

# Data Protection Policy



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| <b><u>Date written: April 2023</u></b>        | <b><u>Version: 2</u></b>  |
| <b><u>Date due for review: April 2024</u></b> | <b><u>Amendments:</u></b> |

| <b>Purpose</b>   | <b>Scope</b>   |
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| This policy outlines the principles of data protection and the guidance to follow. | This policy and procedure applies to all current staff members and volunteers, whether full or part-time, temporary or fixed-term. |

## 1. Introduction

Voices in Exile needs to keep certain information on its employees, trustees, supporters and service users to carry out its day-to-day operations, to meet its objectives and to comply with legal obligations.

We are committed to ensuring any personal data will be dealt with in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

This policy sets out how Voices in Exile will meet its legal obligations.

## 2. Definitions

**Personal Data** is information that relates to an identified or identifiable individual. It can be stored electronically or on paper and includes images and audio recordings as well as written information.

**Special Category Personal Data** is information relating to an individual's race, ethnic origin, politics, religion, trade union membership, physical or mental health, genetics, biometrics (where used for ID purposes), sex life or sexual orientation. This information is more sensitive, and therefore requires greater protection.

**Processing** means collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

## 3. Responsibility

The named individual with responsibility for GDPR compliance is Mel Steel, Director.

*Enabling, advocating, accompanying & supporting those seeking asylum, refugees & those with no recourse to public funds*

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OISC reference number: N201800021

The details for processing personal data are recorded on the public register maintained by the Information Commissioner. We notify and renew our notification on an annual basis as the law requires. If there are any interim changes, these will be notified to the Information Commissioner within 28 days.

Training and awareness raising about the requirements of GDPR and how it is implemented within Voices in Exile will form part of the induction process for all trustees, employees and volunteers. All trustees, employees and volunteers will familiarise themselves with the principles of the GDPR, this document and associated procedural documents. When carrying out their duties, they will consider the basis on which data is being stored or processed and implement safeguards as appropriate.

This Data Protection Policy will stand as an agenda item at employee and Board meetings on an annual basis to ensure that employees and Board members are reminded of their obligations and are aware of relevant developments in relation to data protection. An annual review of compliance with policy will be carried out at this meeting. Actions for employees to carry out in respect of data retention and disposal will be carried out in advance of the meeting. Volunteers will be required to attend an annual training session on data protection to ensure their continuing adherence to our policies and procedures.

#### **4. Data Protection Principles**

We will work in compliance with the principles of the GDPR:

1. Personal Data shall be processed lawfully and fairly.
2. Personal Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Personal Data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Personal Data shall be accurate and, where necessary, kept up to date.
5. Personal Data processed for any purpose or purposes shall not be kept for longer than is necessary for that purposes or purposes.
6. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage to personal data.
7. Personal data shall be processed in accordance with the legal rights of data subjects.
8. 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 of the rights and freedoms of data subjects in relation to the processing of personal data.

#### **5. Lawful Basis**

In order to process data lawfully, Voices in Exile will identify and document valid grounds under the GDPR (known as a 'lawful basis') for collecting and using personal data.

A lawful basis will be established, as required by the GDPR, in one of the following ways:

1. The individual whom the personal data is about has consented to the processing.

2. The processing is necessary in relation to a contract the individual has entered into or because the individual has asked for something to be done so they can enter into a contract.
3. The processing is necessary to comply with legal and regulatory obligations.
4. The processing is necessary to protect the individual's "vital interests" or those of another person. This condition only applies in cases of life or death.
5. The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority. This will cover processing necessary for administering justice, or for exercising statutory, governmental or other public functions.
6. The processing is necessary for the organisation's "legitimate interests" unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. Where relying on this basis, Voices in Exile will carry out a Legitimate Interests Assessment.

Voices in Exile recognises the need for additional robust safeguards when processing Special Category Data.

Where we need to process Special Category Data both a lawful basis and a separate "condition for processing" will be established. The applicable additional conditions are:

1. The data subject has given explicit consent to the processing of the personal data for one or more specified purposes.
2. The processing is carried out in the course of Voices in Exile's legitimate activities as a charitable body where the processing relates solely to persons who have regular contact with us in connection with our purposes and that the personal data are not disclosed externally without the consent of the data subjects.

Whenever employees are dealing with the personal data (including photographs) of vulnerable migrants, consideration will be given to whether the data is special category data i.e. does the information relate to an individual's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life or sexual orientation?

In the majority of cases the legal basis for processing this data will be explicit consent and this will be explained, sought and recorded accordingly.

Any case where it is considered that the basis for processing data is the legitimate interests of Voices in Exile and information held is capable of identifying an individual will be referred to line management. If the data collected is of a sensitive nature, information which could identify an individual to a third party must not be disclosed outside the organisation and every effort will be made to ensure that such data is made secure (i.e. data will be anonymised / pseudonyms will be used and specific information which could identify an individual to a third party will be edited out).

## **6. Consent forms**

When relying on consent to gather and hold data of individuals, Voices in Exile will ensure that consent forms:

- Involve a clear affirmative action (opt-in) with a signature or email confirming consent;
- Are clear about what consent is being given for;
- Include the name of any third party controllers who will rely on the consent;

- State why we want the data and what we will do with it.

In addition, Voices in Exile will ensure that:

- Clear records are kept of consents that have been given;
- Individuals giving consent are made aware at the time that the consent can be withdrawn.

The issue of consent will be reviewed annually to ensure that procedures are up to date.

## **7. Data retention and disposal**

Voices in Exile will retain personal data in accordance with our data retention policy, which categorises all the information held by us and specifies the appropriate retention period for each category of personal data. Those periods are based on the requirements of applicable data protection laws and the purposes for which data has been collected and considering legal and regulatory requirements to retain the information for a minimum period, limitation periods for taking legal action, good practice and our business purposes.

## **8. Data Security**

Voices in Exile will use a variety of technical and organisational measures to ensure that personal data is always kept secure against unauthorised or unlawful loss or disclosure. These will be set out in the Data Protection Procedures document.

Voices in Exile will ensure regular maintenance of its IT systems, including up-to-date anti-virus and firewall safeguards, and engage the services of an external UK-based IT maintenance company to ensure regular back up and maintenance of computer systems.

Any unauthorised disclosure of personal data to a third party by an employee may result in disciplinary proceedings.

Any unauthorised disclosure of personal data to a third party by a volunteer may result in the termination of the volunteering agreement.

The Board and trustees are accountable for compliance with this policy. A trustee could be personally liable for any penalty arising from a breach of this policy for which they are responsible.

## **9. Data Sharing**

The following general principles will apply for data sharing:

1. There is a good reason for the sharing to take place.
2. The individuals have been made aware their data is being shared.
3. The minimum amount of personal data is shared.
4. The sharing is for the minimum time and it is clear what then happens to the data.
5. The sharing is done as securely as appropriate for the data involved.
6. The sharing is documented.

Voices in Exile is accredited to provide specialist immigration advice and can also provide generalist advice on welfare benefits, housing and homelessness, asylum support, children's and adult community care. We

process personal data provided to us by or on behalf of our service users for the purposes of the work we do for them. The information may be disclosed to third parties to the extent reasonably necessary in connection with that work and in accordance with any consent given by the individual concerned. This processing and disclosure may include the processing and disclosure of special category personal data where reasonably required in connection with the assistance we have been asked to provide.

## **10. Rights of data subjects**

Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR and is covered throughout this policy.

### Right of access

Individuals have the right to obtain: confirmation that we are processing their data, access to the data we hold about them and other supplementary information (information in our privacy notice). They can request this information verbally or in writing.

On receipt of such a request we will provide information to them about what data we hold without delay and at most within one calendar month. We may extend this deadline by another two months for complex or numerous requests (in which case we must inform the individual and give an explanation). We will verify the identity of the person making the request using reasonable means. If the request is made electronically, we will provide the information in a commonly used electronic format.

### Right of rectification

Individuals have the right to have personal data rectified if it is inaccurate or completed if it is incomplete. An individual can make a request for rectification verbally or in writing.

On receipt of such a request we will rectify information held on that individual without delay and at most within one calendar month. We may extend this period by a further two months for complex or numerous requests. We will verify the identity of the person making the request using reasonable means. If we have shared the incorrect information with other organisations, we will inform them of the rectification where possible.

### Right to be forgotten

The right to be forgotten enables individuals to request the deletion or removal of personal data. An individual can make a request for erasure verbally or in writing.

On receipt of such a request we will erase information held on that individual without delay and at most within one calendar month. We may extend this period by a further two months for complex or numerous requests. We will verify the identity of the person making the request using reasonable means.

There are limited circumstances in which such a request can be refused including: to exercise the right of freedom of expression and information, to comply with a legal obligation, or to exercise or defend legal claims. If any of these apply, further advice will be sought before information is erased.

### Right to restrict processing

Individuals have the right to restrict processing of their data. They can request that processing be restricted verbally or in writing.

On receipt of such a request we will respond without delay and at most within one calendar month. We may extend this period by a further two months for complex or numerous requests. We will verify the identity of the person making the request using reasonable means.

As a matter of good practice, we will consider restricting the processing of personal data if requested to do so. When processing is restricted, we are permitted to store the personal data, but not further process it, and may retain just enough information about the individual to ensure that the restriction is respected in the future. If we have disclosed personal data to other organisations, we must inform them about the restriction, unless it is impossible or involves disproportionate effort to do so.

### Right to Object

Individuals have a right to object to the processing of their personal data.

On receipt of an objection to the processing of an individual's personal data we will stop processing that data without delay unless we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims. On receipt of such a request we will respond without delay and at most within one calendar month. We may extend this period by a further two months for complex or numerous requests. We will verify the identity of the person making the request using reasonable means.

## **11. Data breaches**

All employees have a duty to report accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data to the Voices in Exile Director who will record the breach and determine whether the breach is notifiable to the Information Commissioner's Office. Any notifiable breaches will be reported to the Information Commissioner's Office within 72 hours.