



Inspire South West (Community Interest Company)

DATA PROTECTION POLICY

Date of Development: May 2022
Review Date: Reviewed on 5/9/2023

Reviewed 1/2/2024

Contents

1	Introduction and purpose	3
2	Scope	3
3	Definitions	3
4	Roles and responsibilities	3
4.1	Trustees	3
4.2	Data Protection Officer	3
4.3	Employees, temporary staff, contractors, visitors	4
5	Policy content	4
5.1	Data Protection Principles	4
5.2	Lawfulness, fairness and transparency	4
5.3	Purpose limitation	6
5.4	Data minimisation	6
5.5	Accuracy of data	6
5.6	Storage limitation and disposal of data	7
5.7	Security of personal data	7
5.8	Technical security measures	7
5.9	Organisational security measures	7
5.10	Rights of Data subjects	8
5.11	Handling requests	8
5.12	Data protection by design and default	9
5.13	Joint controller agreements	9
5.14	Record of processing activities	9
5.15	Management of personal data breaches	9
	Declaration	11

1 Introduction and purpose

- 1.1 This policy sets out Inspire South West's commitment to handling personal data in line with the UK GDPR and the UK Data Protection Act 2018 (collectively referred to as the data protection legislation).
- 1.2 Inspire South West (Inspire South West) is the data controller for the personal data it processes and is registered with the Information Commissioner's Office (ICO) under registration number ZA115033, registered 08. Details about this registration can be found at www.ico.org.uk
- 1.3 The purpose of this policy is to explain how Inspire South West handles personal data under the data protection legislation, and to inform employees and other individuals who process personal data on Inspire South West's behalf, of Inspire South West's expectations in this regard.

2 Scope

- 2.1 This policy applies to the processing of personal data held by Inspire South West. This includes personal data held about customers, employees, temporary staff, visitors and any other identifiable data subjects.

3 Definitions

- 3.1 There are several terms used in the data protection legislation and in this policy, which must be understood by those who process personal data held by Inspire South West. These are:
 - Personal data
 - Special categories of personal data
 - Processing
 - Data subject
 - Data controller
 - Data processor

4 Roles and responsibilities

4.1 Trustees

- 4.1.1 The Trustees have overall responsibility for ensuring Inspire South West implements this policy and continues to demonstrate compliance with the data protection legislation.
- 4.1.2 This policy shall be reviewed by the Trustees on an annual basis.
- 4.1.3 The DPO has day-to-day responsibility for ensuring this policy is adopted and adhered to by employees and other individuals processing personal data on Inspire South West's behalf.

4.2 Data Protection Officer

- 4.2.1 The Data Protection Officer (DPO) is responsible for carrying out the tasks set out in Article 39 of the UK General Data Protection Regulation (the UK GDPR). In summary, the DPO is responsible for:
 - informing and advising Inspire South West of their obligations under the data protection legislation

- monitoring compliance with data protection policies
 - raising awareness and delivering training to employees
 - carrying out audits on Inspire South West's processing activities
 - providing advice regarding Data Protection Impact Assessments and monitoring performance
 - co-operating with the Information Commissioner's Office
 - acting as the contact point for data subjects exercising their rights
- 4.2.2 The DPO shall report directly to the Trustees and shall provide regular updates on Inspire South West's progress and compliance with the data protection legislation.
- 4.2.3 Inspire South West's DPO is Lyn Brown, Inspire South West, and can be contacted at Lyn.Brown@inspiresouthwest.co.uk, Mobile 07453300171.

4.3 Employees, temporary staff, contractors, visitors

- 4.3.1 All employees, temporary staff, contractors, visitors and other individuals processing personal data on behalf of Inspire South West, are responsible for complying with the contents of this policy.
- 4.3.2 All individuals shall remain subject to the common law duty of confidentiality when their employment or relationship with Inspire South West ends. This does not affect an individual's rights in relation to whistleblowing.
- 4.3.3 Failure to comply with this policy may result in disciplinary action or termination of employment or service contract.

5 Policy content

5.1 Data Protection Principles

- 5.1.1 The UK GDPR provides a set of principles which govern how Inspire South West handles personal data. In summary, these principles state that personal data must be:
- processed lawfully, fairly and in a transparent manner
 - collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
 - adequate, relevant and limited to what is necessary for the purpose it was processed
 - accurate and where necessary kept up to date
 - kept for no longer than is necessary
 - processed in a manner that ensures appropriate security of the data
- 5.1.2 Inspire South West and all individuals processing personal data controlled by Inspire South West, shall comply with the data protection principles in the following manner:

5.2 Lawfulness, fairness and transparency

- 5.2.1 *Lawful processing*

5.2.2 Personal data will only be processed where there is a lawful basis for doing so. This will be where at least one of the following applies:

- The data subject has given consent
- It is necessary for the performance of a contract or entering into a contract with the data subject
- It is necessary for compliance with a legal obligation
- It is necessary to protect the vital interests of a person
- It is necessary for the performance of a task carried out in the public interest or in the exercise of official duties

5.2.3 When special categories of personal data are processed (for example, health or medical data, racial or ethnic origin or biometric data (e.g. facial images and fingerprints)), this shall only be done where a lawful basis has been identified from the list above, and one from the following list:

- The data subject has given explicit consent
- The processing is necessary for the purposes of exercising or performing any right or obligation which is imposed on Inspire South West in relation to employment, social security and social protection law (e.g. safeguarding individuals at risk; protection against unlawful acts; prevention against fraud)
- It is necessary to protect the vital interests of any person where the data subject is physically or legally incapable of giving consent
- The processing is necessary for the establishment, exercise or defence of legal claims
- The processing is necessary in the substantial public interest
- The processing is necessary for the assessment of the working capacity of the employee

5.2.4 *Consent*

5.2.5 Inspire South West's processing of personal data will require consent from data subjects. For example

- To collect and use personal data with other agencies and authorised third parties
- To send direct marketing or fundraising information by email or text
- To take and use photographs, digital or video images and displaying, publishing or sharing these in a public arena such as:
 - on social media;
 - in Inspire South West prospectus;
 - on Inspire South West website;
 - in the press/ media;
 - in Inspire South West newsletter

- 5.2.6 When Inspire South West relies on consent as its lawful basis, it shall ensure the person providing it has positively opted-in to the proposed activity and is fully informed as to what they are consenting to and any non-obvious consequences of giving or refusing that consent. Consent shall not be assumed as being given if no response has been received e.g. a consent form has not been returned. Where consent is being obtained for the collection or use of children's information, consent shall be obtained from a parent or guardian until the child reaches the age of 12. Consent shall be obtained directly from children aged 13 years and over, where those children are deemed by Inspire South West to have sufficient maturity to make the decision themselves (except where this is not in the best interests of the child. In such cases, consent will be obtained from an adult with parental responsibility for that child).
- 5.2.7 Inspire South West shall ensure that where consent is obtained, there is a record of this. Where possible, consent shall be obtained in writing. All forms requesting consent shall include a statement informing the person of their right to withdraw, and an email address so they may notify Inspire South West of any changes or withdrawal of consent.
- 5.2.8 *Fairness and transparency*
- 5.2.9 Inspire South West shall be fair, open and transparent in the way it handles personal data, and will publish privacy notices which explain:
- What personal data Inspire South West processes and why
 - What our lawful basis is when we process that data
 - Who we might share that data with
 - If we intend to transfer the data abroad
 - How long we keep the data for
 - What rights data subjects have in relation to their data
 - Who our Data Protection Officer is and how to contact them
- 5.2.10 Employees will be given a privacy notice explaining how Inspire South West handles employee information when they join Inspire South West and directed to this annually thereafter.
- 5.2.11 Inspire South West shall provide privacy notices to other categories of data subjects, as appropriate.

5.3 Purpose limitation

- 5.3.1 Inspire South West shall collect personal data for specified (i.e. as described in Inspire South West's privacy notices), explicit and legitimate purposes and shall not process this data in any way that could be considered incompatible with those purposes (e.g. using the data for a different and unexpected purpose).

5.4 Data minimisation

- 5.4.1 Inspire South West shall ensure the personal data it processes is adequate, relevant and limited to what is necessary for the purpose(s) it was collected for.

5.5 Accuracy of data

- 5.5.1 Inspire South West shall take all reasonable efforts to ensure the personal data it holds is accurate and where necessary kept up to date. Where personal data is found to be inaccurate, this information will be corrected or erased without delay.

5.6 Storage limitation and disposal of data

- 5.6.1 Inspire South West shall keep personal data for no longer than is necessary for the purpose(s) of the processing. Inspire South West shall maintain and follow a Record Retention Schedule, which sets out the timeframes for retaining personal data.

5.7 Security of personal data

- 5.7.1 Inspire South West shall have appropriate security in place to protect personal data against unauthorised or accidental access, disclosure, loss, destruction or damage. This will be achieved by implementing appropriate technical and organisational security measures.

5.8 Technical security measures

- 5.8.1 Inspire South West shall implement proportionate security measures to protect its network and equipment and the data they contain. TME manage the IT software and security on behalf of Inspire South West. This includes, but is not limited to:
- having a Firewall (ISP), anti-virus and anti-malware software (Windows Defender) in place
 - restricting access to systems on a 'need to know' basis
 - enforcing strong password policies; passwords shall be a minimum of 8 characters in length; changed at appropriate intervals and not shared or used by others
 - encrypting laptops, USB/memory sticks and other portable devices or removable media containing personal data
 - regularly backing up server data
 - ensuring data can be restored in a timely manner in the event of an incident

5.9 Organisational security measures

- 5.9.1 Inspire South West will ensure the following additional measures are also in place to protect personal data:
- Employees shall sign confidentiality clauses as part of their employment contract
 - Policies and guidance shall be in place relating to the handling of personal data whilst during and outside of school. These will be communicated to employees and other individuals as necessary, including policy revisions. A policy declaration shall be signed by employees and retained on their personnel file.
 - Data protection compliance shall be a regular agenda item in Trustee meetings.
 - Cross cutting shredders and/or confidential waste containers will be available on Inspire South West's premises and used to dispose of paperwork containing personal data.
 - Appropriate equipment and guidance will be available for employees to use and follow when carrying paperwork.
 - Inspire South West's buildings/offices shall be locked when not in use.
 - Paper documents and files containing personal data shall be locked in cabinets/cupboards when not in use, and access restricted on a need-to-know basis.
 - Inspire South West shall have procedures in place to identify, report, record, investigate and manage personal data breaches in the event of a security incident.

5.10 Rights of Data subjects

5.10.1 Data subjects have several rights under data protection legislation. Inspire South West shall comply with all written requests from data subjects exercising their rights without delay, and within one month at the latest.

5.10.2 Data subjects have the right to:

- request access to the personal data Inspire South West holds about them and receive a copy of this information free of charge (Inspire South West reserves the right to charge for photocopying, postage and packaging);
- ask for the information Inspire South West holds about them to be rectified if it is inaccurate or incomplete;
- to ask in certain circumstances for the processing of their data to be restricted;
- object to Inspire South West processing their information for the 'performance of a task carried out in the public interest', except where Inspire South West can demonstrate compelling legitimate grounds;
- object to Inspire South West using their information for direct marketing purposes;
- stop Inspire South West processing their data if Inspire South West relied on consent as the lawful basis for processing, and they have subsequently withdrawn consent;
- complain to Inspire South West and the Information Commissioner's Office if they are not satisfied with how their personal data has been processed;
- request compensation from Inspire South West if they have suffered damage or distress as result of a breach of security involving their personal data.

5.11 Handling requests

5.11.1 Data subjects exercising their rights are recommended to put their request in writing and send it to Lyn.Brown@inspiresouthwest.co.uk. Data subjects can also exercise their rights verbally. In such cases, Inspire South West will promptly write to the data subject outlining the verbal discussion/request and will ask the data subject to confirm this is accurate.

5.11.2 Data subjects who request a copy of their personal data (known as making a Subject Access Request) may be asked to provide identification to satisfy Inspire South West of their identity, particularly where the data subject is no longer a customer or employee of Inspire South West. These requests shall be responded to within 1 month, upon receipt of receiving a valid request and appropriate identification (where requested).

5.11.3 *Child information requests*

5.11.4 Children can request access to their own personal data when they have sufficient maturity to understand their rights; know what it means to make such a request and can interpret the information they receive. The Information Commissioner's Office and the Department for Education guidance, suggests that children aged 13 years and above, may have sufficient maturity in these situations, however it is for Inspire South West to decide this on a case-by-case basis.

5.11.5 Parents/carers can make a request for their child's information when their child is 12 years and under.

5.11.6 When responding to Subject Access Requests or child information requests, Inspire South West shall redact the information the data subject or parent/carer is not entitled to receive, in accordance with the exemptions set out in the Data Protection Act 2018.

5.11.7 Inspire South West shall consult with the Data Protection Officer upon receipt of a Subject Access Request or child information request, and again prior to making disclosures in response to these requests.

5.12 Data protection by design and default

5.12.1 Inspire South West shall have appropriate technical and organisational measures in place which are designed to implement the data protection principles in an effective manner, and will ensure that by default, it will only process personal data where it is necessary to do so.

5.13 Joint controller agreements

5.13.1 Inspire South West shall sign up to agreements with other data controllers where personal data is shared or otherwise processed on a regular basis, where it is necessary to do so.

5.14 Record of processing activities

5.14.1 Inspire South West shall maintain a record of its processing activities in line with Article 30 of the UK GDPR. This inventory shall contain the following information:

- Name and contact details of Inspire South West and its Data Protection Officer
- Description of the personal data being processed
- Categories of data subjects
- Purposes of the processing and any recipients of the data
- Information regarding any overseas data transfers and the safeguards around this
- Retention period for holding the data
- General description of the security in place to protect the data

5.14.2 This inventory shall be made available to the Information Commissioner upon request.

5.15 Management of personal data breaches

5.15.1 Inspire South West shall have procedures in place to identify, report, record, investigate and manage personal data breaches (i.e. security incidents involving personal data). These include security incidents resulting in the:

- unauthorised or accidental *disclosure* or *access* to personal data
- unauthorised or accidental *alteration* of personal data
- accidental or unauthorised *loss of access* or *destruction* of personal data

5.15.2 All security incidents and suspected personal data breaches must be reported to the Data Protection Officer immediately, by emailing Lyn.Brown@inspiresouthwest.co.uk or telephone 07453300171.

5.15.3 All incidents will be recorded in Inspire South West's data breach log and investigated by the Data Protection Officer.

5.15.4 *Notification to the ICO and Data Subjects*

5.15.5 The Data Protection Officer shall determine whether Inspire South West must notify the Information Commissioner's Office and data subjects.

5.15.6 Where a breach is likely to result in a risk to the data subject, for example if they could suffer damage, discrimination, disadvantage or distress as a result of the breach, Inspire South West (or the Data Protection Officer) shall notify the Information Commissioner's Office (ICO) *within 72hrs* of becoming aware of the breach.

5.15.7 If the breach is likely to result in 'high risks' to data subjects, for example if the breach could lead to identity theft, psychological distress, humiliation, reputational damage or physical harm, Inspire South West shall inform the data subject promptly and without delay.

5.15.8 When informing a data subject of a personal data breach involving their personal data, Inspire South West shall provide in clear, plain language the:

- nature of the incident
- name and contact details of the Data Protection Officer
- likely consequences of the breach
- actions taken so far to mitigate possible adverse effects

Declaration

I confirm that I have read, understood and shall adhere to Inspire South West's Data Protection Policy.

Name:	
Job title:	
Date:	
Signature:	