



## Data Protection Policy

This policy was agreed by KLS Trustees on 11<sup>th</sup> September 2013. It has been significantly reviewed and updated (May 2018) in the light of the new GDPR coming into force on 25<sup>th</sup> May 2018, and amended in December 2018.

All KLS policies are reviewed every three years (or earlier if the law ever changes).

This policy will be reviewed again in September 2021.

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Charity Number: 1081248  
Company Number: 3814833

## 1. About Katherine Low Settlement

Katherine Low Settlement is a charity that has been serving Battersea and the wider Wandsworth community since 1924. We are dedicated to building stronger communities and enable people to challenge and find ways out of poverty and isolation.

We run a range of our own community projects to support older people, refugee communities and children, young people and families. In addition to these direct services, we also use our premises to act as a local hub for other charities and community groups so that as partners, we can meet the diverse needs of the communities of Wandsworth. Each week we work with 45+ charities and community groups supporting more than 1,100 people. Visit [www.klsettlement.org.uk](http://www.klsettlement.org.uk)

### 1. Katherine Low Settlement's Data Protection Policy

Katherine Low Settlement's (KLS) Board of Trustees recognise its overall responsibility for ensuring that KLS complies with its legal obligations.

The purpose of this Data Protection policy is to enable KLS to:

- Comply with the law in respect of the data it holds about individuals.
- Follow good practice.
- Protect KLS's supporters, staff and other individuals.
- Protect KLS from the consequences of a breach of its responsibilities.

KLS is committed to the lawful and correct treatment of personal, sensitive and commercially sensitive information. This is important to successful working and to maintaining the confidence of those with whom we deal. KLS is registered with the Information Commissioner's office (ICO).

The policy is endorsed by the Katherine Low Settlement's Trustees and will be reviewed every three years to make sure it remains relevant and appropriate to the needs of KLS: its staff, volunteers, users/members and visitors.

This Data Protection policy is freely accessible to all. This means that KLS will share copies of this policy with staff and volunteers as part of their induction and training. All KLS' policies will appear on its website. Hard copies of this policy are available upon request.

### 2. Glossary of Terms – Definitions

**Data Controller:** is the legal 'person', or organisation, that decides why and how personal data is to be processed. The data controller is responsible for complying with the Data Protection Act 1998. This is the Katherine Low Settlement. It is also responsible for notifying the Information Commissioner's Office (ICO) of the data it holds, or is likely to hold and the general purposes that the data will be used for. This is reviewed annually as part of the registration process with the ICO.

**Data Protection Officer:** is the person accountable for ensuring that KLS follows its data protection policy and complies with the Act. KLS has delegated responsibility to its Head of Community Services (Fleur Anderson – fleur@klsettlement.org.uk) working with a nominated trustee. Overall accountability sits with the Board of Trustees.

The Data Protection Officer will be responsible for:

- Briefing the board on Data Protection responsibilities
- Reviewing Data Protection and related policies
- Advising other staff on Data Protection issues
- Ensuring that Data Protection induction and training takes place
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Ensuring contracts with Data Processors have appropriate data protection clauses
- Electronic security
- Approving data protection-related statements on publicity materials and letters

**Data Subject:** is the individual whose personal data is being processed. Examples include: employees – current and past; volunteers; job applicants; donors; users; room bookers and suppliers.

**Personal Data/Information:** Information that relates to a living person (e.g. name and address). The Data Protection Act principles do not relate to deceased people, however KLS would carry out an assessment of any other obligations, legal or otherwise, towards any deceased person before using their information in any way.

**Sensitive Data/Information:** This includes:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to an Individual's (data subject) offences.

**Processing:** means the use made of personal data including:

- Obtaining and retrieving.
- Holding and storing.
- Making available within or outside the organisation.
- Printing, sorting, matching, comparing, destroying.

Each member of staff and volunteer at KLS who handles personal data will comply with the organisation's operational procedures for handling personal data to ensure that good Data Protection practice is established and followed. All staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work. Significant breaches of this policy will be handled under KLS disciplinary procedures.

**Subject access:** Individuals have a right to know what information is being held about them. The basic provision is that, in response to a valid request, the Data Controller must provide a permanent, intelligible copy of all the personal data about that Data Subject held at the time the application was made. The Data Controller may negotiate with the Data Subject to provide a more limited range of data (or may choose to

provide more), and certain data may be withheld. This includes some third party material, especially if any duty of confidentiality is owed to the third party, and limited amounts of other material. (“Third Party” means either that the data is about someone else, or someone else is the source.)

### 3. Key Legislation and Guidance

A number of key pieces of legislation and guidance inform the development of the policies, procedures, guidance and agreements within this document. They include:

- Data Protection Act 1998 (the Act)
- General Data Protection Regulation (effective 25<sup>th</sup> May 2018)
- Minimum Data Handling Measures (Cabinet Office Standard)
- The Caldicott Report
- Data Sharing Code of Practice (Information Commissioner’s Office guidance)
- Common Law Duty of Confidence. This states that data given in confidence should not be disclosed unless:
  - The consent of the individual has been obtained
  - A statute of law dictates that disclosure is made
  - It is in the overriding public interest to do so.

### 4. The Eight Principles of Data Protection

The Data Protection Act and Article 5 of the GDPR require that personal data:

**P1. Shall be processed fairly, transparently and lawfully.** This means KLS must:

- have legitimate grounds for collecting and using the personal data
- not use the data in ways that have unjustified adverse effects on the Individuals (data subjects) concerned
- be transparent about how KLS intends to use the data and give Individuals appropriate fair processing notices when collecting their personal data
- handle people’s personal data only in ways they would reasonably expect
- make sure KLS does not do anything unlawful with the data.

**P2. Shall be obtained only for one or more of the purposes specified in the Act** and shall not be processed in any manner incompatible with those purposes. This means KLS must:

- be clear from the outset about why KLS is collecting personal data and what it intends to do with it
- comply with the Act’s fair processing requirements – including the duty to give clear fair processing notices to Individuals when collecting their personal data
- comply with what the Act says about notifying the Information Commissioner
- ensure that if KLS wishes to use or disclose the personal data for any purpose that is additional to, or different from, the originally specified purpose, the new use of disclosure is fair.

**P3. Shall be adequate, relevant and not excessive** in relation to those purpose(s). This means that:

- KLS holds personal data about an Individual that is sufficient for the purpose it is holding it for in relation to that Individual
- KLS does not hold more information than needed for that purpose and has a minimum data set to describe this.

**P4. Shall be accurate and, where necessary, kept up to date.** This means that KLS must:

- take reasonable steps to ensure the accuracy of any personal data it obtains

- ensure that the source of any personal data is clear
- carefully consider any challenges to the accuracy of information
- consider whether it is necessary to update the information.

**P5. Should not be kept for longer than is necessary.** This means that KLS should:

- review the length of time it keeps personal data
- consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it
- securely delete information that is no longer needed for this purpose or these purposes
- update, archive or securely delete information if it goes out of date.

**P6. Shall be processed in accordance with the rights of Individuals under the Act.** This means that the Individual has:

- a right of access to a copy of the information comprised in their personal data
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to prevent processing for direct marketing
- a right to object to decisions being taken by automated means
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- a right to claim compensation for damages caused by breach of the Act.

**P7. Shall be kept secure by the Data Controller and any Data Processor,** who take appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information. This means that KLS, and those organisations who process an Individuals data through contracted agreement with KLS, must:

- design and organise security to fit the nature of the personal data it holds and the harm that may result from an information security breach
- be clear about who in the organisation is responsible for ensuring information security
- make sure it has the right physical and technical security, backed up by robust policies and procedures and reliable, well-trained staff and volunteers
- be ready to respond to any breach of security swiftly and effectively.

**P8. 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 Individuals in relation to the processing of personal information.

## 5. Processing data with a lawful basis

The GDPR sets out 6 lawful bases for processing personal data. If there is no other lawful purpose identified then consent must be sought. These are:

- **Contract:** Processing is necessary for the performance of a contract with the Individual, or to take steps to enter a contract. This could be to fulfil an employment contract, or a contract to provide goods or services.
- **Legal Obligation:** Processing is necessary to comply with a legal obligation
- **Vital Interests:** Processing is necessary to protect the vital interests of an *Individual* or another person
- **Public Task:** Processing is necessary to fulfil a task that is in the public interest or in the exercise of official authority vested in the Data Controller

- **Legitimate Interests:** Processing is necessary for the purposes of legitimate interests of the Association and those legitimate interests are not outweighed by possible harm to the Individuals rights and interests
- **Consent:** Processing of data has consent from the *Individual*.

### What is valid consent?

Consent must be:

- Freely given: the *Individual* has choice and control on how their personal data may be used
- Specific and informed: the *Individual* understands all the purposes for which their data may be used. If there are multiple purposes, consent must be sought for each
- Unambiguous: the *Individual* knows what they have consented to and why, and that they have given their consent
- A deliberate action by the *Individual* e.g. signing / verbal / electronic binary choice options

## 6. Data Collection

KLS will ensure that data is collected within the boundaries defined within this policy. This applies to data that is collected in person (face to face or over the telephone), electronically or by completing a form. It applies to any location that is being used by staff, volunteers or contractors to deliver KLS related business.

When collecting data, KLS will ensure, wherever possible, that there is a fair processing notice in place and that the *Individual*:

- clearly understands why the information is needed
- understands what it will be used for and what the consequences are should the *Individual* decide not to give consent to processing (more relevant to sensitive information)
- understands who the data may be shared with and why
- has the option to agree to sharing the data
- grants explicit written or verbal consent to collect and share sensitive data wherever possible
- gives explicit consent to contact via email
- is competent enough to give consent and has given so freely without any duress.

The above points indicate that the *Individual* will have enough information for them to give **Informed Consent**. Any concerns regarding competence should be referred to a health care professional.

There are instances within KLS where implicit/implied consent is assumed for collecting data, for example information given when responding to an appeal. The Privacy Policy clearly explains this.

## 7. Data Storage & Security

Information and records relating to *Individuals* will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately in line with the Retention, Archiving and Destruction of Information procedure.

Any recorded information on users/members, volunteers and staff will be:

- Kept in locked cabinets, in locked offices.
- Protected by the use of passwords if kept on computer; with software being kept up to date.
- Appropriate back-up and disaster recovery solutions shall be in place
- Destroyed confidentially if it is no longer needed.
- Archived and stored securely in a locked office, if appropriate.

Access to information on Sharepoint or KLS databases are controlled by a password and only those needing access are given the password. Staff and volunteers should be careful about information that is displayed on their computer screen and make efforts to ensure that no unauthorised person can view the data when it is on display.

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, KLS shall promptly assess the risk to the Individual's rights and freedoms and if appropriate report this breach to the Information Commission Office (ICO).

## **8. Data Access and Accuracy**

All *Individuals* have the right to access the information KLS holds about them and why. KLS will also take reasonable steps to ensure that this information is kept up to date by asking *Individuals* whether there have been any changes.

If an Individual contacts KLS requesting information then this is called a 'subject access request'. These will be handled by the Data Protection Officer within the required time limit. Subject access requests must be in writing. Where the individual making a subject access request is not personally known to the Data Protection Officer their identity will be verified before handing over any information. The required information will be provided in 'permanent form' unless the applicant makes a specific request to be given supervised access in person. KLS will charge £10 per subject access request.

All employees have the responsibility of ensuring information stored about an *Individual* is factual and not subjective.

In addition, KLS will ensure that:

- it has a Data Protection Officer with specific responsibility for ensuring compliance with the Act
- everyone processing personal information understands that they are contractually responsible for following good data protection practice
- everyone processing personal information is appropriately trained to do so; is appropriately supervised; will report a suspected or actual breach of data management using the Data Protection Breach Reporting procedure
- anybody wanting to make enquiries about handling personal information knows what to do
- it deals promptly and courteously with any enquiries about handling personal information
- it describes clearly how it handles personal information
- it will regularly review and audit the ways it holds, manages and uses personal information

- it regularly assesses and evaluates its methods and performance in relation to handling personal information
- all staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments in the law.

## 9. Password policy

Every staff member must have a password lock on their screen to protect their data., These should be changed every six months or if a security breach has been suspected or occurred. Passwords should be strong and memorable:

- A strong password must be at least 8 characters long.
- It should not contain any of your personal information—specifically your real name, user name, or even your company name.
- It must be very unique from your previously used passwords.
- It should not contain any word spelled completely.
- It should contain characters from the four primary categories, including: uppercase letters, lowercase letters, numbers, and characters.

## 10. Shredding policy

**Confidential waste** is defined as any personal information that can be used to identify individuals, including their name, address, contact numbers or any financial data. Examples of **confidential** documentation that you need to dispose of correctly includes: Invoices and quotes.

All confidential waste will be shredded and must not be put into the recycling or main waste collection bins. The pile of confidential waste should be kept securely until it is shredded.

## 11. Confidentiality

As confidentiality applies to a much wider range of information than Data Protection, KLS has a separate Confidentiality Policy. This Data Protection Policy should be read in conjunction with KLS's Confidentiality Policy.

KLS has a privacy statement for all staff, volunteers and members (clients), setting out how their information will be used. This is shared with everyone on joining and is available on request.

Staff, volunteers and sessional workers are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities. (See separate Confidentiality Policy and Statement.)

In order to provide some services, KLS will need to share client's personal data with other agencies (Third Parties). Verbal or written agreement will always be sought from the client before data is shared.

Where anyone within KLS feels that it would be appropriate to disclose information in a way contrary to the confidentiality policy, or where an official disclosure request is received, this will only be done after discussions with the Data Protection Officer. All such disclosures will be documented.

## **12. Transparency**

KLS is committed to ensuring that in principle Data Subjects are aware that their data:

- Is being processed and for what purpose it is being processed.
- What types of disclosure are likely.
- How to exercise their rights in relation to the data.

Data Subjects will generally be informed in the following ways:

- Staff and sessional workers: in the staff handbook
- Volunteers: in the volunteer welcome/support pack
- Clients: when they request or sign up to services (on paper, on line or by phone)
- Members: in the welcome pack/when signing joining forms

Standard statements will be provided to staff for use on forms where data is collected. Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

We have **privacy notices** for explaining our use of data for: staff, volunteers, ESOL students, older members, Love to Learn parents and children and website. The volunteers and website notices are attached as appendix 1 and 2 and all the notices are available on request.

## **13. Complaints**

If a data subject thinks that their data has been misused or that KLS has not kept it secure, they should contact KLS' Data Protection Officer ([fleur@klsettlement.org.uk](mailto:fleur@klsettlement.org.uk)) and tell them (follow KLS' complaints & compliments policy and procedures).

If the data subject is unhappy with their response or if they need any advice they should contact the Information Commissioner's Office.

## **14. Staff training and acceptance of responsibilities**

All staff who have access to any kind of personal data will be given a copy of the staff handbook and copies of all relevant policies and procedures during their induction process, including the Data Protection policy, Confidentiality policy and the operational procedures for handling personal data. All staff will be expected to adhere to all these policies and procedures.

KLS will provide opportunities for staff to explore Data Protection issues through induction, training, team meetings, and supervisions.

Volunteers will receive information about Data Protection as part of their induction.



## How we use your information

### Privacy notice for Katherine Low Settlement Volunteers

#### **Introduction**

This notice is to help you understand **how** and **why** Katherine Low Settlement (KLS) collects your personal information and **what** we do with that information. It also explains the decisions that you can make about your information.

If you have any questions about this notice please talk to KLS' Head of Community Services.

#### **What is "personal information"?**

Personal information is information that KLS holds about you and which identifies you.

This includes information such as your date of birth, email and address as well as things like ethnicity and bank details. CCTV, photos and video recordings of you are also personal information.

#### **How and why does KLS collect and use your personal information?**

We collect this information for employment purposes to assist in the running of KLS, to enable volunteers to be reimbursed for expenses and to let others know what we do here (eg on our website). We also collect this information to enable ethnicity and disability monitoring and inform the development of projects and volunteering policies.

We may also:

- Use CCTV in the reception area to make sure the site is safe and review the footage if there is an incident.
- Need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry.
- Occasionally use consultants, experts and other advisors to assist KLS in fulfilling its obligations and to help run KLS properly. We might need to share your information with them if this is relevant to their work.
- Share some information with our insurance company to make sure that we have the insurance cover that we need.

- Only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances, we may need to share it more widely than we would normally.
- Use photographs or videos of you for our website and social media sites and in funding application and funding evaluations and reports to show what we do here and to advertise KLS. We may continue to use these photographs and videos after you have stopped being a volunteer with KLS.
- Sometimes use contractors to handle personal information on our behalf.  
The following are examples:
  - IT consultants who might access information about you when checking the security of our IT network; and
  - We may use third party "cloud computing" services to store some information rather than the information being stored on hard drives located at KLS.

### **Who do we share your information with?**

We will not share information about you with third parties without your consent unless the law allows us to.

### **How to see the information we hold about you**

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you). To obtain a copy please speak to or write to KLS' Data Protection Officer. We aim to reply as promptly as we can and, in any case, within the legal maximum of 30 days.

**If you have any question or concerns about anything in this policy, please speak to KLS' Head of Community Services.**

## **Appendix 2**

### **Privacy notice for Katherine Low Settlement Website**

#### **How we will use your personal information**

Katherine Low Settlement collects personal information when you hire a room, join one of our activities or donate to us. We will use this information to provide the activity or services requested, and if you agree, to send you our email newsletter. Katherine Low Settlement will not share your information for marketing purposes with anyone else. For more information explaining how we use your information please see our Privacy Policy.



## Photo consent form

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**We would be grateful if you would fill in this form to give us permission to photograph you at the Katherine Low Settlement.**

**This will be used in our x (explain use – eg annual report and website on the computer.)**

I give permission for Katherine Low Settlement to photograph me.

I grant Katherine Low Settlement rights to use the photos for public publicity.

Your Name	
Your signature	
Date	

## **Appendix 4: Privacy Impact Assessment**

### **Screening questions**

These questions are intended to help you decide whether a Privacy Impact Assessment (PIA) is necessary. Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise. You can expand on your answers as the project develops if you need to.

You can adapt these questions to develop a screening method that fits more closely with the types of project you are likely to assess.

- 1. Will the project involve the collection of new information about individuals?**
- 2. Will the project compel individuals to provide information about themselves?**
- 3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?**
- 4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?**
- 5. Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.**
- 6. Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?**
- 7. Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.**
- 8. Will the project require you to contact individuals in ways that they may find intrusive?**

### **PIA process - template**

ICO has produced a **useful template** (See Annex 2, page 34, in the ICO's Code of Practice <https://ico.org.uk/media/for-organisations/documents/1595/pia-code-of-practice.pdf> ) as an example of how KLS could record the PIA process and results. KLS can adapt the process and the template to enable KLS to conduct effective PIAs integrated into our project management processes.