

## Data Protection Policy

### 1. Policy statement

- 1.1. Everyone has rights with regard to how their personal information is handled. During the course of our activities it may be necessary for Read Easy UK and its Affiliated Groups (together the “Organisations” and each “an Organisation”) to collect, store and process personal information about Volunteers and Employees. We recognise the need to treat this Data in an appropriate and lawful manner.
- 1.2. The types of information that we may be required to handle include details of any current, past and prospective Trustees, Pioneers, Management Team members, Coordinators or Reading Coaches, or Employees (“together Volunteers and Employees”). We will also handle information supplied to us by those who use our services (“Readers”). The information, which may be held on paper or on a computer or other media, has been subject to certain legal safeguards specified in the Data Protection Act 1998.
- 1.3. With effect from 25th May 2018, a new Data Protection Act came into force. This adopts the EU Regulation known as the General Data Protection Regulation (“GDPR”). This document reflects the new law as we understand it.

### 2. Definitions

- 2.1. **Data** is information that is stored electronically, on a computer, or in certain paper-based filing systems.
- 2.2. **Data Subjects**, for the purpose of this policy, includes all Volunteers and Employees, Readers and any other individual for whom the Organisations hold Personal Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in relation to their Personal Data.
- 2.3. **Data Controllers** are the people within each Organisation who determine the purposes for which, and the manner in which, any Personal Data is processed. In relation to Affiliated Groups, the Data Controllers are the Management Team Members.
- 2.4. The **Data Protection Champion** is the day-to-day contact who deals with data protection queries for the local group or REUK. Each Affiliated Group should nominate a member of the Management Team to be its Data Protection Champion.
- 2.5. **Data Processors** include any third party that processes Personal Data on behalf of Read Easy UK or an Affiliated Group. This could be an IT services company, a fund raiser or a data shredding company.
- 2.6. **Data Users** include specific persons within the Organisations whose work involves using Personal Data. Data Users have a duty to protect the information they handle by following our Data Protection Policy at all times. In the case of Affiliated Groups,



Data Users will be volunteers including members of the Management Team when acting as volunteers.

- 2.7. **ICO** means the Information Commissioners Office, the UK regulator of the Data Protection Act.
- 2.8. **Notification and Notify** means the registration of a Data Controller with the ICO.
- 2.9. **Personal Data** means Data relating to a Volunteer, an Employee, or a Reader who can be identified from that Data (or from that Data and other information in our possession). For the purpose of this Policy, Personal Data includes, but is not limited to a person's name; address; email address telephone number; references obtained through the recruitment process or to one or more factors specific to the physical, physiological, mental, economic or cultural identity of that person etc. Personal Data may be facts and/or opinions formed on an individual.
- 2.10. **Processing** is any activity that involves use of the Data. It includes obtaining, recording or holding the Data, or carrying out any operation or set of operations on the Data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing may also include transferring Personal Data to third parties.
- 2.11. **Special Categories of Personal Data** (previously known as Sensitive Personal Data) includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Special Categories of Personal Data can only be processed under strict conditions, and will usually require the express consent of the person concerned.

### 3. Status of the Policy

- 3.1. This Policy has been approved by Read Easy UK. It sets out rules on Data Protection and the legal conditions that must be satisfied by all Affiliated Groups in relation to the processing of Personal Data.
- 3.2. The Trustees of Read Easy UK and the Team Members of each Management Team of each Affiliated Group are responsible for ensuring compliance with the Act and with this Policy. Any questions or concerns about the operation of this Policy should be referred, in the first instance, to your Data Protection Champion.
- 3.3. If you consider that this Policy has not been followed in respect to Personal Data about yourself or others you should raise the matter with your Data Protection Champion.

### 4. Data Protection principles

Anyone Processing Personal Data must comply with the eight enforceable principles of good practice. These provide that Personal Data must be:

- 4.1. Processed fairly and lawfully. In a transparent manner.
- 4.2. Processed for specified, explicit and legitimate purposes and in an appropriate way.



- 4.3. Adequate, relevant and not excessive for the purpose.
- 4.4. Accurate.
- 4.5. Not kept longer than necessary for the purpose.
- 4.6. Processed in line with Data Subjects' rights.
- 4.7. Secure.
- 4.8. Not transferred to people or organisations situated in countries without adequate protection.

## **5. Fair and lawful processing**

- 5.1. The Act is not intended to prevent the processing of Personal Data, but to ensure that it is done fairly and without adversely affecting the rights of the Data Subject. The Data Subject must be told who the Data Controller is, who the Data Controller's representative is (in this case the Data Protection Champion), the purpose for which the Data is to be processed by the Organisation, and the identities of anyone to whom the Data may be disclosed or transferred. Volunteers and Employees should be informed of the existence of this Policy during the recruitment process. New Volunteers and Employees will also be told that this Policy along with further information relating to data protection is available from the Data Protection Champion.
- 5.2. For Personal Data to be processed lawfully, certain conditions have to be met. These may include, among other things, requirements that the Data Subject has consented to the processing, or that the processing is necessary for the legitimate interest of the Data Controller. When Special Categories of Personal Data are being processed, both these conditions must be met. In most cases the Data Subject's explicit consent to the processing of such Data will be required. The Organisation concerned will ask for a Data Subject's consent before Processing any Special Categories of Personal Data.

## **6. Processing for limited purposes**

Personal Data may only be processed for the specific purposes notified to the Data Subject when the Data was first collected or for any other purposes specifically permitted by the Act. This means that Personal Data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the Data is processed, the Data Subject must be informed of the new purpose before any processing occurs.

## **7. Adequate, relevant and non-excessive processing**

Personal Data should only be collected to the extent that it is required for the specific purpose notified to the Data Subject. Any Data which is not necessary for that purpose should not be collected in the first place. The new Forms Read Easy UK has developed for use from 25 May 2018 reflect a renewed assessment of what Personal Data it is appropriate to collect.



## 8. Accurate Data

- 8.1. The following procedures should be followed to ensure that all personal Data kept is accurate and up-to-date:
- a) Any inaccuracy in Personal Data should be brought to the attention of the Organisation's Coordinator or Management Team as soon as possible. It will then be the responsibility of the Data Protection Champion to correct the inaccuracy.
  - b) All Volunteers, Employees and Readers should notify their Coordinator as soon as possible of any change of their personal details. The Organisation concerned will then be able to contact them in future or, in the case of an emergency, contact another designated person.
  - c) The Data Protection Champion will be responsible for ensuring that a yearly audit is carried out of all Personal Data held in manual records or on our computerised record system to ensure the Data held is accurate and up to date. A suitable Data Protection Annual Audit sheet is provided as an Appendix (E) to this policy.

## 9. Timely processing

- 9.1. Personal Data should not be kept longer than is necessary for the purpose for which it was collected. This means that *as a general rule* all Personal Data should be destroyed or erased from our systems when it is no longer required or within 3-4 years, with the following exceptions.
- 9.2. Some Data, including some Personal Data, is required to be kept for seven years after it is no longer needed for practical purposes. This period reflects legal advice Read Easy UK has received as to the potential legal liability of each organisation. This is in case it might be needed by the Management Team of an Affiliated Group as evidence in an insurance claim. Specifically, this includes:
- a) Personal Data of all Readers and Coaches who have been involved in coaching.
  - b) Reading Record Sheets of Readers and Coaches with dates of reading sessions
  - c) Coordinator Coach and Reader monitoring records
  - d) Contact details of all Team Members of the Management Team
  - e) Minutes of all Team Meetings
  - f) Any emails or other documentation that is considered might be of particular importance or relevance in the future
  - g) All safeguarding records
  - h) Financial Data
- 9.3. When an Affiliated Group closes, the Management Team should ensure that the information listed in 9.2 is retained and securely stored for at least seven years, and



that Read Easy UK is informed of its whereabouts. Alternatively, Read Easy UK can store this information as a service to the Affiliated Group.

## 10. Processing in line with Data Subject's rights

Data must be processed in line with Data Subjects' rights. Data Subjects have a right to:

- a) Request access to any Data held about them by the Organisation concerned.
- b) Prevent the processing of their Data for direct-marketing purposes.
- c) Ask to have inaccurate Data amended.
- d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.
- e) The right to be forgotten if the data is no longer necessary for the purposes for which it was collected. There are exceptions as described in Clause 9.

## 11. Data security

- 11.1. The Organisations aim to ensure that appropriate security measures are taken against unlawful or unauthorised processing of Personal Data, and against the accidental loss of, or damage to, Personal Data. Data Subjects may apply to the courts for compensation if they have suffered damage from such a loss.
- 11.2. The Act requires each Organisation to put in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction. Personal Data may only be transferred to a third-party Data Processor if that person agrees to comply with those procedures and policies, or if they put in place adequate measures themselves.
- 11.3. Maintaining Data security means guaranteeing the confidentiality, integrity and availability of the Personal Data, defined as follows:
  - a) **Confidentiality** means that only people who are authorised to use the Data can access it.
  - b) **Integrity** means that Personal Data should be accurate and suitable for the purpose for which it is processed.
  - c) **Availability** means that authorised users should be able to access the Data if they need it for authorised purposes. Where volunteers store Personal Data on home computers, it should be stored with the knowledge that authorised users may need to access it. If necessary, this could be done by transferring the Data onto a password protected memory stick or hard drive.
- 11.4. Security procedures include:
  - a) **Secure lockable desks and cupboards.** Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)
  - b) **Methods of disposal.** Paper documents should be shredded. Memory sticks should have data erased or should be physically destroyed when they are no



longer required. If computers that contain Personal Data are to be disposed of, personal data must be deleted beforehand. Where applicable, a Volunteer or Employee who ceases work with the Organisations will be asked to hand over any Personal Data that they hold to the Organisations and to destroy anything that is not required.

- c) **Equipment.** Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended. Computers or other devices, such as laptops, memory sticks, CDs etc. that hold Personal Data should be password protected.

## 12. Dealing with Subject Access Requests

12.1. All Volunteers, Employees and Readers have the right to access Personal Data held about them by the Organisations. All requests should be forwarded to the relevant Data Protection Champion.

- a) Only written requests will be complied with.
- b) Information will be gathered from all relevant filing systems and computerised records and supplied in hard copy to the individual.
- c) The information supplied should also include an explanation of any codes or terms used.

## 13. Disclosure of Information to third parties

13.1. The Organisations aim to keep Personal Data within their control. The Organisations will only provide Personal Data that is strictly necessary to ensure the health and safety of Volunteers, Employees and Readers.

## 14. Providing information over the telephone

Any volunteer or member of staff dealing with telephone or email enquiries should be careful not to disclose any Personal Data about others without their express consent. In particular, they should:

- a) Check the caller's identity to make sure that information is only given to a person who is entitled to it.
- b) Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked.
- c) Refer to the Coordinator or the Data Protection Champion for assistance in difficult situations. No-one should be bullied into disclosing Personal Data.

## 15. Registration with the ICO

The Act requires Data Controllers to register with the ICO to notify them that they are processing Personal Data. The process of registration is a simple one completed on-line with an annual fee.

Under the 1998 Act there was an express exemption from Notification for not for profit volunteer groups. Under the new Act and GDPR, Read Easy UK expects that the



Management Team Members of its Affiliated Groups who follow this Data Protection Policy will be exempt from the legal requirement to Notify the ICO.

A key requirement of the exemption is that information is only processed “where it is necessary to administer activities for people who are members [(namely the Management Team)] or who have regular contact with it [namely readers and coaches]”.

Importantly this means ensuring data is not kept longer than is necessary.

There is a risk for individual Team Members of the Management Team that others may not follow this Policy. This might inadvertently lead to a breach of the Act by (innocent) Members since the Organisation (acting through its Team) would thereby be in breach of the Notification obligations of the Act as well, perhaps, as its substantive provisions.

Further, it is a condition of the Read Easy UK Public Liability Insurance Policy, so far as data protection insurance is concerned, that groups are registered in accordance with the Act. A breach of this Data Protection Policy (and thereby the Act), would nullify the exemption, which could in turn nullify the Affiliated Group’s insurance.

Reflecting on the above comments, groups may conclude that Notification with the ICO would be prudent. Read Easy UK does not require this Notification under this Policy but highlights to Management Team members the risk to them as noted above. Please see Appendix F for further details.

## **16. Monitoring and review of the Policy**

- 16.1. This policy is reviewed annually by Read Easy UK. Recommendations for any amendments should be reported to the Data Protection Champion of each Organisation.
- 16.2. We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.
- 16.3. Any breach of this policy will be taken seriously and may result in the Organisation concerned taking further action.
- 16.4. If you require further information on this policy please speak to the Data Protection Champion. For more information on the data that the Organisations may request or process, please see the relevant (new) Data Protection Notices.

## **Note about Privacy Notices and Appendices**

Please note that this policy requires Volunteers and Employees of the Organisations to be notified about their rights with regard to Data Protection. In order to help Affiliated Groups to meet this requirement, Read Easy UK has made various provisions:

- 1) The Privacy Notice for Volunteers is intended for all volunteers who take up roles in the Organisations. It is included in the relevant volunteer handbooks and as Appendix A to this policy. A shorter version for potential volunteers is listed as Appendix H below.
- 2) A brief privacy notice for Readers is included on the Reader Enrolment Form, which should be read to all new Readers at enrolment. This is not referenced as an appendix to avoid use of language that could alarm new Readers. A full version is available for Readers at their request as Appendix B to this policy.



- 3) A Privacy Notice for Supporters and Donors is included as Appendix C to this policy and as an attachment to the Read Easy Fundraiser's Information Pack. This notice should be sent to all those who donate to the Organisations.
- 4) General guidelines about precautions for ensuring Data Security are included in all Read Easy Handbooks under the heading: 'Keeping Data Secure' and as Appendix D to this policy.
- 5) An Annual Data Protection Audit Sheet is provided as Appendix E to this policy.
- 6) Guidance about Registration with the ICO is included as Appendix F to this policy.
- 7) The Read Easy UK Privacy Notice, which is available to download from each page of the Read Easy website, is included as Appendix G to this policy.
- 8) A 'Privacy Notice for Potential Volunteers' is included at the bottom of all volunteer application forms, and separately as Appendix H to this policy.

Please ensure that all involved in the Organisations are provided with the necessary information.