



**Malin Head Community Association LTD.**

## **Data Protection Policy 2021**

**Named person:**

**Hugh Farren** (*Chairperson*)

**Designated Data Controller:**

**Ali Farren** (*Centre Manager*)

Document Prepared by:

Roisin M Doherty

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## 1. Introduction

The Malin Head Community Association (MHCA) needs to keep certain information about its employees, trustees, volunteers, members, clients and other members of the public to enable it to monitor performance and achievements. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies and government fulfilled.

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, The association must comply with the Data Protection Principles which are set out in the *Data Protection Act 2018* (the Act). In summary these state that personal data must be:

- obtained and processed fairly and lawfully;
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose;
- adequate, relevant and not excessive for that purpose;
- accurate and kept up to date;
- not be kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss or destruction; and

not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All MHCA staff and volunteers who process or use any Personal Information must ensure that they follow these principles at all times. In order to ensure that this happens, The MHCA has adopted this Data Protection Policy.

Any member of staff, trustee or volunteer, who considers that this policy has not been followed in respect of personal data about him/herself, should raise the matter with the Designated Data Controller initially. If the matter is not resolved, it should be raised as a formal grievance.

## 2. Notification of Data Held and Processed

All employees, trustees, volunteers, members, clients and other members of the public have the right to:

- know what information MHCA holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date; and
- know what Community First is doing to comply with its obligations under the Act.

### 3. The Data Controller and the Designated Data Controllers

Malin Head Community Association, as a Charity and a Company Limited by Guarantee is the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. However, Designated Data Controllers will deal with day to day matters.

The Malin head Community Association has one Designated Data Controller, the **Centre Manager Ali Farren**.

### 4. Information Held

Personal Information is defined as any details relating to a living, identifiable individual. Within MHCA this applies to employees, trustees, volunteers, members, clients and other members of the public such as job applicants and visitors. We need to ensure that information relating to all these people is treated correctly and with the appropriate degree of confidentiality.

The MHCA holds Personal Information in respect of its employees, trustees, volunteers, members, clients and other members of the public. The information held may include an individual's name, postal, e-mail and other addresses, telephone and facsimile numbers, subscription details, organisational roles and membership status.

Personal Information is kept in order to enable the MHCA to understand the history and activities of individuals or organisations within the voluntary and community sector and to effectively deliver services to its members and clients.

Some Personal Information is defined as Sensitive Data and needs to be handled with special care (see paragraph 5.4 below).

### 5. Processing Personal Information

All staff and volunteers who process or use any Personal Information are responsible for ensuring that:

- Any Personal Information which they hold is kept securely; and
- Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.
- Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.
- Personal information should be:
  - kept in a locked filing cabinet; or
  - in a locked drawer; or
  - if it is electronic, be encrypted; or
  - stored only on a device which is itself secure.

### **5.1 Telephone Conversations and Meetings**

If personal information is collected by telephone, callers should be advised what that information will be used for and what their rights are according to the Act.

Personal or confidential information should preferably not be discussed in public areas of the Malin Head Community Centre. Wherever possible, visitors should be escorted to a private interview room or office and not be permitted to wander about the premises on their own. If possible, visitors should subsequently be escorted out of the premises when the meeting is over. All staff should be aware of the difficulties of ensuring confidentiality in an open plan area and respect the confidential nature of any information inadvertently overheard. Any notes taken during or after an interview should be of relevance and appropriate. It is recommended that such notes are subsequently filed in a legible and coherent manner and that informal notes are retained for a short period (1 year), in a secure place, before being shredded.

### **5.2 Collecting Information**

Whenever information is collected about people, they should be informed why the information is being collected, who will be able to access it and for what purposes it will be used. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or it must be necessary for the legitimate business of MHCA.

### **5.3 Publication and Use of MHCA Information**

The MHCA aims to make as much information public as is legally possible. In particular information about staff, trustees and members will be used in the following circumstances:

The MHCA may:

- obtain, hold, process, use and disclose information in connection with the administration, management and business activities of MHCA, including making and keeping lists of members and other relevant organisations.
- publish information about the organisation and its members including lists of members, by means of newsletters or other publications.
- confirm to any third party whether or not any person is a member of the MHCA.
- provide approved organisations with lists of names and contact details of members or other relevant organisations only where the members or other relevant organisations have given their consent.
- use information for anything ancillary or incidental to any of the foregoing.
- publish names of, and a means of contacting, staff and trustees within publicity leaflets and on the website.
- Display photographs of key staff On the Centre notice board or placed on the website with their consent.
- The MHCA's internal staff contact list will not be a public document and information such as mobile telephone numbers or home contact details will not be given out, unless prior agreement has been secured with the staff member in question.

- Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Designated Data Controller.

#### **5.4 Sensitive Information**

Sensitive information is defined by the Act as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

#### **5.5 Disposal of Sensitive Material**

Sensitive material should be shredded. Particular care should be taken to delete data from computer hard drives if a machine is to be disposed of or passed on to another member of staff cf. ICT policy for operational procedures on the retention and disposal of electronic data.

#### **5.6 Staff Responsibilities**

All staff are responsible for checking that any information that they provide to (XXX) in connection with their employment is accurate and up to date. Staff have the right to access any personal data that is being kept about them either on computer or in manual filing systems.

Staff should be aware of and follow this policy, and seek further guidance where necessary.

##### **5.6.1 Duty to Report**

There is a legal duty to disclose certain information, namely, information about:

- Child abuse, which will be disclosed to social services; or
- Drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.
- Loss of personal information to the Information Commissioners Office (ICO) where a breach is likely to result in a risk to the rights and freedoms of individuals.

### **6. Retention of Data**

The MHCA will keep some forms of information for longer than others. In general information about clients will be kept for 'no longer than is necessary' this is considered to be up to three years after they use the centre services, unless other bodies, such as funders, require the association to keep the information longer in which case the individuals concerned will be informed.

The MHCA will also need to retain information about staff. In general, all information will be kept for six years after a member of staff leaves the organisation. Some information however will be kept for much longer, for example, if required by funders. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. A full list of information with retention times is available from the Designated Data Controller and is included in the Retention and Disposal Policy.

## 7. Notification

A statement about Data Protection will be displayed clearly on the notice board in the atrium of the Malin Head Community Centre and on the website. A copy of our privacy statement is available on our website.

## 8. Review & Revision Policy -

The Data Protection Policies contained in this document will be reviewed biannually by the MHCA Management Committee, or earlier, as soon as practicable, if there is a material change in any matter referenced.

### 8.1 Record of Reviews & Revisions

Reviews and revisions will be recorded on the Schedule to follow and referenced when approved in the relevant management committee minutes.

### 8.2 Schedule of Reviews & Revisions

Date	Revision	Reference

### 8.3 Approval & Adoption

This plan was unanimously approved and adopted at the Malin Head Community Association Ltd. Management Committee meeting on June 9<sup>th</sup> 2021. Signing has been deferred due to current Covid restrictions.

Committee Secretary: (Eibhlin Porter) \_\_\_\_\_ Date : \_\_\_\_\_

Committee Chairperson: (Hugh Farren) \_\_\_\_\_ Date : \_\_\_\_\_

### 8.4 Next Scheduled Policy Review

All Policies & Procedures as documented here will be reviewed by The Centre Manager and other relevant staff and committee members in good time for it to be presented for approval and adoption at the **June 2023 Management Committee meeting**.