1. **Purpose:**

Amaze needs to collect and use certain types of information about the parent carers, disabled children and their families (the ‘Data Subjects’) who are our charity’s objects and beneficiaries of our services. This personal information must be collected, managed and maintained appropriately, whether on paper, on computer files, or recorded in any other way. This policy sets out how we intent to meet the requirements of the Data Protection Act 1998. Data Protection is important not because it is about protecting this data which has been entrusted to us, but because of the importance of protecting the people we exist to help, our ‘Data Subjects’. People can be harmed if data is misused or falls into the wrong hands, or inaccurate or insufficient data is used to make decisions which affect them.

1. **Data Protection Statement:**

Amaze is committed to complying to the Data Protection Act (law) and following good practice in order to protect our data subjects and Amaze as an organisation.

We commit to respecting the rights of our data subjects with regards data access and be open and honest with individuals whose data we hold, what we will use their data for. We will only store data about an individual if we have received their consent to us doing so or if they have provided this to us.

We commit to provide training and support for staff and volunteers to ensure personal data is handled confidentially, consistently and securely and we will voluntarily notify the Information Commissioner if we learn of any inappropriate or unauthorised breaches in this policy.

We commit to never sharing personal data about families with other organisations, unless this has been agreed at the outset of a partnership project by those families involved in that work.

On application/registration forms where we are asking ‘Data Subjects’ to share their personal details, we will insert a Data Protection statement which reads: “Amaze is registered under the Data Protection Act (1998). The information from this form will be held on computer and will be used anonymously for general reporting and statistical purposes to monitor and plan future resources and services provided by the city’s education, health, social care and voluntary agencies”

1. **Data Protection Principles:**

Amaze intends to ensure that personal information is treated lawfully and correctly. To this end, Amaze will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information
8. Shall not be transferred to a country or territory outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information

Amaze will, through appropriate management, strict application of criteria and controls:

• Observe fully conditions regarding the fair collection and use of information

• Meet its legal obligations to specify the purposes for which information is used

• Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements

• Ensure the quality of information used

• Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:

i) The right to be informed that processing is being undertaken

ii) The right of access to one's personal information

iii) The right to prevent processing in certain circumstances

iv) The right to correct, rectify, block or erase information which is regarded as wrong information

• Take appropriate technical and organisational security measures to safeguard personal information

• Ensure that personal information is not transferred abroad without suitable safeguards

• Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information

• Set out clear procedures for responding to requests for information

1. **Data Controller:**

Amaze (the organisation) is the Data Controller under the Act, which means that it determines what purposes personal information will be held and used for. Amaze is responsible for notifying the Information Controller of the data it holds and the general purposes that this data will be used for. Amaze will review this notification on an annual basis.

Where Amaze enters into partnership work with other agencies/organisations, it will clearly set out who takes responsibility for the Data Controller role on a case by case basis.

1. **Responsibilities:**

Amaze trustees will have overall responsibility for ensuring that Amaze complies with its legal obligations and follows this policy.

The Amaze Database Manager will take on the role of the Data Protection Officer, who will be responsible for reviewing this policy, advising the staff and trustees on tricky data protection issues, ensuring data protection training takes place, handling subject access requests etc.

All Amaze staff and volunteers will be responsible for: following this policy including safe keeping of confidential records, information and files (including following electronic security procedures) see below.

Where this policy is breached, this will lead to a disciplinary investigation and the Amaze disciplinary procedure will be followed.

1. **Data Recording and Storage:**

We will ensure all staff and volunteers follow good practice in:

Data Accuracy – when personal details are collected from families we will ensure that this is checked back with the individual for accuracy

Data Updating – we will regularly update personal records by means of asking Compass Card holders and parents to re-register every two years. This will ensure the bulk of our personal information is kept up to date.

Data Storage – personal details about families will be stored electronically on the Amaze Database. This will be kept password protected and only be accessible by staff. Any personal data which is transferred into Excel spread sheets or put into other formats e.g. Word letters – will be saved with a password protection. We will also operate a ‘clear desk’ policy where all personal files are locked away in a filing cabinet at the end of the day and not left out in the open plan office. Staff and volunteers carrying out casework will need to use personal details about families away from the office for the duration of the period of work with that parent. Trainers may need personal details of attendees away from the office. All staff, volunteers and trainers who hold personal details from families for the purpose of providing a service on behalf of Amaze will be given guidance about safe storage, transmission and disposal of data outside the office on a temporary basis.

Data Retention – we will only retain personal data for as long as the family continues to receive a service from Amaze. If we are informed the family has moved out of the Brighton and Hove area we will delete their record. Once a young person turns 25 we will delete their family’s record.

Data Archiving – currently the Compass Database archives all records when a young person reaches the age of 19. It does not delete them as their aggregated data is still used in historical reporting queries.

Business Continuity – the Amaze Database is backed up each week onto a hard drive which is taken off site. This is encrypted.

1. **Subject Access:**

All parent carers (and young people with disabilities) [the ‘Data Subjects’] have the right to request a copy of the data Amaze holds about them. The Data Protection Officer has the responsibility for responding to requests from individuals and this must be within the legal time limit of 40 days. Requests must be made in writing and Amaze will need to check their identity before proceeding with the request. Amaze agrees not to charge for this service.

1. **Disclosure**:
Amaze will be transparent with all Data Subjects who we will share their information with. Amaze will share aggregated data with our funders, commissioners and other voluntary agencies. Amaze may share personal data with other agencies such as the local authority, funding bodies and other voluntary agencies, with the consent of the Data Subject. The Data Subject will be made aware in most circumstances how and with whom their information will be shared.

There are certain circumstances where the law requires Amaze to disclose data (including sensitive data) without the subject’s consent – these include:

* Carrying out a legal duty or as authorised by the Secretary of State
* Protecting the vital interests of a Data Subject or other person
* The Data Subject has already made the information public
* Conducting any legal proceedings, obtaining legal advice or defending any legal rights.

Sensitive data includes: racial/ethnic origin, religious belief, physical/mental ill-health, sexual orientation, criminal record, criminal proceedings.

1. **Confidentiality:**

Confidentiality applies to a much wider range of information and data than the above Data Protection Act including: information about Amaze (finances, strategy), information about other organisations, information which is held on paper but not sufficiently structured to be a ‘relevant filing system’ in the Data Protection Act.

Access to all confidential information will be on a ‘need to know’ basis and no one should be given access to confidential information unless it is relevant to their work.

**Limits to confidentiality:**

There may be instances where Amaze feels it is right to break confidentiality but this will be decided on a case by case basis – e.g. if a parent was to disclose that they intended to seriously harm themselves or another person.

**Confidentiality Statement:**

All staff (including temporary staff and trainers) and volunteers will be required to sign the Amaze Data Protection and Confidentiality statement – see appendix 1 below.

**Appendix 1**

**Staff, Trustee and Volunteer Confidentiality AGREEMENT**

As a member of the Amaze team I understand that I must not disclose to any unauthorised person any confidential information about Amaze or any of its users, volunteers and staff. Exceptions to this ruling can be made with the consent of the user, volunteer or staff member, or where there is a perceived risk to personal or public safety.

The information divulged by users or volunteers is to be regarded as privileged. Privileged information is any personal information acquired by staff affecting users or other staff members or affecting Amaze operations. It is my duty to ensure that privileged information which is divulged to them, or which they have access to, is not disclosed to any person not entitled to have such information. I understand that this continues indefinitely beyond my working/volunteering time at Amaze.

I understand that although users and volunteers may give information to, or apply for help from an individual, this information is in fact given to the organisation and any staff member giving assistance does so on behalf of Amaze as its representative. I am obliged to share privileged information with supervisors and team members who may need to be involved in providing the best possible service for a particular user or volunteer.

I understand that breach of code of confidentiality will lead to disciplinary action.

On termination of employment or voluntary involvement, I will return any files, documents or other papers and property of every description within my possession belonging to Amaze.

Users have full access to records kept by the organisation. We voluntarily register with Data Protection Act even though there is no legal requirement to do so, because we wish to communicate to our users that we hold the information they provide to us in the strictest of confidence. Parents have access to their records on application.

Signed…………………………………….

Print Name……………………………….

Date……………………………………….