



**Brighton & Hove LGBT Switchboard.**  
**Data Protection Policy and Procedure**

**Introduction**

Brighton and Hove LGBT Switchboard needs to process information about employees, volunteers, organisations and individuals who use our services. When we process information, we will adhere to the terms of the Data Protection Act 1998. In particular, we will make sure that we process information in line with eight principles of data protection described in the Act.

**The eight principles of data protection**

The Data Protection Act states that anyone who processes personal information must comply with eight principles. These state that information must be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept for longer than is necessary
6. Processed in line with individuals' rights
7. Secure
8. Not transferred to other countries without adequate protection

The Data Protection Act sets limits on the way we can collect, store and use information. The Act controls how:

- We file information
- We access information
- We pass information on to other organisations and individuals; and
- We destroy information we are storing at the appropriate time.

Individuals have a right to access any information that we hold about them. This includes employees, volunteers and people who use our services. We must respond to requests for access to information within 40 calendar days

The Act also outlines that organisations that process information need to register with the Information Commissioner's Office (ICO) unless they are exempt. Switchboard has completed the ICO evaluation which showed that this organisation is exempt from the requirement to register.

### **Responsibilities**

B&H LGBT Switchboard's Management Committee (MC) has overall responsibility for ensuring that the organisation works in line with the Data Protection Act

The MC, staff and any others who process personal information on behalf of B&H LGBT Switchboard must comply with the principles of the Act. On an operational basis, this will be demonstrated by adhering to the organisation's Data Protection Procedures outlined in this document

B&H LGBT Switchboard will:

- Respect the privacy of individuals when processing personal information
- Take appropriate measures to make sure that the data we hold is stored securely
- Make sure that staff process information in line with the terms of the Act.

### **Staff responsibilities**

Staff are responsible for the security of the information they process. Staff must not pass on information to anyone who is not entitled to it and should make sure that any information they give to B&H LGBT Switchboard about their employment or work is accurate and up to date. They will ensure that they follow the organisation's Data Protection procedure.

### **Right of access**

Employees, volunteers, and people who use our services have the right to access personal information B&H LGBT Switchboard holds about them, whether in electronic or paper form

The Data Protection Act stipulates that organisations need to make it clear to individuals partner organisations how we will use any personal information they give us. Switchboard will make this clear whenever we collect personal data. The following statement is a general explanation for service users of how B&H LGBT Switchboard will use information. This statement will be included on all forms, surveys, questionnaires and other documents where we ask for personal information. If we are collecting information for a purpose that isn't included in this statement, we will amend the statement to make our full purpose clear.

**How we use the information you give us**

*Information you provide to B&H LGBT Switchboard will be used by us and our agents to deliver, inform and monitor our services, to tell you about our services, and to give you information on issues relevant to the LGBT community in Brighton & Hove.*

*B&H LGBT Switchboard will communicate with you by telephone, letter, email, or in any other reasonable way. You can ask for a copy of the information we hold about you or your organisation, and if the information isn't accurate, you can ask us to correct it. If you do not want to receive letters, emails and telephone calls from us, please let us know.*

*B&H LGBT Switchboard may pass on your organisation's contact details to other voluntary and community organisations, or to local statutory organisations. We will never pass your contact details on to salespeople, or to private organisations. If you do not want us to pass on your organisation's contact details, please let us know.*

*If you have any questions about how we will use information about you or your organisation, please contact us.*

**Exemptions**

The Data Protection Act recognises that it is sometimes appropriate to disclose personal data for certain purposes to do with criminal justice or the taxation system. In these cases, individuals' rights may occasionally need to be restricted.

In particular, the Act deals with several situations in which personal data is processed for the following "crime and taxation purposes":

- the prevention or detection of crime;
- the capture or prosecution of offenders; and
- the assessment or collection of tax or duty.

Personal data processed for any of these purposes may be shared with relevant agencies and the individual's right to make a subject request may be restricted.

This policy and the way in which it operates will be reviewed every 2 years.

The policy was reviewed in.....

Signature.....

Chair

Date.....

## **Data Protection Procedures**

### **Introduction**

B&H LGBT Switchboard's Data Protection Policy is reflected in our procedures in relation to the handling and storing of personal data.

### **Helpline Clients**

When clients call the Helpline, a narrative description of their call is entered into the call log, along with monitoring characteristics. Name and address information is only taken where the client has asked for a follow up of some kind, such as asking for an application form, and will be destroyed as soon as it is no longer required for Switchboard to hold this information.

In the case of email enquiries to the helpline, the enquiries are dealt with by the volunteers on shift who then delete the original email once it has been logged. Again, no personal information is retained unless it is essential to support the client and such information is destroyed as soon as the client's enquiry has been fulfilled and the case closed.

The Administrator will review the 'delete' box at the end of each month and ensure that this is cleared so that there is no record of the client's email address or personal details.

### **Counselling Clients**

Clients who wish to take up our counseling service are required to complete an application form which is received by the administrator and kept in a file in a locked cupboard until it has been assessed. Once it is determined that a client is suitable to receive our counselling service, the front page of the application with the name and address of the client is taken off and the client is given an index number which will be their reference number in all dealings with us.

An index box that matches clients' personal details with the index number is kept locked and then placed in the Switchboard office locked cupboard. Only staff, trustees and two volunteers with special financial responsibility have access to this cupboard. Only the Director, administrator, counsellors and counseling coordinator have access to the locked index box.

All paper work retains no personal information attributable to an individual. Counsellors' own records will only name the client by first name and will be retained on the client's file for six years in line with British Association for Counselling and Psychotherapy's recommended period in order to deal with any complaint from a client who believes that we have breached their counselling contract with us.

### **Health Inclusion Project (HIP) members**

When an individual applies to support the HIP project, we will explicitly ask for their permission to retain their personal information to support both the HIP project and wider Switchboard activity. This will be recorded on a form, even if the initial contact is verbal, and the form will make it clear that their data will be kept and that this will be kept for up to five years, although we will also make it clear that they can ask for their details to be removed at any time before that. Switchboard will ensure that in April 2018, five years since the project became part of Switchboard, we will contact all members whose records we hold to ask them to confirm that they are still happy for us to hold their details for future contact. Where members make it clear that they are no longer happy for us to contact them, we will destroy their information.

### **Switchboard staff and volunteers**

All staff and volunteers applying to join Switchboard complete an application form which is printed off and kept in files in our locked cupboard. If they are successful, this application form is added to their personnel file. If they are not successful, then the form is kept for a period of two years for reference in case they apply to us again. The application form states clearly that the information will be retained for a minimum of two years, even if they are not successful.

The staff and trustees personnel files are kept in our separate HR lockable cabinet which only the Director, HR Trustee and Director Line Manager Trustee have access to. The personnel files for volunteers are kept in the general lockable cabinet.

If volunteers or staff leave the organisation, their files are retained for reference for a period of two years after which they are destroyed.

A condition of working for the organisation in a paid or unpaid capacity is that we seek a criminal records check from the Disclosure and Barring Service (DBS). We comply with the 'Code of Practice for Registered Persons and Other Recipients of Disclosure Information' in our application and management of this information and

ensure that the information obtained as a result of this check is destroyed as soon as a decision has been taken to accept an applicant. Where the information means that we decide not to accept an applicant, we may retain the Disclosure information, its content or any representation of the same in any format for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured. This will allow us to deal with any appeals or challenges from the applicant who may question the data held about them by the DBS. The Administrator who administers DBS checks is responsible for ensuring that these are destroyed in line with the procedure outlined.

However, notwithstanding the above, the organisation may keep a record of the date of issue of a Disclosure, the name of the individual, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Our Articles of Association require us to retain a membership register of members of the organisation which includes confirmation and the date that the appropriate references and DBS checks have been received for volunteers. This is maintained by the Administrator and includes the name and address of all members. When a member leaves the organisation, we will retain their name and address for a period of two years to confirm their identity as past members but will then delete their address information but retain their name details.

### **Exemptions**

Where one of the Data Protection exemptions outlined in the policy applies, any member of staff or volunteer will need to obtain formal permission from the Director or the Chair in order to share an individual's data with a relevant agency or to decline an individual's right to view the data held about them

Reviewed: Nov 2013