

Youth Community Support Agency (YCSA) Data Protection Policy- Clients and Service Users

1. Introduction

YCSA is committed to being transparent about how it collects and uses the personal data of its service users, and to meeting its data protection obligations. This policy sets out our commitment to data protection, and individual rights and obligations in relation to personal data.

YCSA needs to collect and use certain types of information about the Clients and Service Users who come into contact with YCSA in order to carry on our work. We also hold data on staff and volunteers in order to carry out our business – see *YCSA Data Protection Policy - Workforce*

YCSA is the Data Controller and has appointed the YCSA Manager as the person with responsibility for data protection compliance within the business. Questions about this policy, or requests for further information, should be directed to the YCSA Manager.

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 your YCSA case worker or the YCSA Manager

2. Grounds for processing data

As a Data Controller YCSA must identify which of the following legal grounds for processing data apply to the type of data collected:

- ❖ **Consent of the data subject.**
- ❖ **Necessary for the performance of a contract**
- ❖ **Necessary for compliance with a legal obligation**
- ❖ **Necessary to protect the vital interests of a data subject or another person**
- ❖ **Necessary for the performance of a task carried out in the public interest**
- ❖ **Necessary for the purposes of legitimate interests pursued by the controller or a third party**

YCSA has categorised the types of data, the grounds for processing and the length of time such data should be retained as per Appendix A to this document.

3. Consent

Most client/Service Data will be collected on the grounds of consent. Informed consent is when

- An Individual/Client clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Where a young person is under the age of 13 and consent is relied on as the lawful basis for processing personal data, when offering an online service directly to a child, consent is required from whoever holds parental responsibility for the child - unless the online service is a preventive or counselling service.

YCSA will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, YCSA will ensure that the Individual/Client:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for, what legal grounds are being used to justify holding the data and if this is on the basis of consent, what the consequences are should the Individual/Client decide not to give consent to processing
- c) Where the legal grounds are consent, ensure that as far as is reasonably possible, the client grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used
- f) Consent can be withdrawn at any time

4. DATA PROTECTION PRINCIPLES

- a. YCSA processes personal data in accordance with the following data protection principles:

- We process personal data lawfully, fairly and in a transparent manner.
 - We collect personal data only for specified, explicit and legitimate purposes.
 - We process personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.
 - We keep accurate personal data and take all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
 - We keep personal data only for the period necessary for processing.
 - We adopt appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.
- b. YCSA tells individuals the reasons for processing their personal data, how we use such data and the legal basis for processing in its privacy notices. We will not process personal data of individuals for other reasons.
- c. We keep a record of our processing activities in respect of personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

5. Disclosure

YCSA may in certain circumstances share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Client/Service User will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows YCSA to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an Individual/Client or other person eg Child Protection issues
- c) The Individual/Client has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights

- e) Monitoring for equal opportunities purposes – i.e. protected characteristics as defined by legislation
- f) Providing a confidential service where the Individual/Client's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Clients to provide consent signatures.

6. Data Storage

Information and records relating to Clients will be stored securely and will only be accessible to authorised staff and volunteers.

YCSA uses an online database, Upshot, to store certain data required for monitoring purposes. This operates in accordance with all data protection and privacy laws applicable.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately. See Appendix A below

It is YCSA's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

7. Data access and accuracy

All Individuals/Clients have the right to access the data YCSA holds about them. YCSA will also take all reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

- a) As a data subject, individuals have a number of rights in relation to their personal data.
- b) Individuals have the right to make a subject access request. If you make a subject access request, YCSA will tell you:
 - whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from you;
 - to whom your data is or may be disclosed;
 - for how long your personal data is stored (or how that period is decided);
 - your rights to rectification or erasure of data, or to restrict or object to processing;
 - your right to complain to the Information Commissioner if you think the organisation has failed to comply with your data protection rights; and

- c) We will also provide you with a copy of the personal data undergoing processing on request. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.
- d. If you wants additional copies, we will charge a fee, which will be based on the administrative cost to YCSA of providing the additional copies.
- e. To make a subject access request, you should send the request to the YCSA Office Manager. A Subject Access form is available to help with this. In certain circumstances eg where there are literacy issues, YCSA may choose to respond to a verbal request by arranging for someone to fill the Subject Access form with the Subject.
- f. In some cases, YCSA may need to ask for proof of identification before the request can be processed. We will inform you if we need to verify your identity and the documents we require.
- g. YCSA will normally respond to a request within a period of one month from the date it is received. In some cases, such as where YCSA processes large amounts of your data, we may respond within three months of the date the request is received. We will write to you within one month of receiving the original request to tell you if this is the case.
- h. If a subject access request is manifestly unfounded or excessive, YCSA is not obliged to comply with it. Alternatively, YCSA can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which YCSA has already responded. If an individual submits a request that is unfounded or excessive, we will notify him/her that this is the case and whether or not we will respond to it.

In addition, YCSA will:

- Ensure that everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Ensure that everyone processing personal information is appropriately trained to do so
- Ensure that everyone processing personal information is appropriately supervised
- It deals promptly and courteously with any enquiries about handling personal information

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- Regularly review and audit the ways it holds, manages and uses personal information
- Regularly assesses and evaluates its methods and performance in relation to handling personal information
- Ensure that all staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

Data breach

If a data breach occurs YCSA will notify the Information Commissioner within 72 hours.

Where the breach poses a high risk to the rights and freedoms of individuals, those individuals will also be notified e.g. a breach of sensitive data (see glossary below), data on children or vulnerable adults or on health information.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection legislation.

In case of any queries or questions in relation to this policy please contact :

Fariha Thomas
YCSA Manager
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DEFINITIONS

"Personal data" is any information that relates to an individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

Data Controller YCSA is the Data Controller under the Act, which means that it determines what purposes personal information held, will be used for.

Data Laws means any data protection and privacy laws applicable to the activities of the parties carried out in performance of this Agreement including, but not limited to, the General Data Protection Regulation 2016/679 ("GDPR"), any legislation derived from the Data Protection Bill 2017 and/or the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR") and any successor legislation.

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General Data Protection Regulation – The EU legislation that provides a framework for responsible behaviour by those using personal information.

Individual/Client/Service User – The person whose personal information is being held or processed by YCSA for example: a client, an employee, or supporter.

Explicit consent – is a freely given, specific and informed agreement by an Individual/Client in the processing of personal information about her/him. Explicit consent is one of the grounds for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of YCSA, as certain activities may be exempt from notification.

Information Commissioner/ Information Commissioner's office (ICO) – The UK Information Commissioner responsible for implementing and overseeing Data Protection legislation.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

Appendix A – Data protection Table for YCSA

Data Type	Legal Basis For Processing/Controlling	Location	Who is Controller/Processor?	How long kept for
Client Information Personal details (address, telephone number, ethnicity, nationality, sexual orientation, gender identity, disability) Case notes Client referrals if not activated	Contract/Consent	Client files (hard copy and YCSA server) YCSA Mobile Phones Referral Forms	YCSA – Processor	5 years 5 years from close of case 2 years
Client Photographs Photographs of young people attending trips or taking part in activities	Consent	Programme files (online) Social Media pages	YCSA – Processor	Dependent on the agreement in consent but online is indefinite
Client Video Recording Videos of young people talking about their experiences, acting, or participating in any kind of film	Consent	Programme files (online) Social Media pages	YCSA – Processor	Dependent on the agreement in consent but online is indefinite

making activity whereby they are being recorded				
Client Voice Recording Clips of clients voices talking about a subject for a consultation, or as evidence of need, or for a project	Consent	Program me files (online)	YCSA – Processor	Dependent on the agreement in consent but online is indefinite