



# Data Protection Policy and Procedures

## Policy

### Introduction

Be Free Young Carers is fully committed to protecting the rights and privacy of individuals operating in accordance with the statutory legislation outlined within the Data Protection Act 1998. In doing so we are committed to protecting the privacy and confidentiality of data provided to us.

Any decisions for the disclosure, retention or disposal of information are made in line with relevant legislation. We recognise that the first priority under the Data Protection Act 1998 is to avoid causing harm to individuals. On this basis Be Free Young Carers:

- Keeps information securely
- Maintains the quality of the information and
- Retains or disposes information as appropriate.

Information about our staff and volunteers, young carers and their families will only be used in line with established regulations.

Personal data will be collected, recorded and used fairly, stored safely and securely and not disclosed to any third party unlawfully. This also includes sensitive information such as ethnic background, political opinions, religious beliefs, health, sexual health and criminal records. It is ultimately the responsibility of the Director, to ensure that this policy is published, accessible and implemented within the organisation and by any relevant third parties.

This Policy should be read in conjunction with the Be Free Young Carers Confidentiality Policy.

### Objectives

As the lawful and correct treatment of personal data is critical to the Be Free Young Carers service, reputation and to maintaining confidence, Be Free Young Carers is committed to operate in line with the data protection principles by:

- collecting accurate personal data only;
- protecting staff, volunteers, young carers and other individuals' personal details and any related records using this data fairly and only for specified lawful purposes;
- maintaining personal data safely and securely;
- handling personal data for limited, specifically stated purposes;
- using personal data in an adequate and relevant manner, which is not excessive;
- holding personal data only for the time period required; Be Free Young Carers will retain personal information only for the time that a young carer is registered with the organisation and will securely destroy all information, on the basis that a young carer no longer engages with the organisation, after 2 years following the date of last engagement or on the young carer's 26th birthday, whichever is the sooner;
- releasing personal data only to authorised individuals/parties and not outside with UK without adequate protection and the individual's permission;

- adhering to regulations and related procedures to ensure that all employees who have access to and handle any personal data held by or on behalf of Be Free Young Carers in line with individual's data protection rights and are fully aware of and abide by their duties under the Data Protection Act 1998.

### **Allegations Reporting Procedure**

Young carers, their parents and or guardians are required to report any allegation in relation to the unlawful treatment of their personal data via the Be Free Young Carers' Suggestions and Complaints Procedure.

Employees and volunteers are required to report any allegation in relation to the unlawful treatment of personal data direct to the Director. A complaint should be made in the event that individuals feel that records of their personal data have been:

- lost or not protected;
- obtained through unlawful disclosure or unauthorised access;
- recorded inaccurately and/or in a misleading manner;
- provided to a third party without permission;
- held longer than required;
- used for unlawful purposes.

Where required, Be Free Young Carers will take appropriate action/corrective measures against unauthorised/unlawful treatment, loss, destruction or damage to personal data.

### **Rights of access to information**

Young Carers, parents and guardians have a right of access to personal information held by Be Free Young Carers about them, making a Subject Access Request under the provisions of the General Data Protection Regulations 2018.

Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Director should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.

## **Procedures for responding to Subject Access Requests for access to a person's information made under the Data Protection Act 1998**

### **Actioning a Subject Access Request**

1. Requests for information must be made in writing, which includes email, and be addressed to the Director. If the initial request does not clearly identify the information required, then further enquiries will be made;
2. The identity of the requestor will be established before the disclosure of any information, and when requesting data on a young carer, checks will also be carried out regarding proof of relationship to the child, if not the child itself;
3. Evidence of identity will be established by requesting production of a copy of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60

- Credit Card or Mortgage statement

This list is not exhaustive.

4. Be Free Young Carers may make a charge of upto £10 for the provision of information;
5. The response time for Subject Access Requests, once officially received, is 40 days from receipt. The 40 day period will not commence until after receipt of fees or clarification of information sought;
6. The Data Protection Act 1998 allows exemptions as to the provision of some information, for example relating to safeguarding or court proceedings; therefore all information will be reviewed prior to disclosure;
7. Third party information is that which has been provided by another person. Before disclosing third party information Be Free Young Carers will seek to obtain consent from them. (There is still a need to adhere to the 40 day statutory timescale.);
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the young carer or another will not be disclosed, nor will information that would reveal that the young carer is at risk of abuse, or information relating to court proceedings;
9. If there are concerns over the disclosure of information then additional advice will be sought;
10. Where redaction (information blacked out/removed) has taken place, a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why;
11. Be Free Young Carers will undertake to disclose information clearly, any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, it will be retyped;
12. Information will be sent by an appropriate method, either post or email and can be provided at the Be Free Young Carers' Office, with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail will be used.