



ATTACH-Manchester

Data Protection Policy

The purpose and scope of this policy statement

ATTACH-Manchester is committed to ensuring that all personal data relating to staff, children and young people, parents and others is collected, stored and processed in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018). ATTACH-Manchester expects all staff to share this commitment.

This policy applies to all personal data, whether on paper or in electronic format.

The purpose of this policy statement is:

- To clarify the legal duties of ATTACH-Manchester.
- To detail the processes ATTACH-Manchester has in place to meet its obligations.
- To clarify the duties of all ATTACH-Manchester staff in relation to data protection.
- To outline the rights of those whose data ATTACH-Manchester holds and processes.

Legal framework

This policy has been drawn up to meet the requirements of the UK GDPR and DPA 2018, based on guidance published by the Information Commissioner's Office (ICO) and the ICO's code of practice for subject access requests (see ico.org.uk).

Definition of legal terms

- **Personal data** is any information related to living persons:
 - ❖ who can be identified or who are identifiable, directly from the information in question; or
 - ❖ who can be indirectly identified from that information in combination with other information.This may include the individual's:
 - ❖ Name (including initials)
 - ❖ Identification number
 - ❖ Location data
 - ❖ Online identifier (such as username)
- **Special category data** is personal data that is more sensitive and therefore needs greater protection, including:
 - ❖ Racial or ethnic origin
 - ❖ Political opinions
 - ❖ Religious or philosophical beliefs
 - ❖ Trade union membership
 - ❖ Genetics
 - ❖ Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
 - ❖ Health, both physical and mental
 - ❖ Sex life or sexual orientation
- **Processing** is anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing may be manual or automated.
- **Data subject** is the identified or identifiable individual whose personal data is held or processed.
- **Data controller** is a person or organisation that determines the purposes and the means of processing of personal data (in this case, ATTACH-Manchester).
- **Data processor** is a person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller (such as payroll or mailing companies).
- **Personal data breach** is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data (e.g. fire, hacking, theft of laptop).

The data controller

ATTACH-Manchester processes personal data relating to staff, children and young people, parents and carers, visitors and others and is therefore a data controller. ATTACH-Manchester is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

Roles and responsibilities

This policy applies to all staff employed by ATTACH-Manchester and to external organisations or individuals working on our behalf in any capacity. Staff who do not comply with this policy may face disciplinary action.

The director and data protection lead are responsible for maintaining and reviewing this policy and for ensuring adequate training is provided to staff to undertake their responsibilities relating to it.

The data protection lead is responsible for overseeing the implementation of this policy, monitoring compliance with data protection law, as well as developing related policies and guidelines where applicable.

The data protection lead is also the point of contact for individuals whose data ATTACH-Manchester processes and for the ICO.

All staff are responsible for:

- Collecting, storing and processing personal data in accordance with this policy
- Informing ATTACH-Manchester of any changes to their personal data, such as a change of address
- Contacting the data protection lead in the following circumstances:
 - ❖ If they have questions relating to the operation of this policy, data protection law, or the retention or security of personal data
 - ❖ If they have concerns that this policy is not being followed
 - ❖ If they are unsure whether there is a lawful basis to use personal data in a particular way
 - ❖ If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights or transfer data outside the European Economic Area
 - ❖ If there has been a data breach

- ❖ Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- ❖ If they need assistance with contracts or the sharing of data with third parties

Data protection principles

The UK GDPR is based on data protection principles that ATTACH-Manchester must comply with. The principles state that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specific, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed (this may vary for different types of data or of data processing)
- Processed in a way that ensures it is appropriately secure

This policy sets out how ATTACH-Manchester aims to comply with these principles.

Collecting personal data

ATTACH-Manchester will only process data where there is a lawful basis (legal reason) to do so under data protection law:

1. To fulfil a contract or to take specific steps before entering into a contract.
2. To comply with a legal obligation.
3. To ensure the vital interests of the individual, e.g. to protect a life.
4. To promote the legitimate interests of ATTACH-Manchester or a third party (provided the individual's rights and freedoms are not overridden).
5. With the freely given explicit consent of the individual or their parent/carer, depending on the age and circumstances (e.g. lack of capacity) of the child or young person.
6. As ATTACH-Manchester is not a school or other public authority, the legal basis to perform a task in the public interest and to carry out its official functions does not apply.

For special category data, ATTACH-Manchester will meet the special category conditions which are set out in the UK GDPR and the DPA 2018.

ATTACH-Manchester will only collect personal data for specific, explicit and legitimate purposes; and will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we process it, and seek consent, where necessary, for the new types of processing.

Staff must only process personal data where it is necessary in order for them to do their job. When the data is no longer required, staff must ensure it is deleted or anonymised. Anonymised data may still be identifiable when linked with other data, so remains subject to data protection law.

Sharing personal data

ATTACH-Manchester will only share personal data with third parties in the following circumstances:

- As part of the assessment or reviewing arrangements in contracts for services. In such cases, the principle of 'Nothing about you without you' will be followed and the young person or their parent/carer will have sight of the information to be shared and an opportunity to ensure it is accurate.
- In other circumstances where there is a need to liaise with other agencies. We will seek consent as necessary before doing this.
- In circumstances where an issue with a young person or their parent/carer puts the safety of our staff at risk.
- Where suppliers or contractors need data to enable us to provide services to our staff and service users, such as IT companies, mailing services, payroll services. In such circumstances, ATTACH-Manchester will:
 - ❖ Only appoint suppliers or contractors who can provide sufficient guarantees that they comply with data protection law
 - ❖ Establish a data sharing agreement with the supplier or contractor, either in the contract or in a standalone agreement, to ensure fair and lawful processing of any shared personal data
 - ❖ Only share data that the supplier or contractor needs to carry out their service, and information they need to keep them safe while working with ATTACH-Manchester

ATTACH-Manchester will also share personal data with law enforcement and government bodies where we are under a legal requirement to do so:

- For the detection or prevention of crime and/or fraud

- For the apprehension or prosecution of offenders
- For the assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- For research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been given

ATTACH-Manchester may also share personal data with emergency services and local authorities to assist them in responding to an emergency situation affecting any service users or staff.

Rights of data subjects

Individuals have certain rights over their data and how it is processed. In addition to receiving information at the time of data collection about how it will be used and processed, individuals have the following rights:

- To make a subject access request (more information on this below).
- To withdraw their right to processing at any time.
- To ask for their data to be corrected, erased or its processing restricted, or to object to the processing of it (in certain circumstances).
- To prevent use of their personal data for direct marketing.
- To challenge processing which has been justified on the basis of public interest.
- To request a copy of agreements under which their personal data is transferred outside of the European Economic Area.
- To object to decisions based solely on automated decision-making or profiling (decisions taken without human involvement and which might negatively affect them).
- To prevent processing that is likely to cause damage or distress.
- To be notified of a data breach in certain circumstances.
- To make a complaint to the ICO.
- To ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

Requests to exercise these rights should be directed to the data protection lead. If staff receive such a request, they must immediately forward it to the data protection lead.

Subjects access requests

Individuals have the right to make a subject access request (SAR) to gain access to personal information that ATTACH-Manchester holds about them. This includes:

- Confirmation that their personal data is being processed.
- Access to a copy of the data.
- The purposes of the data processing.
- The categories of personal data concerned.
- Who the data has been or will be shared with.
- How long the data will be stored for or, if this is not possible, the criteria used to determine this period.
- The source of the data if other than the individual.

Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual.

SARs must be submitted in writing, either by letter or email, to the data protection lead. They should include:

- Name of individual (date of birth may also be useful)
- Correspondence address
- Contact number and email address
- Details of the information requested

Should staff receive a SAR, they must immediately forward it to the data protection lead.

The information must be supplied within 30 days. However, where this is not possible due to the amount or complexity of the information, ATTACH-Manchester may contact the person who has made the request to inform them of the delay and the reasons for it, in which case the maximum time allowable to supply the information is three calendar months from the date of the request.

There are certain circumstances in which ATTACH-Manchester may refuse a request, in particular where it might cause serious harm to the physical or mental health of the child or young person or another individual; or where the information would reveal that the child is at risk of abuse and where the disclosure would not be in the child's best interests. Further information is available on the ICO website (ico.org.uk).

Children's rights over their personal data

Children's personal data belongs to them rather than to their parents or carers. For a parent to make a SAR with respect to their child, the child must be unable to understand their rights and the implications of a SAR or must have given their consent.

Children under 12 are deemed not to be mature enough to understand their rights and the implications of a SAR, in which case the parent or carer is generally judged to be entitled to consent on their behalf. Children from the age of 12 are considered to generally be able to understand the implications of consent and are entitled to determine whether to give their consent themselves. ATTACH-Manchester will consider the particular circumstances and age of the child or young person, and consider whether additional advice should be sought (e.g. mental capacity).

Further information on data subjects' rights and SARs is available on the ICO website (ico.org.uk).

Photographs and videos

ATTACH-Manchester will not normally take photos of service users or staff as part of their normal day-to-day activities, apart from staff photos for staff profiles (for example on our website or before introduction to a child or young person). Consent for this particular use will be gained from the staff member, with a clear explanation of how the photography or video will be used.

There may be circumstances in which a child or young person wishes to take photos or videos during their activities with a mentor, or where they ask the mentor to take them. Specific agreements on this will be discussed with the parent and/or young person as part of the initial discussion and risk assessment before the service is in place, and documented. The arrangements will be specific to each family and young person, and may be reviewed over time.

The mentor will also be consulted on whether they consent to photographs being taken by the family or young person. This will be documented as part of the agreement with the family, and may be reviewed over time.

Photos and videos of service users will not be used for marketing purposes of any kind.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photo or video and not distribute it further.

Data protection by design and default

ATTACH-Manchester will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Identifying a member of staff with overall responsibility for data protection and compliance with data protection law, the data protection lead; and ensuring they have

the necessary resources to fulfil their responsibilities and maintain the relevant knowledge through training.

- Completing data protection impact assessments where special category data is processed, where the processing of personal data presents a high risk to the rights and freedoms of individuals, and always in line with the data protection principles in the relevant legislation.
- Integrating data protection into internal documents, this policy, related policies and privacy notices.
- Providing staff with data protection training as part of their induction, as well as at regular intervals thereafter; this will include training on the law and on internal processes and formats for case recording; ATTACH-Manchester will provide support for recording as part of supervision and will maintain a training record for each staff member, including dates taken and dates to be taken.
- Conducting regular reviews and audits to test the measures in place and ensure ATTACH-Manchester maintains compliance.
- Maintaining records of processing activities:
 - ❖ Providing service users with a privacy notice on first contact, including the name and contact details of ATTACH-Manchester and the data protection lead, as well as all the required information about the use and processing of their personal data.
 - ❖ For all personal data, maintaining an internal record of the type of data, the data subject, how and why we are processing the data, any third parties the data is shared with, how and why the data is stored, retention periods and how the data is kept secure.

Data security and storage of records

ATTACH-Manchester will protect personal data and keep it secure from unauthorised or unlawful access, disclosure, alteration or processing; and against accidental or unlawful loss, destruction or damage.

- Paper records containing personal data are kept under lock and key when not in use.
- Papers containing confidential personal data must not be left in places where there is general access.
- Where personal information needs to be taken off site, discussion must take place with the supervising manager and decisions documented, including arrangements to document the return.
- Arrangements will be made for remote access to records on a need to know basis, with access by password and, where appropriate, time limited.

- Passwords must be used to access computers, laptops and other electronic devices. Staff are reminded to change their passwords regularly.
- Staff who store personal information on their personal devices are expected to follow the same security procedures as for ATTACH-Manchester equipment.
- Where ATTACH-Manchester needs to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected.
- Where personal data such as assessments or reviews is shared with service users or commissioners as part of a contract, it will be sent securely by Egress Switch or a similar service, and the particular service documented.

Disposal of records

Personal data no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where ATTACH-Manchester cannot or is not required to rectify or update it.

Paper records will be shredded. Electronic files will be deleted or overwritten.

Personal data breaches

ATTACH-Manchester will take all reasonable measures to ensure no personal data breaches occur. Should we suspect or be informed of a data breach, we will follow the procedure set out in data protection legislation, including consulting with and notifying the ICO where necessary.

Director and nominated data protection lead:

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