

## 77. Data Protection Policy

**Policy statement:** NTC expects the utmost confidentiality of all records relating to its safeguarding work with children. NTC's staff members will come into contact with personal and sensitive details about the lives of the children with whom they will work. None of this information - or information about a child's parents/carers etc. - should ever be the subject of gossip, or be passed on to anyone else without good cause or reason. Great care should be taken to ensure that when cases do have to be discussed with colleagues, that the details cannot be overheard by anyone else. For the avoidance of doubt, information of a confidential nature should only be communicated on a need-to-know basis and - in most circumstances - with the consent of the child and/or their parents and carers.

**However, not-with-standing the above, NTC staff should always be clear that in circumstances where there are concerns about an individual's safety and welfare - or the safety of others - they will always be required to pass on information that may have been received in confidence. In these circumstances, any information should be passed by NTC's DSO.**

**NTC's Data Protection Policy:** The under-pinning principles of NTC's responsibility in relation to the gathering, storage, usage and sharing of personal information is in line with the requirements of the Data Protection Act 2018.

**Introduction:** In the course of a staff members work with NTC, they will come into contact with, or use, confidential information relating to children. The Data Protection Act 2018 (the Act) contains principles affecting their information and personal records. Information protected by the Act includes not only personal data held on computer, but also certain manual records containing personal data e.g. children's information files that form part of a structured filing system. The purpose of these rules is to ensure that no NTC staff member breaches the Act. If a staff member is in any doubt about what can or cannot be disclosed and to whom, then the default position is not to disclose any personal information until advice has been provided by NTC's DPO.

Under the Act, all NTC staff members are personally accountable for their actions and can be held criminally liable if they knowingly, or recklessly, breach it. Any serious breach of data protection legislation will also be regarded as misconduct and will be dealt with under the Company's disciplinary procedures. Any access of a child's records - without authority - constitutes a gross misconduct offence and could lead to summary dismissal or termination of a volunteering agreement.

**The data protection principles:** There are eight data protection principles that are central to the Act. NTC and all its staff members must comply with these principles at all times in its information-handling practices. **In brief, the principles say that personal data must be:**

1. **Processed fairly and lawfully and must not be processed unless certain conditions are met in relation to personal data - and additional conditions are met in relation to sensitive personal data.** The conditions are either that the individual has given consent to the processing, or the processing is necessary for the various purposes set out in the Act.
2. **Obtained only for one or more specified and lawful purposes, and not processed in a manner incompatible with those purposes.**
3. **Adequate, relevant and not excessive.** NTC will only collect essential personal details of children for whom it provides services or activities to. **Essential joining information will include:**
  - The name, address and contact number of all children - and where appropriate their parent, families, carers, advocates or next of kin
  - Any medical and health issues or particular requirements
  - Contact with other professionals or agencies, if any.

**NTC will also keep records which reflect the child's ongoing engagement with the organisation. This will include records on attendance, activities participated in and any incidents, accidents and/or near misses that occur.**

4. **Accurate and kept up-to-date.** Where personal information relating to a child changes, NTC will need to be informed promptly by so that appropriate records can be updated. NTC cannot be held responsible for any errors unless they organisation has been notified of the relevant change.
5. **Not kept for longer than is necessary:** NTC will dispose of children's information within the timescales that are in keeping with the requirements of the Data Protection Act.

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6. **Processed in accordance with the rights of children under the Act.** The uses that NTC anticipates that collected personal data will be used for can include such things as:
  - To better manage, plan and improve the services and/or activities provided
  - To help train and teach NTC staff members
  - To help with research, but only with the child's agreement
  - To provide statistics about NTC services and activities delivered by the organisation - whilst ensuring that personal information will not be disclosed or used in this way and will never be shared with anyone, other than in the circumstances set out below.
7. **Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data:** All written records will be stored in a secure location and accessed by authorised personnel only. Electronic records held on computers will also be appropriately secured by way of password protection and restricted access.
8. **Not transferred to a country or territory outside the European Economic Area unless that country ensures an adequate level of protection for the processing of personal data.**

**NTC's staff member's obligations in relation to personal information:** Any staff member - who as part of their job duties and responsibilities - are required to collect personal information about children, must comply with this policy. This includes ensuring the information is processed in accordance with the Act; is only processed for the purposes for which it is held; is kept secure; and is not kept for longer than necessary. **The following guidelines must be complied with at all times:**

**All NTC staff members must:**

- Never disclose confidential personal information to anyone except the data subject or to a person authorised by the data subject. In particular, unless the data subject has given their explicit prior written consent, personal information should not be:
  - a) Given to someone from the same family.
  - b) Passed to any other unauthorised third party.
  - c) Placed on the Company's website.
  - d) Posted on the Internet in any form.
- Be aware that those seeking information sometimes use deception in order to gain access to it. Always verify the identity of the data subject and the legitimacy of the request, particularly before releasing personal information by telephone
- Where NTC provides staff members with code words or passwords to be used before releasing personal information **e.g.** by telephone, always strictly follow the Company's requirements in this regard
- Only transmit personal information between locations by fax or e-mail if a secure network is in place **e.g.** a confidential fax machine or encryption is used for e-mail
- Forward all requests for personal information about a child to NTC's DPO without delay
- Keep all personal data securely, either in a locked filing cabinet or, if computerised, by it being password protected so that it is protected from unintended destruction or change and is not seen by unauthorised persons
- Not access any child's records without authority as this will be treated as gross misconduct and it is a criminal offence
- Never write down (in electronic or hard copy form) opinions or facts concerning a data subject which it would be inappropriate to share with that data subject
- Never remove personal information from the workplace with the intention of processing it elsewhere, unless this is necessary to enable you to carry out your job duties and has been prior authorised by an NTC line manager
- Ensure that, when working on personal information as part of designated job duties when away from NTC's workplace – (and only with the prior authorisation of a line manager) the terms of this policy and the Act continue to be observed at all times, particularly in matters of data security
- Ensure that hard copy personal information is disposed of securely **e.g.** by cross-shredding
- Remember that compliance with the Act is each individual's personal responsibility. If staff members ever have any questions or concerns about the interpretation of these rules, they should immediately contact NTC's DPO.

**Reviewed & Updated: March 2018**

NTC will review this **Data Protection Policy** and best practice at least annually. In addition, more frequent reviews will be undertaken following any major safeguarding incident, incident learning outcomes, organisational changes, as well as changes to legislation.