions of BHCC or any other person in respect of the individual. BHCC Processes the following types of Personal Data:</p> <ul style="list-style-type: none"><li>• Contact details including: Name, Address, Telephone and Mobile Phone Numbers, E-mail address.</li><li>• Personal Details</li><li>• Next of Kin Details</li><li>• Financial Details supplied by Parents and Carers for invoicing purposes</li><li>• Medical Information relating to staff, workers and children</li><li>• Status of invoice fees paid for our services</li><li>• Family, Lifestyle and Social Circumstances</li></ul>
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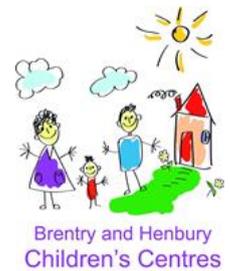
## Data Protection Policy



	<ul style="list-style-type: none"><li>• Education and Training Details</li> <li>• Employment Details</li> <li>• Financial Details</li> <li>• Racial or Ethnic Origin</li> <li>• Religious or Other Beliefs Of A Similar Nature</li> <li>• Trade Union Membership</li> <li>• Physical or Mental Health or Condition</li> <li>• Details of Goods or Services Provided</li> <li>• Details of Innoculations</li> <li>• GP contact details</li></ul> <p style="text-align: center;"><i>Please note this is a non-exhaustive list.</i></p>
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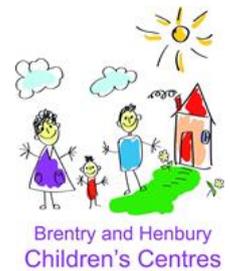
## Data Protection Policy



<b>“Data Subjects”</b>	<p>“Data Subjects” for the purpose of this policy include all living individuals about whom we hold Personal Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in relation to their Personal Data. BHCC may be required to handle Personal Data relating to Data Subjects who are current, past and prospective:</p> <ul style="list-style-type: none"><li>• Staff including volunteers, agents, temporary and casual workers;</li><li>• Trustee and Committee Members;</li><li>• Members of the Organisation;</li><li>• Parents, Carers, Relatives, Guardians and Children we are providing services to together with information relating to their associates (where relevant);</li><li>• Business Contacts; Contractors and Suppliers;</li><li>• Complainants, correspondents and enquirers;</li><li>• Advisers, consultants and other professional experts;</li><li>• Donors and Lenders; and</li><li>• Other Data Subjects that we communicate with.</li></ul> <p><i>Please note this is a non-exhaustive list.</i></p>
<b>“Data Controllers”</b>	<p>“Data Controllers” are the people who or organisations which determine the purposes for which, and the manner in which, any Personal Data is</p>

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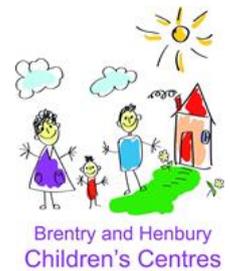
## Data Protection Policy



	<p>Processed. They have a responsibility to establish practices and policies in line with the Act. BHCC is the Data Controller of all Personal Data used by BHCC. We may from time to time share information with other Data Controller Organisations such as: the Police; the Inland Revenue; Bristol City Council; School and Educational Establishments; Relatives, guardians or other persons associated with the data subject; Current, past or prospective employers of the data subject; Education, training establishments and examining bodies; Suppliers, providers of goods or services; Financial organisations and advisers; Central and Local Government; Employment and recruitment agencies; Healthcare, social and welfare advisers or practitioners.</p> <p><i>Please note this is a non-exhaustive list.</i></p>
<b>“Data Users”</b>	<p>“Data Users” include staff members, volunteers and workers whose work involves using Personal Data. Data Users have a duty to protect the information they handle by following our data protection and security policies at all times.</p>
<b>“Data Processors”</b>	<p>“Data Processors” include any person who Processes Personal Data on behalf of BHCC as a Data Controller. This could for example include suppliers which handle Personal Data on BHCC’s behalf such as: Pensions Providers.</p> <p><i>Please note this is a non-exhaustive list.</i></p>
<b>“Processing”</b>	<p>“Processing” is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring or disclosing Personal Data to third parties or allowing them access to it.</p>

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## Data Protection Policy



	<p>BHCC is a not for profit organisation and retains Personal Data for obvious purposes only. It primarily collects, maintains and Processes Personal Data to enable the day to day operation of its Children's Centres and Community Outreach Programmes.</p>
<p><b>“Sensitive Personal Data”</b></p>	<p>“Sensitive Personal Data” includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive Personal Data can only be Processed under strict conditions in accordance with the Act, and will usually require the express consent of the person concerned.</p>