

General Data Protection and Access to Information Policy

Reviewed May 2023

1. Introduction

This policy covers data obtained and retained by Deanway Construction Ltd that relates to individuals, clients, volunteers or staff, who can be identified from that data. Both manual (paper based) and computerised records are encompassed within the scope of this policy.

The purpose of this policy is to ensure that: -

- Officers are clear about their responsibilities;
- Individuals are clear about their rights and responsibilities;
- Processes are in place to comply with UK and EU Data Protection legal requirements and law.
- All required permissions are gained and best practice is followed for the processing and storage of data.

Deanway Construction Ltd is a nominated data controller under the General Data Protection Regulations (2016) and will discharge its responsibilities as such by enforcing this policy. As such, it must continue to be recorded on the Information Commissioners register and notify any changes.

(Definitions

Processing of information – how information is held and managed.

Information Commissioner - formerly known as the Data Protection Commissioner.

Notification – formerly known as Registration.

Data Subject – used to denote an individual about whom data is held.

Data Controller – used to denote the entity with overall responsibility for data collection and management. Joanna Carter is the Data Controller for the purposes of the Act.

Data Processor – an individual handling or processing data

Personal data – any information which enables a person to be identified

Special categories of personal data – information under the Regulations which requires the individual's explicit consent for it to be held by the Charity)

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter |
| Page 1 of 19 | Next review due: April 2025 |

2. Legal Requirements

The General Data Protection Regulations (GDPR) are being introduced into UK law by the UK Government at the end of May 2018 to replace the 1998 Data Protection Act. These new regulations extend the rules for the way information about people is handled and to give legal rights to people who have information stored about them.

GDPR is a reaction to the increase in the amount of personal data that is collected and stored by organisations, including employers. As the amount of data collected is likely to increase it is important to consider the types of information kept and how it is accessed, processed and stored.

This document defines the way Deanway Construction Ltd has responded to the GDPR and outlines the policies and procedures for ensuring compliance.

Data Protection Act 1998 regulated the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. This has now been replaced with the GDPR.

All individuals involved in the processing of personal data must comply with the requirements of GDPR and with this policy and procedure.

EU Data Protection Regulation 2016

This Regulation, agreed in December 2015 and formally adopted in Spring 2016, is a new European data privacy framework, which includes the new EU data protection regulation. It requires organisations to secure personal data and introduces a tougher and more complex protection requirement. Encryption is recognised as the best way to comply with the requirements.

The new Data Protection Regulation will apply one consistent set of requirements for all organisations that hold data on European citizens. The legislation is very broad and covers many aspects of personal data. EU countries have up to two years to implement the new requirements.

The Regulation applies to organisations within the EU and to those organisations outside of the EU that offer goods and services to, or monitor the behaviour of EU citizens. In terms of personal data security, this means implementing appropriate security measures to protect the data.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter |
| Page 2 of 19 | Next review due: April 2025 |

A more regular external Audit requirement will be instigated as a result of this regulation, which Deanway Construction Ltd must comply with.

Major data breaches put clients and individuals at risk of identity theft and financial loss, and businesses at risk of losing client loyalty, as well as regulatory fines.

Failure to comply may result in:

Action being taken by the Data Protection Information Commissioner against Deanway Construction Ltd in the form of fines up to 4% of annual turnover or 20 million Euros. This is the maximum fine that can be imposed for the most serious infringement, for example not having sufficient processes in place, when handling data or violating the core of Privacy by design concepts.

Criminal charges being made against the individual responsible for the breach that may be punishable by a fine or imprisonment.

Disciplinary action being taken by Deanway Construction Ltd against the employee responsible.

The Act extends to information retained on, clients, volunteers, contractors, consultants, etc., as well as all employees.

The actions which Deanway Construction Ltd must take to comply with current and new legislations are:

- Get privacy policies, procedures and documentation in order and keep them up to date
- Ensure the Finance and Governance Committee that oversees all privacy activities, led by a senior manager or executive develop metrics to measure the status of privacy efforts, report regularly and create statements of compliance.
- Implement a breach notification process and enhance your incident management processes and your detection and response capabilities.
- Any data breach must be notified to the relevant data protection authority, even if protective measures, such as encryption, are in place; or the likelihood of harm is low.
- Prepare Deanway Construction Ltd to fulfill the "right to be forgotten", "right to erasure" and the "right to data portability". A strategy covering topics such as data classification, retention, collection, destruction, storage and search.

- Create and enforce privacy throughout Deanway Construction Ltd systems' lifecycles to meet the "privacy by design" requirement. Ensure privacy controls are stronger, simpler to implement, harder to by-pass and totally embedded in a system's core functionality.

3. Deanway Construction Ltd Policy Procedure Principles

Deanway Construction Ltd is committed to ensuring it complies with the law and best practice principles regarding the retention and processing of personal data. The lawful basis for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever personal data is processed:

Consent – the individual has given clear consent for you to process their personal data for a specific purpose.

Contract – the processing is necessary for a contract that you have with the individual, or because they have asked you to take specific steps before entering into the contact

Legal Obligation – the processing is necessary for you to comply with the law

Vital interests – the process is necessary to protect someone's life

Public task- the processing is necessary for you to perform a task in the public interest or for your official functions and the task or function has a clear basis in law.

Legitimate interests – the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individuals personal data overrides those legitimate interests.

Source ICO – “Lawful Basis for Processing” <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/#ib3>

Personal data

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and special categories of personal data.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 4 of 19 | Next review due: April 2025 |

Personal data is defined as data relating to a living individual who can be identified from that data. That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Special categories of personal data

Where Deanway Construction Ltd is required to process sensitive information, as defined by the Act, then we will obtain the individual's consent by appropriate means. During the process of gaining this consent we will provide information covering the specific detail of the processing of the data including the purpose for which it is required.

Special categories of personal data are defined as personal data consisting of information as to: -

- Racial and ethnic origins,
- Political opinion
- Religious or philosophical beliefs
- Trade union membership
- Genetic or biometric data
- Health
- Sex life and Sexual orientation

If the data being processed falls in the special category data then you must be able to demonstrate a lawful basis under article 6 and article 9 of the GDPR.

Deanway Construction Ltd Values

In line with our values we will adopt the principle of openness with individuals regarding data recorded whilst maintaining appropriate confidentiality on their behalf.

To comply with GDPR and requirements in practise, Deanway Construction Ltd must:

- a) Have legitimate grounds for collecting and using the personal data;
- b) Not use the data in ways that have unjustified adverse effects on the individuals concerned;
- c) Be transparent about how the data will be used, and give individuals appropriate privacy notices when collecting their personal data;

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 5 of 19 | Next review due: April 2025 |

- d) Handle people's personal data only in ways they would reasonably expect; and
- e) Make sure nothing unlawful is done with the data.

4 Consent

Deanway Construction Ltd will always get consent to process data.

It should also be noted that where it is not reasonable to obtain consent at the time data is first recorded and the case remains open, retrospective consent should be sought at the earliest appropriate opportunity.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 6 of 19 | Next review due: April 2025 |

If personal and/or special categories of personal data need to be recorded for the purpose of service provision and the service user refuses consent, the case should be referred to the Chief Executive for advice.

4.1 Obtaining Consent

Consent may be obtained in a number of ways depending on the nature of the interview, and consent must be recorded on or maintained with the case records:

face-to-face
written
telephone
email.

Face-to-face/written
A pro-forma should be used.

Telephone
Verbal consent should be sought and noted on the case record.

E-mail
The initial response should seek consent.

Consent obtained for one purpose cannot automatically be applied to all uses e.g. where consent has been obtained from a service user in relation to information needed for the provision of that service, separate consent would be required if, for example, direct marketing of insurance products were to be undertaken.

Preliminary verbal consent should be sought at point of initial contact as personal and/or special categories of personal data will need to be recorded either in an email or on a computerised record. The verbal consent is to be recorded in the appropriate fields on the computer record or stated in the email for future reference. Although written consent is the optimum, verbal consent is the minimum requirement.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 7 of 19 | Next review due: April 2025 |

Specific consent for use of any photographs and/or videos taken should be obtained in writing. Such media could be used for, but not limited to, publicity material, press releases, social media, and website. Consent should also indicate whether agreement has been given to their name being published in any associated publicity. If the subject is less than 18 years of age then parental/guardian consent should be sought.

Individuals have a right to withdraw consent at any time. If this affects the provision of a service(s) by Deanway Construction Ltd then the staff member should discuss with the CEO at the earliest opportunity

5 Ensuring the Security of Personal Information

Unlawful disclosure of personal information

- It is an offence to disclose personal information ‘knowingly and recklessly’ to third parties.
- It is a condition of receiving a service that all service users for whom we hold personal details sign a consent form allowing us to hold such information.
- Service users may also consent for us to share personal or special categories of personal information with other helping agencies on a need to know basis.
- A client’s individual consent to share information should always be checked before disclosing personal information to another agency.
- Where such consent does not exist information may only be disclosed if it is in connection with criminal proceedings or in order to prevent substantial risk to the individual concerned. In either case permission of the Chief Executive should first be sought.
- Personal information should only be communicated within Deanway Construction Ltd staff and volunteer team on a strict need to know basis. Care should be taken that conversations containing personal or special categories of personal information may not be overheard by people who should not have access to such information.

6. Ethnic Monitoring

In order for Deanway Construction Ltd to monitor how well our staff, volunteers and service users reflect the diversity of the local community we request that they complete an Equality and Diversity Monitoring form. The completion of the form is voluntary, although strongly encouraged. Responses are securely stored and held on a passworded database for statistical purposes.

7. Use of Files, Books and Paper Records

In order to prevent unauthorised access or accidental loss or damage to personal information, it is important that care is taken to protect personal data. Paper records should be kept in locked cabinets/drawers overnight and care should be taken that personal and special categories of personal information is not left unattended and in clear view during the working the day. If your work involves you having personal / and/or special categories of personal data at home or in your car, the same care needs to be taken.

8. Disposal of Scrap Paper, Printing or Photocopying Overruns

Be aware that names/addresses/phone numbers and other information written on scrap paper are also considered to be confidential. Please do not keep or use any scrap paper that contains personal information but ensure that it is shredded.

If you are transferring papers from your home, or your client's home, to the office for shredding this should be done as soon as possible and not left in a car for a period of time. When transporting documents, they should be carried out of sight in the boot of your car.

9. Computers

Where computers are networked, access to personal and special categories of personal information is restricted by password to authorised personnel only.

Computer monitors in the reception area, or other public areas, should be positioned in such a way so that passers-by cannot see what is being displayed. If this is not possible then privacy screens should be used on the monitor to afford this level of

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 9 of 19 | Next review due: April 2025 |

protection. If working in a public area, you should lock your computer when leaving it unattended.

Firewalls and virus protection to be employed at all times to reduce the possibility of hackers accessing our system and thereby obtaining access to confidential records.

Documents should only be stored on the server or cloud-based systems and not on individual computers.

Where computers or other mobile devices are taken for use off the premises the device must be password protected.

10. Cloud Computing

When commissioning cloud based systems, HVL will satisfy themselves as to the compliance of data protection principles and robustness of the cloud based providers.

11. Direct Marketing

Direct Marketing is a communication that seeks to elicit a measurable fundraising response (such as a donation, a visit to a website, sign up to Gift Aid, etc.). The communication may be in any of a variety of formats including mail, telemarketing and email. The responses should be recorded to inform the next communication. Deanway Construction Ltd will not share or sell its database(s) with outside organisations.

We recognise that clients, staff, volunteers and supporters for whom we hold records have the right to unsubscribe from our mailing lists. This wish will be recorded on their records and will be excluded from future contacts.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 10 of 19 | Next review due: April 2025 |

The following statement is to be included on any forms used to obtain personal data:
We promise never to share or sell your information to other organisations or businesses and you can opt out of our communications at any time by telephoning 01920 456540, writing to Deanway Construction Ltd, Unit 17, Foxholes Business Unit, Watermark Way. Hertford. SG137TZ. or by sending an email to office@deanwayconstruction.com

12 Privacy Statements

Any documentation which gathers personal and/or special categories of personal data should contain the following Privacy Statement:

Deanway Construction Ltd Loss Privacy Notice

This privacy notice explains how Deanway Construction Ltd (the Data Controller) will use any personal information we collect about you when you use our services.

What information do we collect about you?

How will we use the information about you?

How long will we keep this information?

Access to information and correction

Cookies

Changes to our Data Protection Policy

How to contact us

Complaints

What information do we collect about you?

The information that Deanway Construction Ltd will collect varies depending on how you use our Services. We are using the information provided in this case because we have a legal obligation, this means we collect your personal information from you so that we can carry out a function that you have requested; provide a service we choose to provide or carry out processing where you have agreed to share the data with us. Each time you make contact with us we will make a note on your record.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 11 of 19 | Next review due: April 2025 |

How will we use the information about you?

We use the information to process your request, complaint or query and send you information if requested. We will only share the information to enable us to deal with your request and we will let you know if we share your information with other agencies.

We will not share the personal information we hold with any external organisations unless agreed with you. We will always tell you who we will share the information with.

We will ensure that all personal information is kept securely.

How long will we keep this information? We will destroy this personal information in accordance with our Disposal Schedules, please see the General Data Protection Policy Document on the website. To determine how long we should keep information, we consider what the legislation states and what is good practice. This means we will securely destroy the information once we no longer need it. If you would like to know the specific time period that relates to your personal information please contact office@deanwayconstruction.com

Individuals' Rights

You have a right to request a copy of the personal information that we hold about you. If you would like a copy of some, or all of your information, please contact us at office@deanwayconstruction.com and ask for a subject access request.

If you would like to be removed from our records please contact us on 01920456540 or email office@deanwayconstruction.com

If you consider we hold inaccurate personal information about you, you can contact us to ask for this information to be corrected. We will update our records within 30 days. Please contact us at office@deanwayconstruction.com

Cookies

Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. This information is used to make your use of the internet better. For further information on how we use these and how you can control it, please visit <http://www.hertsvisionloss.org.uk/>

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 12 of 19 | Next review due: April 2025 |

Data Protection Officer

Our Data Protection Officer for the purposes of the General Data Protection Regulation is Joanna Carter. She can be contacted by emailing Joanna.carter@deanwayconstruction.com or calling 01920456540

How to contact us

Please contact us if you have any questions about our Data Protection Policy, or concerns about how we handle your information: by emailing office @deanwayconstruction.com.

Complaints

You have a right to complain to the Information Commissioner if you are unhappy with how we process your personal information. You can do so through their website: <https://ico.org.uk/concerns/> or by emailing: casework@ico.org.uk or calling their helpline on 0303 123 1113.

13 Personnel Records

The Regulations apply equally to all records. Deanway Construction Ltd may at times record special categories of personal data with consent.

For staff and volunteers who are regularly involved with vulnerable adults, it will be necessary for staff to apply to the Disclosure & Barring Service to request a disclosure of spent and unspent convictions, as well as cautions, reprimands and final warnings held on the police national computer. Any information obtained will be dealt with under the strict terms of the DBS Code. Access to the disclosure reports

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 13 of 19 | Next review due: April 2025 |

is limited to the Senior Management Team. If there is a positive disclosure the Chief Executive will discuss this, anonymously, with the Chair and our insurers to assess the risk of appointment.

Confidentiality

When working from home, or from some other off-site location, all data protection and confidentiality principles still apply. All computer data, e.g. documents and programmes related to work should not be stored on any external hard disk or on a personal computer. If documents need to be worked on at a non-networked computer they should be saved onto a USB drive which should be password protected.

Workstations in areas accessible to the public, should operate a clear desk practice so that any paperwork, including paper diaries, containing personal and/or special categories of personal data is not left out on the desk where passers-by could see it.

When sending emails to outside organisations care should be taken to ensure that any identifying data is removed and that codes (e.g. initials or identifying code number, such as social services number, etc.) are to be used. Confidential and/or special categories of personal information should be written in a separate document which should be password protected before sending. Wherever possible, this document should be 'watermarked' confidential.

Any paperwork kept away from the office should be treated as confidential and kept securely as if it were held in the office. Documents should not be kept in open view (e.g. on a desktop) but kept in a file in a drawer or filing cabinet as examples, the optimum being a locked cabinet but safely out of sight is a minimum requirement.

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 14 of 19 | Next review due: April 2025 |

When carrying paper files or documents they should be in a locked briefcase or in a folder or bag which can be securely closed or zipped up. The briefcase/folder/bag should contain Deanway Construction Ltd contact details. Never take more personal data with you than is necessary for the job in hand. Care should be taken to ensure that you leave a job with the correct number of documents and that you haven't inadvertently left something behind.

14. Retention of Records

Paper records should be retained for the following periods at the end of which they should be shredded:

Client records – 6 years after ceasing to be a client.

Staff records – 6 years after ceasing to be a member of staff.

Unsuccessful staff application forms – 6 months after vacancy closing date.

Volunteer records – 6 years after ceasing to be a volunteer.

Timesheets and other financial documents – 7 years.

Employer's liability insurance – 40 years.

Other documentation, e.g. clients care plan sent to a worker as briefing for a visit should be destroyed as soon as it is no longer needed for the task in hand.

Archived records should clearly display the destruction date.

Computerised records e.g. ACT to be anonymised 6 years after ceasing to have any services from us. (Anonymising will remove the personal and special categories of personal data but will not remove the statistical data.)

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 15 of 19 | Next review due: April 2025 |

15. What to Do If There Is a Breach

If you discover, or suspect, a data protection breach you should report this to your line manager who will review our systems, in conjunction with the Senior Management Team and/or Quality Assurance & Systems Manager, to prevent a reoccurrence. Action will be taken and outcomes to determine whether it needs to be reported to the Information Commissioner and also for reporting to the Board of Trustees. There is a time limit for reporting breaches to ICO so the CEO should be informed without delay.

Any deliberate or reckless breach of this Data Protection Policy by an employee or volunteer may result in disciplinary action which may result in dismissal.

16. The Rights of an Individual

Under the Regulations an individual has the following rights with regard to those who are processing his/her data:

Personal and special categories of personal data cannot be held without the individual's consent (however, the consequences of not holding it can be explained and a service withheld).

Data cannot be used for the purposes of direct marketing of any goods or services if the Data Subject has declined their consent to do so.

Individuals have a right to have their data erased and to prevent processing in specific circumstances:

Where data is no longer necessary in relation to the purpose for which it was originally collected

When an individual withdraws consent

When an individual objects to the processing and there is no overriding legitimate interest for continuing the processing

Personal data was unlawfully processed

| | |
|--------------------|-----------------------------|
| Approved: May 2018 | Author : J. Carter (CEO) |
| Page 16 of 19 | Next review due: April 2025 |

An individual has a right to restrict processing –

where processing is restricted, Deanway Construction Ltd is permitted to store the personal data but not further process it. Deanway Construction Ltd can retain just enough information about the individual to ensure that the restriction is respected in the future.

An individual has a ‘right to be forgotten’.

Deanway Construction Ltd will not undertake direct telephone marketing activities under any circumstances.

Data Subjects can ask, in writing to the Chief Executive, to see all personal data held on them, including e-mails and computer or paper files. The Data Processor (HVL) must comply with such requests within 30 days of receipt of the written request.

17. Powers of the Information Commissioner

The following are criminal offences, which could give rise to a fine and/or prison sentence

The unlawful obtaining of personal data.

The unlawful selling of personal data.

The unlawful disclosure of personal data to unauthorised persons.

Further Information

Further information is available at www.informationcommissioner.gov.uk

Details of the Information Commissioner

The Information Commissioner’s office is at:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 17 of 19 | Next review due: April 2025 |

Switchboard: 01625 545 700

Email: mail@ico.gsi.gov.uk

Data Protection Help Line: 01625 545 745

Notification Line: 01625 545 740

Other documents for consideration are Herts Vison Loss Privacy Notice

Reviewer: J Carter

Date: 1.5.20

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 18 of 19 | Next review due: April 2025 |

| | |
|--------------------|-----------------------------|
| Approved: May 2023 | Author : J. Carter (CEO) |
| Page 19 of 19 | Next review due: April 2025 |