

## Information and Data Protection (GDPR) Policy

|                    |                                     |
|--------------------|-------------------------------------|
| Authorship:        | Policy Sub-Committee                |
| Reviewing Officer: | Information and Performance Manager |
| Issue Date:        | January 2025                        |
| Commencement Date: | January 2028                        |
| Reason:            | GDPR Regulations                    |
| Version:           | 1.7                                 |

---

YMCA enables people to develop their full potential in mind, body and spirit. Inspired by, and faithful to, our Christian values, we create supportive, inclusive and energising communities, where young people can truly belong, contribute and thrive.

## Contents Page:

|   |        |
|---|--------|
| 1. Introduction                             | page 4 |
| 2. Policy Statement                         | page 4 |
| 3. Handling Personal/Sensitive Data         | page 5 |
| 4. Implementation                           | page 7 |
| 5. How we are likely to use personal data   | page 8 |
| 6. Right to Access Information              | page 8 |
| 7. Redress                                  | page 8 |
| 8. Appendix- Archive and Disposal Procedure | Page 9 |

## 1. Introduction

**1.1** YMCA Humber is fully committed to comply with the requirements of the General Data Protection Regulations (2016/679) which came into force 25th May 2018 (“GDPR”) and the Data Protection Act 2018 (“the Act”), which came into force on the 23rd May 2018. The Association will follow procedures that aim to ensure that all members of staff, volunteers and any other stakeholders who have access to any personal data held by or on behalf of the Association are fully aware of and abide by their duties and responsibilities under the Act.

## 2. Policy Statement

**2.1** In order to operate efficiently, YMCA Humber has to collect and use information about people (“Data Subjects”) with whom it works. These may include (but is not limited to) members of the public, current, past and prospective employees, workers or volunteers, residents and service users, partner agencies, contractors and suppliers. In addition, it may be required by law to collect and use information in order to comply with statutory and legal requirements. This personal information must be handled and dealt with properly, regardless of the way it is collected, recorded and used and whether it be on paper, in computer records or recorded by any other means. There are safeguards within the Act to ensure this.

**2.2** YMCA Humber regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Association and those with whom it carries out business. The Association will ensure that it treats all personal information lawfully and correctly.

**2.3** You are yourself as a staff member, volunteer or stakeholders, a Data Subject and you may also in the performance of your job role, process personal data on the Associations behalf about other Data Subjects. You should therefore be aware that you can be criminally liable if you knowingly or recklessly disclose personal data in breach of the Act. A serious breach of data protection is also a disciplinary offence and will be dealt with under the Company’s disciplinary procedure. If you access, obtain or disclose another Data Subject’s personal data without authority, this can constitute a gross misconduct offence and could lead to your summary dismissal.

**2.4** To this end YMCA Humber fully endorses and adheres to the Principles set out in this policy, the Privacy Notice issued to you, the GDPR, and the Act.

### 3. Handling Personal/Sensitive Data

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data and sensitive-special category personal data**. Personal data is defined as, information relating to a data subject (living individual) who can be identified (directly or indirectly) from either:

- a) That data alone,
- b) By reference to an identifier such as a name, an identifying number, location data, and online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that data subject. It excludes anonymised data, i.e. where all identifying particulars have been removed.

Special Category Sensitive personal data is defined as personal data consisting of information as to:

- a) Racial or ethnic origin
- b) Political opinion
- c) Religious or other beliefs
- d) Trade union membership
- e) Genetic data or biometric data
- f) Physical or mental health or condition
- g) Sexual life or sexual orientation
- h) Criminal proceedings or convictions

#### 3.2 YMCA Humber will, through appropriate controls, management and review;

- Observe fully conditions regarding the fair collection and use of personal information
- Meet its legal obligations to specify the purpose for which information is used
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Apply strict checks to determine the length of time information is held
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act

### **3.3** In addition, the Association will ensure that:

- There is someone with specific responsibility for data protection within the organisation.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so.
- Everyone managing and handling personal information is appropriately supervised.
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do.
- Queries about handling personal information are promptly and courteously dealt with
- Methods of handling personal information are regularly assessed and evaluated.
- Performance with handling personal information is regularly assessed and evaluated.
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will follow approved procedures.
- 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.

### **3.4** All staff within the Association will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment.
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically.
- Individual passwords should be such that they are not easily compromised.
- Data will be archived and securely disposed of in line with YMCA Humber procedures (See appendix for further details).

### **3.5** All volunteers are to be made fully aware of this policy and of their duties and responsibilities under the Act. Access to certain electronic folders and systems containing personal data will be restricted for volunteers.

### **3.6** All contractors, consultants, partners, or other agents of YMCA Humber must ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Association, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract or agreement that may exist between the Association and that individual, company, partner, or firm.

## 4. Implementation

**4.1** In order to achieve compliance with the Act and its principles YMCA Humber has created and implemented procedures outlining individual/organisational data protection responsibilities. You are expected to adhere to these internal procedures along with the seven Data Protection Principles covered by the Act:

The principles state that personal data must be:

1. Processed lawfully, fairly and in a transparent manner in relation to the data subject (lawfulness, fairness, and transparency)
2. Collected only for specified, explicit and legitimate purposes. (Purpose limitation)
3. Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed (data minimisation).
4. Accurate and, where necessary, kept up to date; every reasonable step must also be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay (accuracy).
5. Not kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the personal data are processed (storage limitation).
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (integrity and confidentiality).
7. The Association is responsible for, and must be able to demonstrate compliance with, these data protection principles. (accountability).

**4.2** In addition to this, the Association has appointed a designated officer who will be responsible for ensuring that the Policy is implemented. Implementation will be led and monitored by the Data Protection Officer. The Data Protection Officer will also have overall responsibility for:

- The provision of cascade data protection training, for staff and volunteers within the Association.
- For the development of best practice guidelines.
- For carrying out compliance checks to ensure adherence, throughout the Association, with the Data Protection Act.

The Data Protection Officer for YMCA Humber is the Information and Performance Manager.

## 5. How we are likely to use your personal data

- 5.1** We will process data about staff for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer, for example to pay you, monitor your performance and to confer benefits in connection with your employment.
- 5.2** We may process sensitive personal data relating to staff including, as appropriate: -
- (a) information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work
  - (b) the employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - (c) in order to comply with legal requirements and obligations to third parties.
- 5.3** We will endeavor to keep the personal data we store about you accurate and up to date. Data that is inaccurate or out of date will be destroyed. We rely on you to notify us if your personal details change or if you become aware of any inaccuracies in the personal data we hold about you.

## 6. Right to Access Information

All staff, volunteers and residents are entitled to:

- Know what information the Association holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the Association is doing to comply with its obligations under the Act.

All staff, volunteers and residents have a right to access personal data being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the Subject Access Request in writing and submit it to the appropriate Manager.

YMCA Humber reserves the right to charge a reasonable fee, based on the administrative costs of providing the relevant data, where requests are deemed manifestly unfounded or excessive, particularly if these are repeat requests.

The Association aims to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within 1 month, as required GDPR.

## 7. Protecting Personal Data

Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful Processing, and against accidental loss, destruction, or damage.

We will develop, implement and maintain safeguards appropriate to our size, scope and business, our available resources, the amount of Personal Data that we own or maintain on behalf of others and identified risks (including use of encryption and Pseudonymisation where applicable). We will regularly evaluate and test the effectiveness of those safeguards to ensure security of our Processing of Personal Data. You are responsible for protecting the Personal Data we hold. You must implement reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of, or damage to, Personal Data. You must exercise particular care in protecting Special Categories of Personal Criminal Convictions Data from loss and unauthorised access, use or disclosure.

You must follow all procedures and technologies we put in place to maintain the security of all Personal Data from the point of collection to the point of destruction. You may only transfer Personal Data to third-party service providers who agree to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

You must maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:

- Confidentiality means that only people who have a need to know and are authorised to use the Personal Data can access it.
- Integrity means that Personal Data is accurate and suitable for the purpose for which it is processed.
- Availability means that authorised users are able to access the Personal Data when they need it for authorised purposes.

You must comply with and not attempt to circumvent the administrative, physical and technical safeguards we implement and maintain in accordance with the GDPR and relevant standards to protect Personal Data.

## **8. Redress**

Any individual who considers that the policy has not been followed in respect of personal data about themselves, should notify the Data Protection Officer. You also have the right to act using the Grievance Procedure

Further information regarding the Data Protection Act 1998 and GDPR 2018 can be found at: [www.ico.gov.uk](http://www.ico.gov.uk)



## **Appendix 1**

### Archive and Disposal Procedure

#### **Introduction**

Archiving Data within an organisation is an important facet to the Data Protection Act (1998) and GDPR. In accordance to the same Act and the Freedom of Information Act (2000), information needs to be held for a specific period of time.

The purpose of this appendix is to give a clear guide to the length of time that data needs to be retained. All data retained needs to be kept abiding to the over-arching data protection policy that this annex is a part of.

YMCA Humber will retain data/documents for a minimum period of 6 years after the end of the year to which the information relates, as the majority of potential legal claims are statute barred on the expiry of 6 years. Contractual requirements from commissioners and prime contractors will dictate the retention period for resident records e.g. financial data relating to ESF funded contracts must be retained for 15years.

#### **Data Retention Schedule**

| <b>Record</b>   | <b>Statutory Retention Period</b>  | <b>Statutory Authority</b>   |
|---|--|--|
| Accident books, accident records/reports  | 3 years after the date of the last entry (see below for accidents involving chemicals or asbestos) | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) |
| Accounting records  | 3 years for private companies, 6 years for public limited companies.                               | Section 221 of the Companies Act 1985  |
| Application forms and interview notes (for unsuccessful candidates)   | 6 – 12 months  | None Exist   |
| Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees | Permanently  | None Exist   |
| Records relating to children  | Until the child reaches the age of 21  | Limitation Act 1980  |

# YMCA HUMBER

|   |  |   |
|---|--|---|
| Income tax and NI returns, income tax records and correspondence with the Inland Revenue                  | Not less than 3 years after the end of the financial year to which they relate   | The Income Tax (Employments) Regulations 1993 (SI 1993/744)           |
| Inland Revenue approvals  | Permanently  | None Exist  |
| Statutory Maternity Pay, SAP, SPP records, calculations, certificates (Mat B1s) or other medical evidence | 3 years after the end of the tax year in which the maternity period ends   | The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) |
| Money purchase details  | 6 years after transfer or value taken  | None Exist  |
| Parental leave  | 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance  | None Exist  |
| Pension scheme investment policies  | 12 years from the ending of any benefit payable under the policy   | None Exist  |
| Personnel files and training records (including disciplinary records and working time records)            | Only for as long as it is legitimately required. Warnings no longer than 6 months after the warning ceases to be live. Ex-employee data e.g. that information which is relevant to provide references. However, some employee data will be kept for 6 years after employment ceases to defend any civil litigation (breach of contract or personal injury claim) | None Exist  |
| Redundancy details, calculations of payments, refunds, notification to the Secretary of State             | 6 years from the date of redundancy  | None Exist  |
| Statutory Sick Pay records, calculations, certificates, self-certificates.                                | 3 years after the end of the tax year to which they relate Recommendation at least 3 months but can be up to 6 years.  | The Statutory Sick Pay (General) Regulations 1982 (SI 1982/894)       |
| SMT records (that is, those on a senior management team or their equivalent)                              | Permanently for historical purposes  | None Exist  |

# YMCA HUMBER

|   |  |                           |
|---|--|---------------------------|
| Time sheets & TOIL sheets                               | 2 years after audit                    | None Exist                |
| Trade union agreements                                  | 10 years after ceasing to be effective | None Exist                |
| Trust deeds and rules                                   | Permanently for historical purposes    | None Exist                |
| Trustees' minutes                                       | Permanently for historical purposes    | None Exist                |
| Wage/salary records (also overtime, bonuses, expenses)  | 6 years                                | Taxes Management Act 1970 |
| Minutes of staff meetings and other operational records | 3 years                                | None Exist                |

## **Storage of information**

YMCA Humber, following the Data Protection Policy, will store all of the above-mentioned fields. This encompasses digital storage via backups and/or filing manual data.

## **Resident Personal Files**

Residents wishing to view information held on them have the right to do so and will be made aware of this right during induction. Resident files are kept for six years, and in an annual review, those records for a resident with no contact for a period exceeding six years will be either deleted and/or shredded (as appropriate). Within 12 months a resident leaving service, any remaining paper copies will be scanned & uploaded to our secure electronic file system. Records for residents who are declined service will be kept for a period of 12 months only.

## **Disposal and Destruction of Personal Data**

Before destroying data or documents, the information asset owner should check that the content is in fact what it is labelled to be (to avoid inadvertent disposal of documents) and assess whether retention is required to fulfil statutory or contractual requirements, to evidence events in the case of dispute, or to meet another operational need. Disposal will be completed via a range of processes appropriate to the document/record, including:

- Confidential waste collected by a designated secure licensed refuse collection service (e.g. Premier Shredding)
- Physical destruction on site (shredding)
- Secure deletion of computer files
- Migration to external organisation e.g. prime contractor

Under no circumstances should paper documents containing personal data or confidential information be disposed of in normal waste bins.

Where documents are migrated to a third party or passed to a third party for destruction, the records should be listed and signed by the recipient. YMCA Humber will retain a copy of the receipt or Certificate of Destruction for at least 3 years.