

## Data protection policy

### Related policies and procedures

This policy should be read in conjunction with all related policies and procedures. See separate list in policies and procedures file.

### Purpose and scope

The purpose of this policy is to fulfil the requirements of the Data Protection Act 1998 by ensuring the confidentiality of any personal data (information) held by Healthwatch Leeds (HWL) in whatever form. The policy covers data held about Board Members, volunteers and staff in this policy will be referred to as Staff. It also covers data held about service users, their families and carers, professionals and members of the general public.

For the purpose of this Policy 'Personal data' is defined as 'information about a living individual who is identifiable by that information, or who could be identified by the information combined with other data about their experiences of health and social care services'.

HWL holds data for the following purposes:

- Board Directors - Data required by Companies House and HMRC relating to their term of office as Director on the HWL Board and for any other legal purposes
- Staff - data relating to their employment with HWL
- Volunteers - data relating to their voluntary work with HWL
- Handling enquiries from the general public to our Information, Advice and Signposting service
- Gathering views from service users, their families and carers, professionals and the public about their experiences of health and social care services.

## Data protection principles

HWL needs to keep certain information about the staff who work there, volunteers, and people who use contact them for feedback or signposting. This is to help HWL to carry out its work, monitor performance, and ensure legal compliance. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. This means compliance with the Data Protection Principles set out in the Data Protection Act, 1998.

These principles require that personal data must be:

- Obtained fairly and lawfully and shall not be processed unless certain conditions are met;
- Obtained for specified and lawful purposes and not further processed in a manner incompatible with that purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Kept for no longer than necessary;
- Processed in accordance with data subjects' rights;
- Protected by appropriate security;
- Not transferred to a country outside the European Union without adequate protection.

In processing or using any personal information these principles will be followed at all times.

## Data collection

When collecting data, HWL will aim to ensure that the individual:

- Clearly understands why the information is needed
- Understands what it will be used for
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

## Data storage

Information and records relating to enquiries from the public to our Information, Advice and Signposting Service, or gathering views from the public will be stored securely on our database.

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

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

Information on how long data is kept for can be found in HWL's Retention of Information Guidelines which should be read alongside this Policy.

## Data access

All confidential data held about individuals will only be accessible to authorised staff and volunteers. All staff sign a Code of Conduct and Contract which requires them to maintain confidentiality and follow good data protection practice. 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.

Authorised volunteers will be given an induction covering confidentiality and data protection and sign a Code of Conduct where they agree to follow HWL Data Protection and Confidentiality Policies. All authorised volunteers that are doing work on our confidential database will be appropriately supervised.

All individuals have the right to access the information that HWL holds about them. All persons about whom HWL holds information will be made aware what information is held and the purpose for which it is used.

People who believe that HWL may hold information about them have the right to know:

- How to gain access to it

- How it is kept up to date
- What HWL is doing to comply with its obligations under the 1998 Act

HWL will deal promptly and courteously with any enquiries about handling personal information.

To ensure the implementation of this policy HWL has designated the HWL chief executive as the Data Protection Coordinator. All enquiries relating to the holding of personal data should be referred to the HWL chief executive in the first instance.

Staff are entitled to see their own personnel files. To do so they should arrange a mutually convenient time with their line manager in this policy referred to as team leader.

Volunteers wishing to see their personal files should arrange a mutually convenient time with their Named Worker.

### Data accuracy

HWL will take reasonable steps to ensure that information we keep on people is kept up to date by asking them whether there have been any changes, for example, change of address.

### Individual responsibilities

All Board Directors, staff and volunteers are responsible for:

- Checking that any information provided in connection with their work with HWL is accurate and up to date
- Notifying HWL of any changes to information they have provided, for example changes of address
- Ensuring that they are familiar with and follow the Data Protection Policy.
- Ensuring that any personal data that they hold, whether in electronic or paper format, is kept securely
- Ensuring that any personal information is not disclosed either verbally or in writing, accidentally or otherwise, to any unauthorized third party
- Ensuring that items that are marked 'personal' or 'private and

confidential', or appear to be of a personal nature, are opened by the addressee only.

Any breach of the Data Protection Policy, either deliberate or through negligence, may lead to disciplinary action being taken and could in some cases result in a criminal prosecution.

## References

As a general rule, references for a member of staff may only be given by the team leader or by the HWL chief executive.

Volunteer references will be co-ordinated by the volunteer co-ordinator and/or the link worker for a volunteer. Any references that contain information about sickness absence, disciplinary action or comparable issues must be agreed with the chief executive or team leader of HWL or if not appropriate by the Chair.

## Note on the Freedom of Information Act (2000)

Any requests referencing the FOI Act are not at present applicable to HWL as a Community Interest Company. Should the request refer to any contracts or work commissioned by a public authority, that authority should be made aware of the request. The legislation is being updated so the regulation needs to be checked in case of a request.

The Health and Care Act (2012) gives all Healthwatch some powers to request and receive information without using the FOI process. Should a request be necessary that regulation needs to be referred to, possibly in consultation with Healthwatch England.

