



## Data Protection Procedure

### Introduction

This procedure aims to help SHINE for Autism manage data protection effectively. SHINE for Autism holds personal data about our trustees and service users for a variety of purposes.

SHINE for Autism is committed to the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom it deals.

The General Data Protection Regulation requires SHINE for Autism to make reasonable security arrangements to protect the personal data that we possess or control, to prevent unauthorised access, collection, use, disclosure, or similar risks.

### Scope

This procedure applies to all trustees. You must be familiar with this procedure and comply with its terms. This procedure supplements our other procedures relating to internet and email use. We may supplement or amend this procedure with additional procedures and guidelines from time to time. Any new or modified procedure will be circulated to trustees before being adopted.

### Induction

All trustees will view a copy of this procedure as part of the induction process. Updated copies will be provided whenever there is a substantial change in the law or our policy and procedure.

### Applicable Legislation Considerations

#### UK DATA PROTECTION ACT 1998 (DPA)

Under the UK Data Protection Act 1998, personal data is defined as data which relates to a living individual who can be identified from that data, or from 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 any 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.

The UK Data Protection Act 1998 also defines "**sensitive Personal Data**" as Personal Data relating to the racial or ethnic origin of the data subject; their political opinions; their religious (or similar) beliefs; trade union membership; **their physical or mental health condition**; their sexual life; the commission or alleged commission by them of any offence; or any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

## EU GENERAL DATA PROTECTION REGULATION (EU) 2016/679 (GDPR)

The regulation applies if the data controller (organisation that collects data from EU residents) or processor (organisation that processes data on behalf of data controller e.g. cloud service providers) or the data subject (person) is based in the EU. Regulation also applies to organisations based outside the European Union if they collect or process personal data of EU residents.

According to the European Commission, Personal Data is: "any information relating to an individual, whether it relates to his or her private, professional or public life. It can be anything from a name, a home address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer's IP address."

## Data Protection

SHINE for Autism is committed to processing data in accordance with its responsibilities under the General Data Protection Regulation.

The GDPR covers information about individuals which is held on computer or in a manual filing system, or which is recorded with the intention that it will be part of such systems. The Regulation applies to people or organisations that use or hold such personal data.

The Regulation is based on the right of the individual (the Data Subject) to know what information is being held about them, and how the information will be used. The Act sets out principles to ensure that personal data is:

- a. processed lawfully, fairly and in a transparent manner on the basis of the data subject's consent or another specified basis;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes

or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”
- g. protected against unauthorised processing, accidental loss or damage.
- h. not transferred to areas outside of the European Union (including via websites).

## Personal Data

Any use of personal data is to be strictly controlled in accordance with this procedure.

While some data will always relate to an individual, other data may not, on its own, relate to an individual. Such data would not constitute personal data unless it is associated with, or made to relate to, a particular individual.

SHINE for Autism gathers personal data to further the charity's objectives. This relates to identifiable individuals for reasons such as:

- Trustee records
- Lists of individuals attending training courses/workshops (Names only)
- Hand out cards lists
- Fundraising/sponsor forms
- Donations and thank yous
- Autism ID cards

The data gathered from these activities may include but are not limited to the individual's full name, address, date of birth, e-mail address and contact details.

### How is it collected?

- a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests (see ICO guidance for more information).
- b. The charity shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.

Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the charity's systems.

### How will it be used?

The data is used by SHINE for Autism to provide a service to parent/carers of autistic individuals and training/awareness to the wider community. This includes all supporting activities necessary to provide and improve that service.

Personal data is accessible only to SHINE for Autism trustees for operational purposes and only when necessary to perform the tasks of their job.

SHINE for Autism does not transfer personal data to any third parties.

SHINE for Autism only transmits personal data between trustees.

## **Lawful, fair and transparent processing**

- a. To ensure its processing of data is lawful, fair and transparent, the charity shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.

The processing of all data must be:

- Necessary to deliver our services
- In our legitimate interests and not unduly prejudice the individual's privacy

## **Principles**

SHINE for Autism collects and processes personal data in compliance with the following data protection principles:

### **Consent**

Where consent is required, the user (data subject) must give their explicit, active consent to the collection and processing of their personal data. This consent can be revoked at any time.

Where photographs of trustees or service users are used to publicise or promote the organisation or its activities, permission will be sought from individuals and the photograph used for a specified length of time.

Data subjects can revoke consent at any time by e-mailing [shineforautism@hotmail.com](mailto:shineforautism@hotmail.com).

### **Notification**

SHINE for Autism notifies all users about the intended purpose of any collected data prior to collection.

### **Purpose Limitation**

Personal data can be used only for the purposes explained to the user, and for which they have explicitly given consent (if required). The data collected must be necessary for the performance of the purpose, and not excessive with respect to the purposes for which it was collected.

## **Right to Access and Correction**

Trustees and service users have the right to access the information held on them by SHINE for Autism, and to correct said data where applicable.

SHINE for Autism will take all reasonable steps to ensure service users' data is accurate and up to date. We assume that personal data collected directly from the user will be accurate and complete.

We will ensure that any personal data we process is accurate, adequate, relevant, and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Data subjects can request access or correction to their information by e-mailing [shineforautism@hotmail.com](mailto:shineforautism@hotmail.com).

## **Accuracy**

SHINE for Autism takes all reasonable steps to ensure service users' data is accurate and up to date.

Data subjects can request changes to their information by e-mailing [shineforautism@hotmail.com](mailto:shineforautism@hotmail.com).

## **Protection**

SHINE for Autism takes all reasonable steps to ensure user data is secured and protected against unauthorised or unlawful processing, accidental loss, destruction, or damage.

In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised individuals cannot access it. Printed data should be shredded when it is no longer needed.

All trustees will use passwords on personal data files.

Personal data should not be stored on local storage media such as CDs, DVDs, or memory sticks.

The charity shall ensure that personal data is stored securely using modern software that is kept-up-to-date.

All servers containing sensitive data must be protected by security software and firewalls.

All data should be transmitted over secure networks only.

No personal data may be shared informally. If a third party working on behalf of SHINE for Autism requires access to any personal data that they do not already have access to, such access should be formally requested from the data subject.

If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it.

Under no circumstances should any personal passwords be written down or shared between any third parties working on behalf of SHINE for Autism.

### **Retention Limitation**

SHINE for Autism will not keep personal user data for any longer than is necessary to fulfil the purposes for which the user gave their consent.

When personal data is deleted this should be done safely such that the data is irrecoverable.

### **Openness**

SHINE for Autism publicly publishes our Data Protection Procedure.

### **Data Portability**

Upon request, a user should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals.

Data subjects can request a copy of their data by e-mailing [shineforautism@hotmail.com](mailto:shineforautism@hotmail.com).

### **Right to be Forgotten**

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Data subjects can request the deletion or removal of their information by e-mailing [shineforautism@hotmail.com](mailto:shineforautism@hotmail.com).

### **Archiving / removal**

- a. To ensure that personal data is kept for no longer than necessary, the charity shall archive or remove documents for each area in which personal data is processed when they are no longer needed. Documents will be reviewed annually.
- b. The trustees shall consider what data should/must be retained, for how long, and why.

### **Breach**

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

## **Consequences of failing to comply**

We take compliance with this procedure very seriously. Failure to comply puts both you and the charity at risk.

The importance of this procedure means that failure to comply with any requirement may lead to your position being revoked.

## **Monitoring**

Everyone must observe this procedure.

The trustees are responsible for this procedure. The trustees will review and monitor this procedure annually to make sure it is effective, relevant, and adhered to.

**This procedure is to be read in conjunction with the following procedures and documents:**

- Data Breach Procedure
- Photos and Images Procedure
- Confidentiality Procedure

**Review date: 1<sup>st</sup> August 2019**