

**The Data Protection Act 1988 regulates the use of personal data held on automated systems and paper records. One important aspect of the legislation is that data subjects have the right to see their personal data and to request modifications of the data if it is wrong. The aim of this policy is to state the Association's data protection policy, specific and general responsibilities for colleagues processing personal data and the penalties of non-compliance**

## SCOPE

The Act applies to all personal data which is information about a living individual from which that individual can be identified. It covers many forms and media including data stored and processed on computers and other equipment, information in structured manual systems and unstructured personal information held in a manual form by a public authority. The policy will therefore apply to all staff and volunteers who have access to and process personal data.

Rights and responsibilities under The Act are subject to other Statutory Instruments including:

- Disability Discrimination Act 1995
- Human Rights Act 1998
- Learning and Skills Act 2000
- Freedom of Information Act 2000

## POLICY STATEMENT

The Association holds and processes information about participants, employees and other data subjects for a variety of legislative and business purposes. When handling such data, the Association will comply with the eight data protection principles which are that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed in any manner incompatible with those purposes
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with those purposes
- Be adequate, relevant and not excessive for those purposes
- Be accurate and where necessary kept up to date
- Not be kept for longer than is necessary for those purposes
- Be processed in accordance with the data subject's rights under The Act
- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the EEA unless that country has equivalent levels of protection for personal data.

Individuals have the right of access to information about them. Personal data will be made available to the data subject provided the data subject satisfies the request requirements of the Act. The Association will make a charge of £10 for each Subject Data Access Request.

The Association will not make data available to third parties for commercial or marketing purposes. However the Association may share with organizations that have a legal requirement to access such data in order to fulfil their statutory requirements or public functions. In such circumstances, the external organization requesting access to personal or sensitive personal data will have to justify their request in writing.

If required the Association will perform data matching processes across datasets in order to detect fraud, or identify other criminal activities. However such data matching will be limited to circumstances when the Association has reasonable grounds for taking such action or a third party can provide reasonable grounds for justifying such action by the Association.

# RESPONSIBILITIES

All staff and volunteers who handle or have access to personal data have a general responsibility for making themselves aware of the requirements of the Act and the responsibilities it places on them individually in the handling of personal data. It is a condition of employment that colleagues will abide by the policies and procedures introduced and revised by the Association in relation to The Act.

This policy sets out a number of specific responsibilities:

- The Chief Executive is accountable for compliance with The Act.
- Responsibility is delegated to the Operations Manager, County Development Manager and Company Accountant for providing support and ensuring colleagues are aware of and comply with data protection policy and procedures
- The Chief Executive is the Association Data Protection Officer and will deal with all matters related to Subject Access Rights
- All staff and volunteers shall ensure that personal data is never disclosed verbally or in writing to a third party without the permission of the data subject or without legal grounds as defined in The Act
- All staff and volunteers shall endeavor to ensure that they only process data in line with the Association's legal obligations and business needs and that they comply with the eight data protection principles in The Act

# PENALTIES

Compliance with The Act is mandatory for the Association. Penalties for non compliance include enforcement notices, powers of entry and inspection by the Information Commissioner and prosecutions in respect of criminal offences which include those relating to notification, unlawful disclosure, unlawful obtaining or procuring of personal data. Compliance with this policy and supporting data protection procedures is compulsory for all staff and volunteers; failure to comply may result in disciplinary action.

# DEFINITIONS

**The Act** – refers to The Data Protection Act 1988

**Data subject**- means the individual who is the subject of personal data

**Processing** – means obtaining, recording, holding or deleting the information or data or carrying out any operation on the information.

# KEY CONTACT

The Key Contact relating to all matters relating to this policy and compliance with the Association's Data Protection registration is:

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