



YOUNG SOMERSET

DATA PROTECTION POLICY

Index

1. Introduction
2. Principles
3. Definitions
4. Risks
5. Personal Data
6. Sensitive Personal Data
7. Rights of Access to Information
8. Exemptions
9. Accuracy
10. Enforcement
11. Data Security
12. Video Recording and Photographs
13. External Processes
14. Secure Destruction
15. Retention of Data
16. Right to Erasure

1. Introduction

Young Somerset needs to process relevant personal data regarding members of staff, volunteers, Trustees, job applicants and Service Users (young people and families) as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

Young Somerset has appointed a Data Protection Lead who will ensure that all personal data is processed in compliance with this Policy and the UK Data Protection Act 2018 and associated regulations.

This policy covers all staff employed by Young Somerset, Trustees of Young Somerset, any specialist contractors and suppliers of goods and services to Young Somerset.

This document should be read in conjunction with the Young Somerset Privacy Notice and Privacy notice – data sharing with Somerset County Council.

2. Principles

Young Somerset shall, so far as is reasonably possibly, comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:-

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure

We will record how this data is kept and used.

Young Somerset will ensure every user is aware of and understands their responsibilities regarding the security of personal data held by or on behalf of Young Somerset in respect of:

- Their responsibilities under data protection law for the protection of personal data
- The benefits of appropriate data sharing
- The necessity for good records management

3. Definitions

- Parental consent includes the consent of a guardian.
- Data Subject, an individual who is the subject of the personal data.

4. Risks

Young Somerset recognises that there are risks associated with accessing and handling personal information in order to conduct its business. These risks include:

- Inappropriate access to personal records
- Inappropriate sharing of personal data
- The loss or theft of personal and sensitive data
- Inadequate records management
- Inadequate destruction of data
- Inadequate processing of Data Subject Access Requests

Non-compliance with this policy could lead to reputational damages and financial loss. This policy aims to mitigate the risks associated with breachers to the data protection legislation.

5. Personal Data

- Personal data covers both facts and opinions about an individual where that data identifies an individual. Processing of Personal Data may also include sensitive personal data as defined in the Act.
- Any information which falls under the definition of personal data will remain confidential and will only be disclosed to third parties with appropriate consent, with certain exemptions – please see 'Exemptions' below.
- All staff accessing personal data will receive the necessary training to ensure they are aware of their responsibilities when accessing such data and when it is appropriate to disclose information to third parties.
- All data collected by Young Somerset will only be retained for as long as is relevant.
- When changes are made to Young Somerset processes or systems which are used to store personal data, the details will be recorded on the service risk log to show how the risks of the potential loss or unauthorised changes will be mitigated.
- Individuals processing any types of personal data will receive the necessary training to ensure they are aware of their responsibilities when handling such data.

Any staff accessing personal data without a business need to access such data will be subject to disciplinary action.

6. Sensitive Personal Data

Young Somerset may be required to process sensitive personal data. Sensitive personal data includes data relating to medical information, gender, religion, race, sexual orientation, trade union membership and criminal records and proceedings. Personal data relating to

employees and service users will be limited to only those members of staff who need access to this data to perform their role.

7. CCTV

CCTV is in place and recording images (no audio) in Bold & Brave, Taunton for the purposes of public safety and security, under the lawful basis for processing defined as 'Public Task'. This complies with the Data Protection Act 2018.

A Data Protection Impact Assessment (DPIA) was completed prior to the installation of CCTV.

The DPO has overall responsibility for the operation of the CCTV system. Data will only be held for long enough for any incidents to come to light and access is restricted to authorised individuals. If law enforcement is investigating a crime as part of an ongoing investigation this would override YS retention policies.

8. Rights of Access to Information

- Data subjects have the right of access to information held by Young Somerset, subject to the provisions of the UK Data Protection Act 2018 and the Freedom of Information Act 2000.
- Certain medical data held about service users can be used to help with research and planning. Service users can choose to opt out of confidential patient information being used for these purposes. Service users should contact the Young Somerset Data Protection Lead if they wish for their data to be opted out for this purpose.
- Any data subject wanting to see their personal data should put their request in writing to the Data Protection Lead.
- Young Somerset will respond to written requests as soon as is reasonably possible and, in any event, within one calendar month. The information will be given to the data subject as soon as is reasonably possible after it has come to attention of Young Somerset and in compliance with the relevant Acts.

9. Exemptions

In some circumstances, the DPA 2018 provides an exemption from particular UK GDPR provisions. This is because of issues related to:

- National security and the prevention or detection of crime
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon Young Somerset, including Safeguarding and prevention of terrorism and radicalisation

The above are examples of exemptions under the Act. Further information on exemptions should be sought from the Data Protection Lead.

10. Accuracy

Young Somerset will ensure that personal data held in relation to all data subjects is accurate. People whose data is held by Young Somerset (data subjects) and wish for their data to be amended must notify the person responsible for amending that data (data processor) of any changes required to information held about them.

11. Enforcement

If an individual believes that Young Somerset has not complied with this Policy or acted otherwise than in accordance with the UK Data Protection Act (GDPR) 2018, the individual should notify the Young Somerset Data Protection Lead or the Information Commissioners Office <https://ico.org.uk/global/contact-us/>

12. Data Security

- Young Somerset will take appropriate steps to ensure the security of personal data.
- All staff will be made aware of this policy and their duties under the Act and when they can and cannot access and share personal data.
- Young Somerset staff, Trustees, suppliers and Service Users are required to respect the personal data and privacy of others. They must ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to personal data.
- An appropriate level of data security must be used for the type of data and the data processing being performed. In most cases, personal data must be stored in secure systems and be secured when transported offsite.
- All data breaches which meet the ICO requirements for reporting will be reported without undue delay – and within 72 hours – to the Information Commissioner’s Office (<https://ico.org.uk>). Young Somerset will inform any individuals affected without undue delay, where the breach could result in ID theft or fraud; physical harm; significant humiliation and/or damage to reputation.

13. Video Recording and photographs

- Video recording and photographs that can be identified as individuals are defined as personal data. Ensure that any clients or employees are fully informed if you are taking photographs or making videos.
- The data subjects must be told what the information will be used for, why it has been collected, if it will be shared with anyone and how it will be kept before it is destroyed.

14. External Processors

Young Somerset will ensure that where data is processed by external processors, for example, service providers, Cloud services including storage, web sites etc. that the processing is compliant with this policy and the relevant legislation.

15. Secure Destruction

When data held in accordance with this policy is destroyed, it will be destroyed securely in accordance with best practice at the time of destruction.

16. Retention of Data

- Young Somerset may retain data for differing periods of time for different purposes as required by statute or best practices. Please refer to our Records Management Policy for details.
- Young Somerset may store some data such as registers, photographs, achievements, indefinitely in its archive.


17. Right to erasure

Data subjects have the right to ask for their information to be erased from our current data. This request will be granted, providing that it doesn't conflict with legal proceedings and will not include information archived for legal reasons.


18. Review

This policy will be reviewed annually by the Young Somerset Data Protection Lead.

Signed by Data Protection Lead: Vicky Thomas

Signature	
Date	September 2024
Review Date	September 2025

Signed on behalf of Board with delegated authority: Nik Harwood

Signature	
Date	
Review Date	September 2025

