

## GENERAL DATA PROTECTION REGULATION POLICY

The General Data Protection Regulation 2018 (GDPR) regulates the way in which both sensitive and non sensitive information relating to employees, service members and other partners collected processed and stored.

### Data Protection Notice

Mind in the Vale of Glamorgan will process the information it receives relating to both staff and service users in specific congruence with the principles contained within the GDPR and also within the remits of its own confidentiality policy.

### Guiding Principles

These are the data protection principles. Under the principles, personal data must be:

- Personal data shall be processed fairly, lawfully and in a transparent manner
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary
- Personal data shall be processed in accordance with the rights of data subjects under the GDPR
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside 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 data.

This policy gives some useful information about the type of information that Mind in the Vale of Glamorgan keeps about its employees and service users. It also outlines for what purposes the information will be stored

### **Employees (Non Sensitive Information)**

Throughout employment and for as long a period as is necessary following the termination of employment, Mind in the Vale of Glamorgan will need to keep information for purposes connected with a staff member's employment. These types of records do not require the explicit consent of an employee and may include the following issues:

- information gathered about an employee and any references obtained during recruitment
- details of terms of employment
- reasonable and necessary health records
- payroll, tax and National Insurance information
- performance information
- details of grade and job duties
- absence records, including holiday records and self-certification forms
- details of any disciplinary investigations and proceedings
- training records
- contact names and addresses
- Correspondence with Mind in the Vale of Glamorgan and other information provided to Mind in the Vale of Glamorgan.

Mind in the Vale of Glamorgan believes these uses are consistent with our employment relationship and with the principles of the GDPR. The information held will be for our management and administrative use only, but from time to time, we may need to disclose some information we hold about employees to relevant third parties, e.g. where legally obliged to do so by the HM Customs & Revenue or requested to do so by an employee for the purposes of giving a reference. We may also transfer information to another Group or Organisation, solely for purposes connected with an employee's career or the management of Mind in the Vale of Glamorgan's business.

### **Employees (Sensitive Information)**

The organisation will not keep information relating to employees that is considered to be sensitive unless explicit consent is given. This could include the following subject areas:

- Religious beliefs
- Political ideologies/ affiliations
- Sexual Orientation
- Non essential health information

It should also be noted that Mind in the Vale of Glamorgan might hold the following information about an employee for which disclosure to any person will be made only when strictly necessary for the purposes set out below:

- an employee's health, for the purposes of compliance with our health and safety and our occupational health obligations
- for the purposes of personnel management and administration, for example to consider how an employee's health affects his or her ability to do his or her job and, if the employee is disabled, whether he or she requires any reasonable adjustment to be made to assist him or her at work
- the administration of insurance, pension, sick pay and any other related benefits in force from time to time
- CRB records to enable us to assess an employee's suitability for employment.

The Organisation requires all employees to comply with the GDPR in relation to the information about other staff. Failure to do so, e.g. unauthorised, inappropriate or excessive disclosure of or obtaining information about individuals, will be regarded as serious misconduct and will be dealt with in accordance with Mind in the Vale of Glamorgan's disciplinary policy and procedure. If an employee is in a position to deal with personal information about other employees, he or she will be given separate guidance on his or her obligations, and must ask if he or she is unsure.

### **Whistle Blowing**

The Organisation supports the principles of the Public Interest Disclosure Act 1998 (PIDA) ('whistle blowing') which means that no employee should feel reluctant, for fear of management's response, to give us information about wrongdoing within Mind in the Vale of Glamorgan. If an employee has a concern and is unsure about the appropriate procedure for raising it, or is unhappy about the final outcome of an investigation, he or she can contact the independent charity, Public Concern at Work, on 020-7404 6609 for independent advice. **(Also see Whistle blowing Policy for more information)**

### **Service Members**

The organisation will collect process and store information/data relating to individuals who use the organisations services in line with the organisations **confidentiality policy**.

All information that is collected by the organisation will be accurately processed and stored predominantly and securely in the lamplight database system as well

as in physical locked areas when necessary. It will only be able to be accessed by appropriate staff that will have either authorized electronic access or hold keys to open locked cabinets.

### **Processing Personal Data**

There must be consent from individual.

Must be necessary for performance of MITV.

Necessary for compliance of legal obligation.

### **Consent**

Consent must be freely given, specific, informed and unambiguous

By a statement or by a clear affirmative action (if it is verbal consent it must be recorded and dated.

### **Rights**

An individual is entitled to access the information held by MITV, upon request MITV has one month to supply said information. If any information is incorrect it must be rectified

An individual has the right to request erasure from the database. All information that can identify an individual: name, address, date of birth, and phone number would be permanently deleted from the database.

### **Third Party Information**

The organisation will under no circumstances release third party information relating to employees or service users without the explicit permission of the original source concerned. Technical assistance will be given should an individual seek to access the aforementioned. (See **Data Protection Procedures** for more details)

**Notification of personal data breach. The Information Commissioner's Office must be notified within 72 hours of breach. ( 03031231113 )**

**The person with overall responsibility for compliance with the DPA is Caroline Chapman Executive Manager.**

Approved: April 2018

Review Date: April 2021