

Diverse Cymru

Data Protection Statement and Confidentiality Policy

Diverse Cymru Operational Aims and Objectives

Diverse Cymru is committed to ensuring and providing equality of opportunity for all. We work in a diverse society and believe that no-one should suffer disadvantage or discrimination by reason of their race, colour, ethnic origin, nationality, religion, gender, sexual orientation, HIV status, disability, marital status, age or caring responsibilities.

We are committed to developing an organisational culture that values people from all sections of society and the contribution that each individual can make. We will act positively to ensure equality of opportunity and to promote diversity in all aspects of our work, ensuring that these objectives are fundamental to all our activities and underpin our policies, procedures and operating practices.

This is a data protection statement policy adopted by Diverse Cymru. Responsibility for the updating and dissemination of the policy rests with Diverse Cymru's Chief Executive. The policy is subject to regular review to reflect, for example, changes to legislation or to the structure or policies of Diverse Cymru. All staff are expected to apply the policy and to seek advice when required.

Diverse Cymru needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective individuals within the regulated community, Diverse Cymru's own employees, suppliers and others with whom Diverse Cymru conducts business. In addition, Diverse Cymru may occasionally be required by law to collect and use certain types of information to comply with the requirements of government departments or funding bodies. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, electronically, or other means - and there are safeguards to ensure this is in accordance with relevant Data Protection legislation.

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We regard the lawful and correct treatment of personal information by Diverse Cymru as important to the achievement of our objectives and to the success of our operations, and to maintaining confidence between those with whom we deal and ourselves. We therefore need to ensure that our organisation treats personal information lawfully and correctly.

To this end, we fully endorse and adhere to the Principles of data protection, as set out in relevant Data Protection legislation.

The eight Principles require that personal information:

1. shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
2. shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
4. shall be accurate and, where necessary, kept up to date;
5. shall not be kept for longer than is necessary for the specified purpose(s);
6. shall be processed in accordance with the rights of data subjects under the Act;
7. should be subject to appropriate technical and organisational measures to prevent the unauthorised or unlawful processing of personal data or the accidental loss, destruction, or damage to personal data;
8. shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Therefore, Diverse Cymru will, through appropriate management and strict application of criteria and controls:

- observe fully conditions regarding the fair collection and use of information;
- meet its legal obligations to specify the purposes for which information is used;

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- collect and process appropriate information only to the extent that it is needed to fulfil our operational needs or to comply with any legal requirements;
- ensure the quality of information used;
- ensure that the information is held for no longer than is necessary;
- ensure that the rights of people about whom information is held can be fully exercised under the Act (i.e. the right where information is held to be informed that processing is being undertaken, to access one's personal information; to prevent processing in certain circumstances, and to correct, rectify, block or erase information that is regarded as wrong information);
- take appropriate technical and organisational security measures to safeguard personal information;
- ensure that personal information is not transferred abroad without suitable safeguards

The following list below of definitions of the technical terms we have used and /or will aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal information Diverse Cymru will hold and how it will be held or used.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Subject/Service User – The individual whose personal information is being held or processed by Diverse Cymru (for example: a client, an employee, a supporter)

'Explicit' consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data

* See definition

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

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Information Commissioner [‘s Office] – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 and **ICO** shall be construed accordingly.

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 within Diverse Cymru.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject’s offences

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Diverse Cymru Confidentiality Policy

Principles of our confidentiality policy

1. Information about an individual service user belongs to them. Therefore except in the exceptions outlined below, individuals have a right to expect confidentiality and in what circumstances information may be shared and with whom.

2. We want to be sure that we are providing the best possible services for people who use our service. Sometimes services can be delivered better if we share the information with other organisations (e.g. training evaluation with organisations who commission our training) that may assist them in identifying future requirements. Where sharing happens, this will be undertaken in line with our Information Sharing Protocol, and in compliance with all relevant legislation including the Data Protection Act 2000.

3. These values apply to all individuals involved with Diverse Cymru, whether service users, staff, or members of other organisations working with Diverse Cymru.

4. Diverse Cymru is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Undertaking

1. Diverse Cymru will ensure except in the exceptions outlined below, that personal details and sensitive information will be kept confidential.

2. Diverse Cymru will ensure that employees, providers and partner organisations that we share personal information with understand their responsibilities and comply with confidentiality requirements. To this end Diverse Cymru will require those we provide services for or do business with to have their own confidentiality policies and to explain to those within their organization the principles behind their information sharing

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protocols.

3. Diverse Cymru will also seek to ensure that if personal data is shared then the recipients of this data will manage it in an appropriate manner and will not share it onward unless there is good reason and permission is sought from the individual concerned.

4. Diverse Cymru will ensure that this policy is available through its website and in hardcopy to partner organisations, providers, service users and potential service users.

Data Storage

1. Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.
2. Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.
3. Diverse Cymru will ensure that all personal and company data is non-recoverable from any computer system previously used within the organization and which has been passed on/sold to a third party.

Social Media

All our social media activities shall be overseen by our Information and Communications Officer who will play a pivotal role in the monitoring, selection, permitting and moderating content.

1. Data subjects shall have the right to dispute the accuracy of posts and ask for them to be removed
2. We shall respond to disputes about accuracy quickly, and shall remove or suspend access to content, at least until such time as a dispute has been Settled or permanently (as appropriate).

Information sharing

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The Befriending, Communications, Direct Payments Team and Advocacy Services have access to and retain personal data. They have a responsibility to protect this data and to monitor access to it to ensure it is shared appropriately.

Information sharing standards

In respect of the services that have access to and retain personal data Diverse Cymru commit to the following in respect of information sharing:

1. We will only share the information that we hold and retain where there is an information sharing protocol in place and the service user consents or the law requires it.
2. We will take opportunities to discuss with service users how their information will be shared, and will require our partner organisations to do the same.
3. We will deal fairly and efficiently with queries and complaints about how their information is used.
4. We will ensure through staff training that everyone involved in Diverse Cymru understands their duty of confidentiality and information sharing and what it means in practice.
5. We will take appropriate steps to ensure that both paper and electronic records are held securely and only available to those who have a right to see them.
6. We will share only as much identifiable information as people need to know to play their part in providing support to a service user.
7. We will give service users access to everything in their records, both paper and electronic, except where records may also contain confidential information about other people.

Confidential Information

We may / shall (as the case may be) disclose confidential information in the following instances:

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1. With consent: If the person to whom the obligation of confidentiality is owed (whether an individual or an organisation).
2. When required by law. “Law” in this context includes statute, rules of law, court orders etc.
3. Where there is an overriding public interest.

Exceptions

There may be exceptional circumstances which require information to be shared outside this policy, this could be where:

- We become aware of a situation which places someone in danger or where harm has been caused.
- We become aware of a situation of abuse, be it financial, physical, sexual or otherwise, towards a vulnerable adult or a child.
- There is a need to preserve health and safety, this will override the need for confidentiality and the appropriate authorities will be notified.
- Written or verbal information is either of a discriminatory nature or gives cause for concern

See Appendix 1 Information Sharing Protocol and; Appendix 2 Information Sharing Agreement Template

Breaches

Breaches of confidentiality will be treated as a serious matter. Procedures for addressing perceived breaches will be dealt with using the Diverse Cymru complaints procedure. If in doubt, Diverse Cymru staff should discuss release of confidential information with their line manager.

Requests for information

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At any time an individual can contact us and request records of the information we have which pertains to them, using their right under the Data Protection Act. Requests for records are known as subject access requests. These requests will be dealt with using Diverse Cymru guidelines.

See Appendix 3 Guidelines on making a Subject Access Request

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Appendix 1 Information Sharing Protocol

Diverse Cymru

Information Sharing Protocol

28th March 2012

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Author: Paul Warren
Owner: Paul Warren

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Issue	Amendment Detail	Author	Date	Approved
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1.1	Minor format changes	PW	26 Jan 12	
1.2	Amendments from Personnel Committee	PW	21 March 12	
1.3	Document sign off	SF	28 March 12	

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Context

This protocol defines the framework for the sharing of information by Diverse Cymru.

This protocol seeks commitment to put in place the arrangements required to ensure secure and appropriate sharing of information and data, whilst maintaining the controls (largely through agreements) that give assurance and accountability, and respects the right to privacy.

Protocol

This Information Sharing Protocol provides a commitment to ensure that a framework is in place that facilitates the sharing of information between partners and respects the individual's right to privacy. Information sharing is increasingly important in the provision of services to our communities. To this end, Diverse Cymru commit to:

- Sharing information within a framework where it supports the provision of better services to our service users and communities.
- Ensuring that information is shared safely and securely.
- Ensuring that in sharing information:
 - There is a clearly defined requirement,
 - It is lawful,
 - It accords with the Data Protection Act 1998 (DPA)
 - Only appropriate information is shared,
 - It is in the interests of service users and communities.
- Putting in place governance that ensures that managers and staff are aware of their responsibilities and recognise the need to work with partners.
- Working with partners to support good information sharing.
- Training staff on information sharing and management.
- Communicating the importance of appropriate information sharing to staff.
- Ensuring early consideration of information issues in service developments.
- Being transparent with service users about how their personal data is going to be used, and respecting their privacy.
- Ensuring adherence to the ICO's Data Sharing Code of Practice.
- Ensuring that written information sharing agreements are developed and monitored for regular sharing of information and data.

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- Working towards an aligned information policy framework to support safe and secure information sharing.

When sharing information, which is not an exception identified in our data protection statement and confidentiality policy Diverse Cymru will commit to:

- Ensuring that when acting as the Data Controller for information they will apply the conditions set out in an Information Sharing Agreement (ISA) and assume responsibility under the DPA.
- Ensuring any new ISA will set out the purpose, use and scope of the data to be shared.
- Ensuring that any new ISA will be specific and clearly identify only the data that needs to be shared.

Information security is important, both for the interests and privacy of individuals, and also for the reputation of Diverse Cymru. We will drive the development of a culture in which organisations work together to investigate incidents and put in place measures to reduce the risk of repetition. This partnership culture is central to facilitating information sharing.

The Senior Management Group will support the delivery of the partnership aspects of these commitments. The Diverse Cymru Board of Trustees, and in particular its Personnel Committee, will commit to supporting the work of SMG as it relates to this protocol. The partnership aspects include (for example):

- Aligned policies, where relevant
- Shared Guidance
- Shared training
- Shared operational arrangements such as information security incident handling
- Aligned communications

Developing these partnership aspects requires signatories to ensure that appropriate resources are made available from within their organisations.

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Agreement: We the undersigned do hereby agree to implement the terms and conditions of this Protocol.

Name ...Charles Willie

Signature... 

Position...Chief Executive

Date...28th March 2012

Name ...Paul Warren

Signature... 

Position...Director of Policy and Planning

Date...28th March 2012

Name ...Sally Fowler

Signature... 

Position...Chair

Date...28th March 2012

Name

Signature.....

Position.....

Date.....

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Appendix 2 Information Sharing Agreement Template

Information Sharing Agreement (ISA)

This Information Sharing Agreement (ISA) defines the arrangements (which is not an exception identified in our data protection statement and confidentiality policy) for processing data between and and sits underneath Diverse Cymru’s overarching Information Sharing Protocol (ISP).

1. Parties to the agreement: Full name and address of the organisations or businesses

2. Why is the information being shared?

3. What information is being shared?

4. What is your legal justification for sharing? Has consent been gained if required?

5. How will the information be shared? (e.g. data transfer - include any security measures)

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6. How will the information be stored? (e.g. secure server - include any security measures)

7. Details of Cloud computing and storage security measures (e.g. restricted/controlled access, data encryption, passwords)

8. Who will handle the information – name and job title?

9. How long will the information be kept?

10. How will the information be destroyed?

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11. What date will the information be shared? Initial date must be later than the date of the signatures below and should give an indication of subsequent dates for regular sharing.

12. What are the names, roles and contact details of any members of staff who will make sure that the required information is shared at the appropriate time?

13. When will this agreement be reviewed and by whom?

This agreement must be formally approved and signed by both parties before any information sharing takes place. Both parties will ensure that the ISA and any associated documents are known and understood by all staff involved in the process.

Originating Organisation

Name of organisation:

Name:

Position:

Signature:

Date:

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Partner Organisation

Name of organisation:

Name:

Position:

Signature:

Date:

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Appendix 3 Guidelines on making a Subject Access Request

Guidelines on making a Subject Access Request

You have the right to get a copy of the information that is **held** about you. This is known as a subject access request.

This right of subject access means that you can make a request under the Data Protection Act to Diverse Cymru regarding personal data about you that is held by us.

You can ask Diverse Cymru to supply you with copies of both paper and computer records and related information.

Diverse Cymru may charge a fee of up to £10.

It is important to remember that not all personal information is covered and there are 'exemptions' within the Data Protection Act which may allow Diverse Cymru to refuse to comply with your subject access request in certain circumstances.

To make a subject access request, follow these steps:

1) Plan ahead

It will save you time if you do the following before writing your request:

- Find out the right department and the right person in Diverse Cymru to send your request to.
- Check about the costs and fees in advance.
- Make sure you know all the information you need. Diverse Cymru are entitled to charge a fee for every request, so you may have to pay another fee to get information you have not included in your original request.

2) Write to Diverse Cymru

When requesting your personal information, you should include the following information:

- your full name, address and contact telephone number;
- any information held by Diverse Cymru to identify or distinguish you from others of the same name (reference numbers, unique ID's etc.);

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- details of the specific information you require and any relevant dates, for example:
 - your personnel file;
 - emails between 'A' and 'B' (e.g. between 1/6/11 and 1/9/11);

3) Keep copies and proof of receipt

It is best to send your request by recorded delivery or by email, and you should keep a copy of the request and all other correspondence. This will be important as evidence if you need to complain to the Information Commissioner's Office that Diverse Cymru has not given you the information you think you are entitled to.

What can I expect from Diverse Cymru?

Diverse Cymru has to reply within 40 days, starting from the day we receive both the fee and the information we need to identify you and the information you need.

If Diverse Cymru reasonably needs more information to help us find your information or identify you, we will have to ask you for the information we need. We can then wait until we have all the necessary information as well as the fee before dealing with your request.

Diverse Cymru will endeavour to give you the information in writing but we need not do this if it is not possible, if it takes 'disproportionate effort' or if you agree to some other form, such as seeing it on screen. The Act does not define what disproportionate effort means but Diverse Cymru think the following should be taken into account:

- the cost of giving you the information;
- the length of time it will take;
- how difficult it will be;
- the effect on you of not having the information in permanent form.

What should Diverse Cymru send me?

You are entitled to be told if any personal information is held about you and if it is, to be given:

- a copy of the information in permanent form;
- an explanation of any technical or complicated terms;
- any information Diverse Cymru has about where we got your information from;

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- a description of the information, the purposes for processing the information and who Diverse Cymru is sharing the information with; and
- the logic involved in any automated decisions (if you have specifically asked for this).

Can Diverse Cymru withhold any information?

Yes. There are some circumstances where the information you have asked for contains information that relates to another person. Unless the other person gives their permission, or it is reasonable in all the circumstances to provide the information without permission, Diverse Cymru is entitled to withhold this information.

What can I do if I am still not happy?

If you've followed the advice detailed above and are still not happy with Diverse Cymru's response (or we haven't responded after 40 days) and you have a copy of your request, the Information Commissioners Office may be able to help www.ico.org.uk/complaints

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