



**Issue 3: 1 February 2017**

## **Data Protection Policy**

### **Introduction**

The purpose of this policy is to ensure that the staff, volunteers and trustees of **Enterprise England** are clear about the purpose and principles of Data Protection and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against **Enterprise England** or its staff, volunteers or trustees.

### **Scope**

The policy applies to all employees directly employed by **Enterprise England**, and to workers employed via agencies, contractors and Trustees.

### **Context**

**Enterprise England** collects and uses information about people with whom it communicates. This personal information must be dealt with properly and securely however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this in the Data Protection Act 1998.

**Enterprise England** regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between those with whom it deals.

To this end **Enterprise England** fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

### **Principles**

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To do this **Enterprise England** follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are summarised below:



- i. Personal data will be processed fairly and lawfully
- ii. Data will only be collected and used for specified purposes
- iii. Data will be adequate, relevant and not excessive
- iv. Data will be accurate and up to date
- v. Data will not be held any longer than necessary
- vi. Data subject's rights will be respected
- vii. Data will be kept safe from unauthorised access, accidental loss or damage
- viii. VIII. Data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

The principles apply to "personal data" which is information held on computer or in manual filing systems from which they are identifiable. **Enterprise England** employees, volunteers and trustees who process or use any personal information in the course of their duties will ensure that these principles are followed at all times.

## Internal data records

### Purposes

**Enterprise England** obtains personal data (names, addresses, phone numbers, email addresses), application forms, and references and in some cases other documents from staff, volunteers and trustees. This data is stored and processed for the following purposes:

- Recruitment
- Equal Opportunities monitoring
- Volunteering opportunities
- To distribute relevant organisational material e.g. meeting papers
- Payroll

### Access

The contact details of staff, volunteers and trustees will only be made available to other staff, volunteers and trustees. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day to day running of the organisation.

Contact details of staff, volunteers and trustees will not be passed on to anyone outside the organisation without their explicit consent.

Staff, volunteers and trustees will be supplied with a copy of their personal data held by the organisation if a request is made.

### Accuracy

**Enterprise England** will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for up to 6 years after an employee, volunteer or trustee has worked for the organisation and brief details for longer. Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference.



Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data storage is minimised, but where necessary is held in secure filing systems.

### **Use of Photographs**

Where practicable, **Enterprise England** will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisations website or in the Newsletter.

## **External Data Records**

### **Purposes**

**Enterprise England** obtains personal data (such as names, addresses, and phone numbers) from members/clients. This data is obtained, stored and processed solely to assist staff and volunteers in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the organisation's database.

**Enterprise England** obtains personal data and information from clients and members in order to provide services. This data is stored and processed only for the purposes outlined in the agreement and service specification signed by the client/ member.

### **Consent**

Personal data is collected over the phone and using other methods such as e-mail. During this initial contact, the data owner is given an explanation of how this information will be used. Written consent is not requested as it is assumed that the consent has been granted when an individual freely gives their own details.

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

### **Access**

Only the organisation's staff, volunteers and trustees will normally have access to personal data. All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it.

Information supplied is kept in a secure filing, paper and electronic system and is only accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue.



Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made.

### **Accuracy**

**Enterprise England** will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for as long as the data owner/ client/ member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their records will be destroyed. However, unless we are specifically asked by an individual to destroy their details, we will normally keep them on file for future reference.

If a request is received from an organisation/ individual to destroy their records, we will remove their details from the database and request that all staff holding paper or electronic details for the organisation destroy them.

This procedure applies if **Enterprise England** is informed that an organisation ceases to exist.

### **Storage**

Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data storage is minimised, but where necessary is held in secure filing systems.

### **Use of Photographs**

Where practicable, **Enterprise England** will seek consent of members/ individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisation's website or in the Newsletter.

### **Disclosure & Barring Service**

**Enterprise England** will act in accordance with the DBS's (previously known as the Criminal Records Bureau) code of practice.

Copies of disclosures are kept for no longer than is required. In most cases this is no longer than 6 months in accordance with the DBS Code of Practice. There may be circumstance where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

### **Responsibilities of Staff, Volunteers and Trustees**

During the course of their duties with **Enterprise England**, staff, volunteers and trustees will be dealing with information such as names/addresses/phone numbers/e-mail addresses of members/clients/volunteers. They may be told or overhear sensitive information while working for **Enterprise England**. The Data Protection Act (1998) gives specific guidance on how this information should be dealt with. In short to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. Staff, paid or unpaid must abide by this policy.

## Compliance

Compliance with the Act is the responsibility of all staff, paid or unpaid. **Enterprise England** will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution.

Any questions or concerns about the interpretation or operation of this policy statement should in the first instance be referred to the line manager.

## Retention of Data

No documents will be stored for longer than is necessary.

All documents containing personal data will be disposed of securely.

## Review

This document is subject to an annual review unless there are any major changes in the workplace or legislation requiring more urgent consideration/ action.

Risk assessments should also be reviewed when there are any significant changes in the workplace or on a quarterly basis as a minimum.

A handwritten signature in blue ink, appearing to be "AMG".

Chairman's Signature:

1 February 2017

Date: