

Data Protection and GDPR Policy

Aims of this Policy

The US Charitable Trust aims to ensure that all personal data collected about employees, trustees, volunteers, and young people is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill. This policy applies to all personal data, regardless of whether it is in paper or electronic format.

The organisation is committed to ensuring any personal data will be dealt with in line with the Data Protection Act 1998. To comply with the law, personal information will be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

The aim of this policy is to ensure that everyone handling personal data is fully aware of the requirements and acts in accordance with data protection procedures. This document also highlights key data protection procedures within the organisation.

This policy covers employed staff, trustees, volunteers and students.

Definitions

In line with the Data Protection Act 1998 principles, The US Charitable Trust will ensure that personal data will:

- Be obtained fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specific and lawful purpose
- Be adequate, relevant but not excessive
- Be accurate and kept up to date
- Not be held longer than necessary
- Be processed in accordance with the rights of data subjects
- Be subject to appropriate security measures
- Not to be transferred outside the European Economic Area (EEA)

The definition of 'Processing' is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes some paper based personal data as well as that kept on computer.

The Personal Data Guardianship Code suggests five key principles of good data governance on which best practice is based. The organisation will seek to abide by this code in relation to all the personal data it processes, i.e.

- **Accountability:** those handling personal data follow publicised data principles to help gain public trust and safeguard personal data.
- **Visibility:** Data subjects should have access to the information about themselves that an organisation holds. This includes the right to have incorrect personal data corrected and to know who has had access to this data.
- **Consent:** The collection and use of personal data must be fair and lawful and in accordance with the DPA's eight data protection principles. Personal data should only be used for the purposes agreed by the data subject. If personal data is to be shared with a third party or used for another purpose, the data subject's consent should be explicitly obtained.
- **Access:** Everyone should have the right to know the roles and groups of people within an organisation who have access to their personal data and who has used this data.
- **Stewardship:** Those collecting personal data have a duty of care to protect this data throughout the data life span.

Type of information processed

The US Charitable Trust processes the following personal information:

- Information on applicants for posts, including references
- Employee information – contact details, bank account number, payroll information, supervision and appraisal notes.
- Members (Students) – contact details

Personal information is kept in the following forms:

- Paper based
- Computer based

Groups of people within the organisation who will process personal information are:

- Employed Staff
 - Chairman
 - Chief Operations Officer
 - Fundraiser
- Trustees
- Volunteers

Responsibilities

Under the Data Protection Guardianship Code, overall responsibility for personal data in a voluntary organisation rests with the governing body. In the case of The US Charitable Trust this is the Board of Trustees.

The Board of Trustees delegates tasks to the Chairman who is responsible for:

- understanding and communicating obligations under the Act
- identifying potential problem areas or risks
- producing clear and effective procedures

All employed staff, trustees and volunteers who process personal information must ensure they not only understand but also act in line with this policy and the data protection principles.

Breach of this policy will result in disciplinary proceedings.

Policy Implementation

To meet our responsibilities staff, volunteers and trustees will:

- Ensure any personal data is collected in a fair and lawful way.
- Explain why it is needed at the start.
- Ensure that only the minimum amount of information needed is collected and used.
- Ensure the information used is up to date and accurate.
- Review the length of time information is held.
- Ensure it is kept safely.
- Ensure the rights people have in relation to their personal data can be exercised.

We will ensure that:

- Everyone managing and handling personal information is trained to do so.
- Anyone wanting to make enquiries about handling personal information, whether a member of staff, volunteer or service user, knows what to do.
- Any disclosure of personal data will be in line with our procedures.
- Queries about handling personal information will be dealt with swiftly and politely.

Training

Training and awareness raising about the Data Protection Act and how it is followed in this organisation will take the following forms:

- On induction: New staff will be provided information as part of their general induction.
- Scheduled online & CPD training and awareness raising

Gathering and checking information

Before personal information is collected, we will consider:

- What details are necessary for our purposes
- How long the we are
- likely to need this information

We will inform people whose information is gathered about the following:

- why the information is being gathered
- what the information will be used for
- who will have access to their information (including third parties)

We will take the following measures to ensure that personal information kept is accurate:

- Sending out reminders to people asking them to check their details.

Personal sensitive information will not be used apart from the exact purpose for which permission was given. Should we need to use personal sensitive information for any reason, consent will be sought each time it is to be used.

Retention periods

The US Charitable Trust will ensure that information is kept according to the following retention periods guidelines:

It is helpful to set out in your policy the retention periods for key documents and some suggestions re retention periods are made below:

- Personnel files - 6 years after employment ceases
- Application forms and interview notes (unsuccessful candidates)- 6 months
- Letters of reference - 6 years from the end of employment
- Redundancy details - 6 years from the date of redundancy
- Accident books, accident records/reports - 3 years

- Assessments under health & safety regulations - Permanently
- Income tax, NI returns, income tax records and correspondence with IR - At least 3 years after the end of the financial year to which they relate
- Statutory maternity pay records and calculations - At least 3 years after the end of the financial year to which they relate
- Statutory sick pay records and calculations - At least 3 years after the end of the financial year to which they relate
- Wages and salary records - 6 years
- Data relating to programmes will be retained for as long as is necessary to provide an audit trail for funders

Data Security

The organisation will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. The following measures will be taken:

- Using lockable cupboards (restricted access to keys)
- Setting up computer systems to allow restricted access to authorised employees
- Data taken offsite to be stored in a lockable filing box or password protected laptop/memory stick.

Any unauthorised disclosure of personal data to a third party by an employee may result in disciplinary proceedings.

Board and trustees are accountable for compliance of this policy. A trustee could be personally liable for any penalty arising from a breach that they have made. Any unauthorised disclosure made by a volunteer may result in the termination of the volunteering agreement.

Possible data regarding young people, schools and caregivers, can only be accessed by Chair, Serena Balfour and COO, Tiffany Li (safeguarding officer). The safeguarding lead will work closely with the DPO at the partner school or organisation, to ensure that all data is stored in a safe manner and both parties are aware of the locations it is being stored.

Data of employees, will be only be seen and accessed by the Chair and COO. Data of young people will not be shared amongst The US Charitable Trust. The charity will correspond with the school when engaging with young people.

Confidentiality:

The safety, wellbeing and protection of our young people are the paramount consideration in all decisions made by the US employees about confidentiality. The

appropriate sharing of information between employees is an essential element in ensuring our young people's wellbeing and safety.

Anyone working or volunteering in The US Charitable Trust may be privy to confidential data, medical or personal information or information about behaviour or home circumstances. This information must stay in the charity and should not be discussed with anyone apart from other employees whom you work closely with.

Any questions about confidentiality should be directed to a member of the Senior Leadership Team. In this instance, the two members of employees would be Chair, Serena Balfour and COO, Tiffany Li. Please contact: info@uscharitabletrust.org or t.li@uschairtabletrust.org .

Subject Access Requests

Anyone whose personal information we process has the right to know:

- What information we hold and process on them
- How to gain access to this information
- How to keep it up to date
- What we are doing to comply with the Act.

They also have the right to prevent processing of their personal data in some circumstances and the right to correct, rectify, block or erase information regarded as wrong.

Individuals have a right under the Act to access certain personal data being kept about them on computer and certain files. Any person wishing to exercise this right should apply in writing to Serena Balfour, Chairman, The US Charitable Trust at s.balfour@uscharitabletrust.org.

The following information will be required before access is granted:

- Full name and contact details of the person making the request
- Their relationship with the organisation
- Proof of identification (passport or birth certificate)

Queries about handling personal information will be dealt with swiftly and politely. We will aim to comply with requests for access to personal information as soon as possible, but will ensure it is provided within the 30 days required by the Act from receiving the written request.

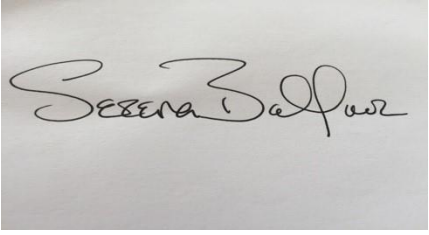
Process of Destruction of Data

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we

cannot or do not need to rectify or update it. For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files.

Review

This policy will be reviewed at intervals of 1 year to ensure it remains up to date and compliant with the law.

Name:	Mrs Serena Balfour	Position:	Chair
Signature:		Date:	19 December 2019

Review date: 19 December 2020

Declaration

I confirm I have read and understood The US Charitable Trust's Data Protection Policy and will act in accordance with it.

I am connected with this organisation in my capacity as a

- Member of staff
- Volunteer
- Trustee/ management committee member

I understand that my work will bring me in contact with confidential information and I will maintain confidentiality, discussing only with relevant personnel. I note the need to report safeguarding issues through the (name of organisation) Safeguarding Policy.

Signature:

Print name:

Date:

Please return this form to Serena Balfour, Chairman, s.balfour@uscharitabletrust.org