

**Date Protection Policy**

Recorded Information

Staff

To only personal (staff/volunteers) information to be recorded is that which is relevant to the main purpose(s) for which it is to be held.

Recorded maintained in respect of service users or resource individuals may contain the following types of personal information about the service user, resource person or other relevant person.

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| **Identification details** | Names, addresses, national insurance numbers, NHS number, etc. |
| **Personal characteristics** | Age, sex, date of birth, nationality, physical, description, habits, opinions about the person, racial and ethnic origin. |
| **Family characteristics** | Marital details, details of family or household members, name of carer, social contacts |
| **Social circumstances** | Accommodation details, leisure activities, life style, possessions owned, details of complaints, accidents or incidents, court, tribunal or enquiry details |
| **Financial details** | Income, outgoings, allowances and pensions |
| **Health details** | Mental, physical, disabilities, etc. |
| **Employment details** | Current employment |
| **Criminal information** | Details of relevant convictions |
| **Young People Personal Information** | |

The Data Protection Act requires that personal data should be obtained fairly and lawfully, ensuring that individuals are not deceived or misled and that one or more of the conditions established by the Act and covering the collection and use of personal data have been met.

The general principle, on which staff shall operate, when collecting personal information, is that it may only be sought for an authorised or statutory purpose, and that what is sought shall be sufficient, but not more than sufficient for that purpose.

Before collecting personal information staff will introduce themselves by name and offer proof of their identity and authorisation.

Staff shall always explain to young people why they are asking for the personal information being requested.

Staff must not mislead young people as to the purpose(s) for which the personal information are required nor exaggerate the extent of their authority to request it. Young people must always be provided with an explanation of their rights as data subjects.

Staff must also ensure that young people not only understand the reasons why the personal data are necessary for the purpose(s) for which they are requested but that they are provided with sufficient information in order to enable them to give their consent to the use. **(Staff are reminded that obtaining the consent of the data subject is but one of the key conditions at least one of which must be met when processing personal data).** Consent may be needed even where one of the other conditions has been met, e.g. the use of personal data for Crime and Disorder purposes; data sharing and joint working.

At the time of collection of the personal data all data subjects and third party providers are to be informed that in certain circumstances, in the interests of the individual and where there is a shard purpose, that personal data may be shared with other organisations and maintained in joint data bases.

When information about a young people is provided by a third party (either a lay person or a professional), the third party should be informed that the department has a policy of subject access in accordance with the requirements of the Data Protection Act. Such sources should be asked for permission for their identity and the information to be made accessible to the subject. If the third party agrees then a note of their consent will be recorded. Where the third party refuses then the department will consider whether or not the information in question is necessary for the department’s purposes or the provision of its services and if it is to be recorded. In all cases where the decision is to record the information the third party source will be informed that the department will respect his/her confidentiality and will **not** reveal the date or identity details to the data subject.

**Recording of personal information**

Once it has become apparent that it will be necessary to create a record about a data subject, either as a young person or a member of the young person’s family, point of contact (e.g. GP, priest, teacher, etc.). Who is in touch with PRISM Independent School, the member of staff may provide the individual concerned with:

1. A copy of the organisation’s policy
2. Information regarding the fact that a record will be created and maintained
3. A description of the purpose(s) for which the personal data are to be kept and processed and whether or not the information is required in the exercise of the department’s statutory powers
4. Information regarding others within the organisation or external to it to whom it can be reasonably anticipated data would, be disclosed without the consent of the data subject
5. An explanation of the data subject’s right of access to the personal data held
6. An explanation that:

* The record will, in so far as is possible, be constructed jointly by the relevant staff member and the subject
* Information to be sought from third parties will normally only be done so with the consent of the individual
* The security of the personal date is safeguarded

1. Details regarding arrangements for the disposal of records

In some instances where the record created may not be substantial and it is felt that automatically giving all of the above would be too much, then it would be appropriate at least to inform the individual that a record will be created and held by the directorate in accordance with the Date Protection Act.

In recording, staff must, as far as possible, distinguish between facts and judgements or opinions.

Staff will obtain the consent of young people to the disclosure or proposed disclosure of information to other agencies.

Staff will include in the records of young people, wherever feasible, indications of the source of the information, be it the subject or third party and whether or not the facts have been verified.

**Quality of data – joint recording, ensuring accuracy, excessive data**

Staff will obtain, or be given, more information than is necessary for the purpose of the service being provided. Recording should only be that which is strictly necessary for the purpose in question. Where staff have difficulty in deciding what is or is not relevant they should consult with their line manage/supervisor.

In recording, staff will follow the general principle that a record should be made jointly by the member of staff concerned and the service user/resource person. This will mean that the member of staff will normally summarise what will go on record at the end of each contact and encourage the subject to contribute to the summary. The summary will include any opinions the social worker intends to record. Joint recording is one approach to ensuring the data subject is not misled and to obtain the consent of the subject.

To ensure the accuracy of facts, young people will be encouraged to:

* **Fill in forms themselves**
* **Check and verify what staff members have written**

The following procedures have been adopted to ensure that information is accurate:

* **Where information is received from a third party the worker must check with the third party whether the subject is aware of the information being provided and must inform the third party as to whether it will be appropriate for worker to record or act upon the information given.**
* **Where personal information is supplied by the data subject he/she may be required to produce documentary evidence of the facts, if this is appropriate. Generally, information received from the subject may be assumed to be accurate.**
* **Where the data subject is disputing the accuracy of the information then an indication of that fact must be recorded with the information and recipients informed when the data are disclosed to them.**

Where the subject can/has produced clear proof that information held is incorrect as to any matter of fact, the record is to be corrected or information deleted from it and a note made of these actions. In any case: any views of the service user/resource person about the record shall be recorded.

When information held was proved to be incorrect and where it is known that this has been disclosed to another body staff will inform that body or person and note this action in the record. Where it is known that the inaccurate information had any other consequences in the period prior to its correction staff will attempt to redress those consequences.

**Sensitive personal information**

Staffs are reminded that in the case of sensitive personal information the Data Protection Act also requires compliance with the conditions in Schedule 3. “Sensitive personal data” includes racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal proceedings or convictions. These can only be processed under strict conditions, which include having the consent of the individual, being required by law to process the data for employment purposes, needing to process the information in order to protect the vital interests of the data subject or another person where consent cannot be given, where it is necessary in connection with legal proceedings or where it is necessary for medical purposes and is undertaken by a health professional. At least one of these conditions must be met as well as one of the conditions in Schedule 2 of the Data Protection Act. These conditions, briefly, are that the individual has given his consent; that the processing is necessary to perform a contract with the individual; that it is required under a legal obligation; is necessary to protect the vital interests of the individual (e.g. to protect their health); that it is necessary to carry out public functions; or that it is necessary to carry out the legitimate interests of PRISM Independent School or a third party.

Before processing sensitive personal data, for any of the organisation’s purpose, staff must consider whether or not there is a likelihood of harm to the subject or any third party individual. Where there is doubt any decision should be referred to a senior manager. It is the senior manager who is responsible for determining the legitimacy or otherwise of th processing.

**The security measures for manual records**

The following are covered by the PRISM Independent School security procedures:

* The only members of staff allowed access to the manual records, files or indexes of present, past and potential service users/resource individuals are those employed in the relevant office.
* Records held within PRISM Independent School are only available to those members of staff requiring access as part of their duties and responsibilities and to those who have received specific authorisation.
* Records should be kept secure at all times. Security of such records is the responsibility of the individual case worker.
* Files and indices should not be left open on desks when not in use and should be locked away in desk drawers when the staff using them are absent from their desks.
* During out of office hours all filing cabinets and offices should be locked and the keys made available only to designed staff.