

**Data Protection Policy**

This policy relates to the handling of data at the Acorn Centre. This policy ensures that any personal details submitted to the Acorn Centre are processed and stored sensitively and securely. All personnel connected with the centre are required to comply with this policy.

Aims

1 Process personal data fairly and lawfully and not process data unless these principles and the rules set out here are followed.

2 Obtain personal data only for specified and lawful purposes, and not process data in any manner incompatible with that purpose or those purposes.

3 Obtain personal data that is adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

4 Keep personal data accurate and up to date.

5 Not keep personal data for longer than is necessary for their legitimate purposes.

6 Process personal data in accordance with the rights of data subjects under the Data Protection Act 2018 which implements the General Data Protection Regulation (GDPR).

7 Take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8 Not transfer personal data to a country or territory outside of the UK

**What is Data Protection?**

The Data Protection Act 2018 aims to protect individual's fundamental rights and freedoms, notably privacy rights, in respect of personal data processing.

The Act applies to paper and electronic records held in structured filing systems containing personal data, meaning data which relates to living individuals who can be identified from the data.

Data protection operates by giving individuals the right to gain access to their personal data. This is done by making a subject access request in which they are entitled to:

* a description of their personal data
* the purposes for which they are being processed
* details of whom they are or may be disclosed to

Individuals can also prevent processing of their data in certain circumstances, opt-out of having their data used and apply for the ‘Right to be Forgotten’.

**Data Subjects**

Data Subjects are defined as being individuals about whom information is held:

* Counsellors contracted to work at the Acorn Centre
* Supervisors, student counsellors, trustees and receptionists contracted to work at the Acorn Centre
* Complainants, correspondents and enquirers
* Clients requesting counselling services

**Data Classes**

Data classes are the types of data which are being, or which are to be processed:

Staff:

Personal details (name, address, date of birth, equal opportunities information)

Education & Training Details

Criminal proceedings & Offences, outcomes and sentences

Clients:

Personal details (name, address, date of birth, equal opportunities information)

Agencies & Healthcare professionals previously involved

Reason for requesting our services

Enquiries:

Requests for information via the website

**Recipients**

Recipients are individuals or Organisations to whom the Acorn Centre may wish to disclose data. This list does not include any person who may be required by law to disclose in any particular case, for example if required by the police under a warrant.

This list should not be read as a list of those to whom data *will* be disclosed. The Acorn Centre is required to make clear all of the possible categories of ‘recipient’ to which they might need or wish to disclose data – either in pursuit of their regulatory and public protection functions or in relation to permissions sought from and granted by a data subject or a staff member.

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* Data subjects themselves
* Current, past or future employers
* Healthcare, social and welfare advisors or practitioners
* Education, training and accrediting establishments and examining bodies
* Persons making a complaint
* Police forces
* Ombudsmen and regulatory authorities

**Purposes**

The purposes for which data is held:

**Accounting and auditing**

The provision of accounting and related services which are submitted yearly.

**Placement of Volunteers**

Completion of application forms to gather volunteer details when applying for a post.

**Placement of clients for counselling**

Completion of an assessment form to gather client details when referred to the Centre.

**Administration of complaints processes**

The administration of complaint and grievance processes of all kinds, including professional disciplinary processes.

**Education**

The provision of education, training, and supervision.

**Responding to website enquiries**

The provision of information when requested via the website. The statement displayed on the ‘Contact Us’ webpage indicates how the details provided will be used.

**Duration of Data Retention**

As a data controller The Acorn Centre must not hold data for longer than required. Persons have the right to inspect and receive a copy of all data pertaining to them. Persons have the right to apply to be forgotten. Once an application regarding erasure of information has been received, the Acorn Centre will respond within 2 weeks and delete all of the data related to that person (unless required by law to retain any documents).

Document Time span

Application forms & contracts for staff - Destroyed on termination of contract

Client Notes -3 years after counselling ceases.

Assessment forms from DNA – 1 year from assessment date

Complaints -1 year from complaint resolution

**Security and Confidentiality**

The Acorn Centre operates on the basis that all material entering the office be regarded as confidential until otherwise defined. Clear guidelines are laid down for staff with respect to processing and provision of data to data recipients.

Client data and staff records are kept in a locked filing cabinet with access restricted to the designated counsellor and Centre Coordinator.

*All electronic records are stored securely on a cloud server using the latest firewalls and data security protocols, and all access is by password-protected authentication by the Centre Counselling Co-ordinator and office manager only.*

As a charity, if statistical data is required for regulatory or grant applications it will be kept as coded identities and will not relate to personal details, meaning the client cannot be identified.

If data is required by regulatory bodies, this will be provided in accordance with the definitions and guidelines above and protocols set by the regulatory body.

Telephone Records

Client codes to be used in the desk top telephone record book. Contact phone numbers and email addresses for clients who do not opt in for the services at the Acorn Centre to be destroyed. Any client numbers left on the voicemail service should be removed as soon as possible and any notes made during the conversation revealing the client’s details should be shredded or stored in the locked filing cabinet.

Email Records

Once an email enquiry has been dealt with, all details relating to the enquiry will be deleted.

Website

A Privacy policy is posted on our website which explains how data will be processed when provided via our website.

Client Confidentiality

We are committed at every level and in all aspects of the service we offer to provide a confidential service to all clients. Confidentiality is not just between the individual and the trained counsellor, but between the individual and the organisation.

In order to provide the best possible help to clients, it may be necessary to share information with a supervisor. Otherwise information concerning the client will be confidential:

• Information divulged by a client will be treated in the utmost confidence and will not be divulged to anyone outside the organisation (including family members) except where extenuating circumstances exist (see below for Exceptions).

• Information will only be passed onto another agency with the full informed consent of the client. The client has the right to withhold consent unless there are exceptional circumstances relating to the client’s safety (see below for Exceptions).

• Clients under 16 are not required to have parental consent to use our services but trained counsellors will always encourage these younger clients to discuss this issue with their parents or carer.

• An email regarding an appointment or personal client information will be deleted as soon as possible. If the correspondence is such that it is needed to be kept with client records it will be printed and stored in a locked filing cabinet and then deleted from the email account.

Confidentiality for Supporters who give Financially

All supporters who give financially will be visible on the online bank statements. Access to statements is granted only to financial signatories of the organisation. Gift aid forms are stored in a locked filing cabinet in the office and will be kept indefinitely in compliance with HMRC. It is the responsibility of the person who filled out the form to make us aware of any changes to their circumstances which mean we can no longer claim gift aid on their behalf.

Exceptions

In certain circumstances, we reserve the right to break confidentiality should this be deemed necessary. These circumstances include:

• Where there is reasonable cause to suspect that a child under the age of 18 is suffering, or at risk of suffering, significant harm.

• Where the client has threatened, or is likely, to do serious harm to themselves or another individual.

• Where the client gives information, which indicates a possible terrorist attack.

• Where the centre has been instructed by the courts (including in limited circumstances by the police, acting on the authority of the courts) to reveal information. This request must be made in writing.

In all cases, if a decision is made to break confidentiality, it will be completed only after consultation with the relevant supervisor and Centre Coordinator. If confidentiality must be breached the Counsellor will make every effort to discuss it with the client unless this is deemed inadvisable. The counsellor will keep notes of any such incidents and all action taken will be recorded in the relevant place.

**Staff Awareness and Training**

All staff will be made aware of the Acorn Data Protection Policy and of their obligations under it. All new members of staff will receive information about the Data Protection Act as part of their induction process. All staff and volunteers will be asked to sign a policy agreement form when joining the organisation.

Disregarding this policy, or failing to comply with the requirements of any Code of Practice or instruction issued in order to implement it may result in disciplinary action.

Policy date: May 2018

Last review : September 2021

Next review: September 2022