

# Wirksworth Swimming Pool

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## Data Protection Policy

### INTRODUCTION

**Wirksworth Swimming Pool** (henceforth **WSP**) needs to collect and use certain types of data about the Data Subjects who come into contact with it in order to carry on our work. This personal data must be collected and dealt with appropriately - whether on paper, in a computer, or recorded using other media - and there are safeguards to ensure this under the Data Protection Act 1998.

**WSP** regards the lawful and correct treatment of personal data as very important to successful working, and to maintaining the confidence of those with whom we deal. **WSP** intends to ensure that personal information is treated lawfully and correctly. To this end **WSP** will adhere to the eight Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal data:

1. shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
2. 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 that purpose or those purposes,
3. shall be adequate, relevant and not excessive in relation to those purpose(s),
4. shall be accurate and, where necessary, kept up to date,
5. shall not be kept for longer than is necessary,
6. shall be processed in accordance with the rights of data subjects under the Act,
7. shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. 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 data subjects in relation to the processing of personal information.

### DATA CONTROLLER

**WSP** is the Data Controller under the Act, which means that it determines what purposes personal data held will be used for.

### DISCLOSURE

**WSP** may share de-personalised demographic data with other agencies such as the local authorities, funding bodies and other voluntary and community sector agencies.

The Data Subject will be made aware in most circumstances how and with whom their data will be shared. There are circumstances where the law allows **WSP** to disclose data (including sensitive data) without the data subject's consent. These are:

- Carrying out a legal duty or as authorised by the Secretary of State,
- Protecting vital interests of a Data Subject or another person,
- The Data Subject has already made the data public,
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights,

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- Monitoring for equal opportunities purposes – i.e. race, disability or religion,
- Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

**WSP** will, through appropriate management, strict application of criteria and controls:

- observe fully conditions regarding the fair collection and use of data,
- meet its legal obligations to specify the purposes for which data is used,
- collect and process appropriate data, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- ensure the quality of data used,
- ensure that the rights of people about whom data is held, can be fully exercised under the Act. These include:
  - the right to be informed that processing is being undertaken,
  - the right of access to one's personal data,
  - the right to prevent processing in certain circumstances,
  - the right to correct, rectify, block or erase data which is regarded as wrong data),
- take appropriate technical and organisational security measures to safeguard personal data,
- ensure that personal data is not transferred abroad without suitable safeguards,
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for data,
- set out clear procedures for responding to requests for data.

## DATA SUBJECTS

Data subjects of **WSP** are likely to include the following:

- Employees and volunteers of **WSP**
- Trustees and Directors of **WSP**
- Parents and Children who are clients of **WSP**
- Employees and volunteers of other organisations with whom we work
- People who may be interested in the work of **WSP**.

## DATA COLLECTION

### Informed consent:

Informed consent is when

- a Data Subject clearly understands why their data is needed, who it will be shared with and the possible consequences of them agreeing or refusing the proposed use of the data,
- and then gives their consent

**WSP** will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, over the phone or by completing a form.

When collecting data, **WSP** will ensure that the Data Subject:

- clearly understands why the information is needed,
- understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing,
- as far as reasonably possible, grants explicit consent, either written or verbal for data to be processed,
- is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress,

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- has received sufficient information on why their data is needed and how it will be used.

## DATA STORAGE

- Data and records relating to Data Subjects will be stored securely and will only be accessible to authorised personnel.
- Data will be stored for only as long as it is needed and will be disposed of appropriately.
- It is **WSP's** responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party.
- Guidelines for the safe storage and disposal of data are attached at ANNEX B.

## DATA ACCESS AND ACCURACY

All Data Subjects have the right to access the data **WSP** holds about them. **WSP** will also take reasonable steps to ensure that this data is kept up to date by asking data subjects whether there have been any changes.

In addition, **WSP** will ensure that:

- it has a Data Protection Officer with specific responsibility for ensuring compliance with the Data Protection Act 1998.
- everyone processing personal data understands that they are contractually responsible for following good data protection practice,
- everyone processing personal data is appropriately trained to do so,
- everyone processing personal data is appropriately supervised,
- anybody wanting to make enquiries about handling personal data knows what to do,
- it deals promptly and courteously with any enquiries about handling personal data,
- it describes clearly how it handles personal data,
- it will regularly review and audit the ways it holds, manages and uses personal data,
- it regularly assesses and evaluates its methods and performance in relation to handling personal data,
- 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 made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the **WSP** Data Protection Compliance Officer.

## Definitions

The following list of definitions of terms is intended to aid understanding of this policy.

**Data Controller** – The person or organisation that decides what personal information will be held and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal data.

**Data Protection Officer** – The person(s) responsible for ensuring that **WSP** follows its data protection policy and complies with the Data Protection Act 1998 thereby acting as an 'agent' of the Data Controller.

**Data Subject** – The individual whose personal data is being held or processed by **WSP**

**Informed consent** – This is a freely given, specific and informed agreement by a Data Subject to the processing of personal information about her/him. **Explicit Consent**, ideally in writing, is needed for processing sensitive data.

**Notification** – Notifying the Information Commissioner about the data processing activities of **WSP** as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

**Processing** – means collecting, amending, handling, storing or disclosing personal data.

**Personal data** – Data about living individuals that enables them to be identified – e.g. name and address. It does not apply to data about companies/agencies but applies to named persons or employees within **WSP**.

**Sensitive Data** – this means data that pertains to any the following:

- ❖ 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 a data subject's offences

# ANNEX A

## Data Protection – Good Practice Guidelines

### Keeping personal data secure

- Keep passwords secure and change regularly. Do not disclose passwords to anyone without first consulting the Data Protection Compliance Officer.
- Lock / log off computers when away from your desk.
- Dispose of confidential paper waste securely by shredding.
- Prevent virus attacks by taking care when opening emails and attachments or visiting new websites.
- Work on a 'clear desk' basis by securely storing hard copy personal data when it is not being used. On no account should personal data be left out on an unattended desk.
- Visitors should be signed in and out of the premises, or accompanied in areas normally restricted to staff.
- Position computer screens away from windows to prevent accidental disclosures of personal data.
- Personal data that is being taken out of the office should be treated with the same level of care as it was still in the office. Think carefully about the need to take personal data off the premises, and how you will keep it secure if you do. This applies to both paper and electronic media.
- Keep back-ups of data and ensure that these are secure.

### Meeting the reasonable expectations of Data Subjects

- Collect only the personal data you need for a particular business purpose.
- Explain new or changed business purposes to data subjects and obtain consent or provide an opt-out where appropriate.
- Update records promptly if you are aware of any changes.
- Delete personal data the organisation no longer requires.

### Disclosing data subject personal data over the telephone

- Be aware that there are people who will try and trick you to give out personal data
- Prevent these disclosures by carrying out identity checks before giving out personal data to someone making an incoming call. Ask them to put their request in writing if you are still unsure the request is legitimate.
- Limit the amount of personal data given out over the telephone. Providing information in writing is often a safer alternative.

### Handling requests from individuals for their personal data ('data subject access requests')

- People have a right to have a copy of the personal data you hold about them. This is called a 'subject access request'. Such requests must be made in writing, ideally using the standard form provided by WSP.
- The organisation has a maximum of 40 days to respond to such a request.
- A fee of up to £10.00 can be charged for processing a request.
- Guidelines for dealing with subject access requests are attached at **ANNEX B**

# ANNEX B

## WSP - Subject Access Request Form and Guidance Notes

### 1. Personal details

Surname:	Former surname (if applicable):	
Mr/Mrs/Ms/Miss:	First name:	
Date of birth:		
Present address:		Postcode:
Phone number:	Mobile number:	

If you have lived at the above address for less than two years (see guidance notes)

Previous address:	Postcode:
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### 2. Details of the information you require

**3. Proof of identification - Please** list documents/identification supplied (*See note in guidance section*):

**4. Payment –** Please enclose a cheque for £10 made payable to **Wirksworth Swimming Pool**. The completed application form, fee and supporting proof of identity should be taken or sent to:

**Data Protection Officer, Wirksworth Swimming Pool, Anthony Gell School, Wood Street, Wirksworth, Derbyshire, DE4 4DX**

Signature (of applicant) ..... Date

<b>For office use only:</b>	Fee: £	Cheque/cash
Date Request Accepted:	Date Reply sent (within 40 days of Request Acceptance):	

## Guidance notes for Data Subject Access Requests

**Personal details:** Please complete your personal details as requested. Please tell us if you have been previously known by any other name and if you have lived at your present address for less than two years, your previous address. If you are requesting historical data then provide as many details as possible; for example, previous addresses with dates. Use a separate sheet of paper if required.

**Details of the data you require:** You should give as much assistance as you can about particular areas to search so

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that we can give you what you require without further correspondence. These details are required to assist location of your data so you can be given a copy of everything held about you, as required by the Act.

**Proof of identification:** Proof of name and address is required to ensure we only give data to the correct person. We require two original pieces of documentation, for example, a recent utility bill, bank statement (photocopies are not acceptable) showing your name *and* address. In some cases additional details such as a passport or photo ID driving licence may be required due to the sensitive nature of data held.

**Keep your documents secure:** Always send important documents by recorded / special / registered delivery as appropriate. **WSP** cannot be held liable for items lost in the post.

**Payment:** A search fee of £10.00 is required for each separate request. The fee is not refundable if the result of the search shows that there is no data to be supplied.

**Timescale:** Any Subject Access Request will be dealt with as quickly as possible. All requests will be dealt with within 40 days of receipt.

Please make cheques payable to **Wirksworth Swimming Pool**

If you have any questions relating to identification requirements or any other aspect of a subject access request, you can email us at [info@wirksworthswimmingpool.co.uk](mailto:info@wirksworthswimmingpool.co.uk) or call 01629 825704 or write to the Data Protection Officer, Wirksworth Swimming Pool, Hannage Way, Off Water Lane, Wirksworth, Derbyshire, DE4 4JG

Further information about your rights as a Data Subject can be obtained from the Information Commissioner's Office on 08456 30 60 60 or 01625 54 57 45, or by visiting the ICO website [www.ico.gov.uk](http://www.ico.gov.uk)