



# Data Protection Policy and Statement

## Introduction

Move Momentum operating under the trade name Momentum is required to keep certain information about its employees, trustees, volunteers, members, service users 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, Momentum must comply with the Data Protection Act 1998. In summary this states 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 kept for longer than necessary
- Processed in accordance with the data subject's rights
- Kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country. Personal data that does not have reciprocal arrangements to the UK, unless that country has equivalent levels of protection for personal data

All Momentum 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, Momentum 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. If the matter is not resolved it should be raised as a formal grievance.

## 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 Momentum holds and processes about them
- Know how to request access to it
- Know how to keep it up to date
- Know what Momentum is doing to comply with its obligations under the Act

## The Data Controller and the Designated Data Controllers

Momentum 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, the Designated Data Controller will deal with day to day matters.



## **Information Held**

Personal information is defined as any details relating to a living, identifiable individual. This applies to employees, trustees, volunteers, members, service users and other members of the public. Momentum must ensure that information relating to these people is treated correctly and with the appropriate degree of confidentiality.

Momentum holds personal information in respect of its employees, trustees, volunteers, service users and other members of the public. This information may include an individual's name, postal, email and other addresses, telephone and facsimile numbers, subscription details, organisational roles and membership status.

Personal information is kept in order to enable Momentum to understand the history and activities of individuals or organisations within the voluntary and community sector and to deliver services to its members and service users effectively.

Some personal information is defined as Sensitive Data and needs to be handled with special care.

## **Processing of Personal Information**

All staff and volunteers who process or use any personal information are responsible for ensuring that:

- Any personal information which is held 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.

Personal information should be:

- Stored in a locked filing cabinet or in a locked drawer
- If the information is computerised, should be password protected

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

Personal or confidential information should not be discussed in public areas or within open-plan office areas.

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 overhead.

Any notes taken during or after an interview should be relevant and appropriate. It is recommended that such notes should be filed in a legible and coherent manner and that information notes are retained for a short period (1 year) in a secure place, before being shredded.

## **Collecting Information**

Whenever information is collected about people, they should be informed why the information is collected, who will be able to access it and for what purposes it will be shared. 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 Momentum.



## **Publication and Use of Momentum's Information**

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

- Momentum may obtain, hold, process, use and disclose information in connection with the administration, management and business activities of Momentum, including making and keeping lists of members and other relevant organisations
- Momentum may publish information about Momentum and its members including lists of members, by means of newsletters or other publications
- Momentum may confirm to any third party whether or not any person is a member of the organisation
- Momentum may 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
- Names of, and a means of contacting staff and trustees, will be published within publicity leaflets and on the website

## **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.

## **Disposal of Confidential Material**

Sensitive material should be shredded. Particular care should be taken to effectively delete information from computer hard drives if a machine is to be disposed of or passed onto another member of staff.

## **Data Breach Notification Procedure**

In the event of a data breach, for example any lost or stolen data, the Data Protection Officer must be informed as soon as physically possible, with an Incident Report Form needing to be completed and sent to the DPO within 2 working days. It is then the DPO's responsibility to complete a GDPR report within 1 working week from the date of receiving the report form.

## **Staff Responsibilities**

All staff are responsible for checking that any information they provide to Momentum in connection with their employment, is accurate and up to date. Staff have the right to request any personal information that is being kept about them either on computer or in manual filing systems by contacting the manager.

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

## **Duty to Disclose Information**

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

- Child abuse, which will be disclosed to relevant agencies/police
- Drug trafficking, money laundering or acts of terrorism or treason, serious assault, murder, which will be disclosed to the police.



## **Retention of Data**

Momentum will keep some forms of information for longer than others. Because of storage problems, information about clients cannot be kept indefinitely, unless there are specific requests to do so. General information about clients will be kept for a minimum of 3 years after they have used services, unless required to do so by other statutory bodies.

Momentum 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 Amanda Watkinson.

A statement about Data Protection will be displayed on the website.

### Data Protection Officer

Amanda Watkinson –

07780917725 – [info@movemomentum.co.uk](mailto:info@movemomentum.co.uk)

We are committed to reviewing our Data Protection Policy & Statement annually to ensure it complies with current legislation.

This policy was last reviewed and approved by the Board of Trustees on 30/10/19



## **DATA PROTECTION STATEMENT**

### Sharing Information with others

- Sometimes we have to confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete
- We will draw up an agreement with the organisation that we need to share information when appropriate. This is to ensure that both parties understand why the information is being passed on and what use can be made of it. In some cases, a third-party organisation such as a funding body may draw up the agreement.

### Information quality

- We will ensure that the information about you is accurate and up-to-date when we collect or use it. You can help us with this by keeping us informed of any changes to the information we hold about you.

### Information security

- We will keep information about you in a secure manner
- We will protect your information against unauthorised change, damage, loss or theft

### Keeping information

- We will hold information about you only for as long as the law says. After this it will be disposed of securely and properly

### Openness

- We will tell you on request what kinds of information we hold and what we do with it.

### Access and correctness

- Whenever possible, we will let you see the information we hold about you and correct it if it is wrong

### In general

- We will comply with the Data Protection Act 1998 and any subsequent legislation on information handling and privacy
- We will do this through the Momentum's Data Protection Policy and we will help you with any questions or problems that you may have
- If we cannot help you, we will give you advice on where you can access the relevant information

### **Our Commitment**

- We will only collect information that is necessary
- We will be fair in the way we collect information about you
- We will tell you who we are and what we intend to do with the information about you
- Where practicable, we will collect information directly from you
- If we collect information about you from someone else, we will make sure you know that we have done this, whenever possible.