

# HILLFIELDS COMMUNITY GARDEN (HCG)

## Data Protection and Information Policy



**Date adopted:**

**Date for review:**

**Trustee Approval:**

**Name 1: Alex Bugden**

**Name 2**

**Name 3**

Data Controller: Sarah Rogers

ICO Registration: **ZB711504**

### 1. Introduction

A Data Protection Policy is necessary to protect clients, beneficiaries, employees, and volunteers from the possibility of information about them being passed on to individuals or organisations who have no right to that information. It is also important to provide guidance to staff and volunteers on the extent to which confidentiality is to be preserved, circumstances in which it may be breached, and measures to be taken in either eventuality.

HCG needs to collect and use certain types of information about the Individuals or Service Users who come into contact with HCG in order to carry on our work. This personal information must be collected and dealt with appropriately whether is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the Data Protection Act 1998. <https://ico.org.uk/>

General provisions:

- This policy applies to all personal data processed by HCG
- The Responsible Person shall take responsibility for HCGs ongoing compliance with this policy
- This policy shall be reviewed annually
- HCG shall register with the Information Commissioner's Office as an organisation that processes personal data
- This policy covers not only information given deliberately by the person concerned, or by other people about the person, but also information acquired accidentally or through observation.

### 2. Data Controller

HCG is the Data Controller under the Act, which means that it determines what purposes personal information held, will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

### 3. Disclosure

HCG may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Individual/Service User will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows HCG to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an Individual/Service User or other person
- c) The Individual/Service User has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Individual/Service User'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 Individuals/Service Users to provide consent signatures.

HCG regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

HCG intends to ensure that personal information is treated lawfully and correctly.

To this end, HCG will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) 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,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) 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,
- h) 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/Service Users in relation to the processing of personal information.

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

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, 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 information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
  - o The right to be informed that processing is being undertaken,
  - o The right of access to one's personal information
  - o The right to prevent processing in certain circumstances and

- o The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information 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 information
- Set out clear procedures for responding to requests for information

#### 4. Data collection

Informed consent is when an Individual/Service User clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data and then gives their consent. This applies to data that is collected in person, or by completing a form.

When collecting data, HCG will ensure that the Individual/Service User:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

#### 5. Data Storage

Information and records relating to service users 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.

It is HCG 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.

Inline with HCGs **Lone Working and Hybrid Working Policy and Procedure** staff and volunteers may have access to HCG data on personal computers or charity computers at home.

To keep its data safe with home working staff and volunteers, HCG will ensure that only data that is needed for that staff or volunteer role is shared and that other confidential folders are not accessible. Outboarding will also be completed for staff and volunteers to remove and change passwords where staff or volunteers no longer work for the charity. Staff and volunteers will be encouraged to password protect their personal computers and ensure that charity owned computers are not used for personal use or by people not working for the charity. Regular audits and updates to security policies will ensure compliance and protect sensitive information from potential breaches.

#### 6. Data access and accuracy

All Individuals/Service Users have the right to access the information (GROUP) holds about them. HCG will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, HCG will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- 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
- Everyone processing personal information is appropriately supervised
- 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 hold, manage and use 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

#### **7. Circumstances where a breach of confidentiality is required**

HCG owes a duty of care to the users of its services. However, it may be necessary to breach confidentiality where a service user is acting, or likely to act, in a way that could cause serious harm to him/her, or put others at risk of harm. HCG also owes a more general duty of care towards members of the public, therefore it may be necessary to inform the police or statutory authorities where there is the possibility of serious risk to a particular person or persons, or to the public in general.

HCG staff and volunteers share with all individuals/Service Users a duty of care towards vulnerable adults and children. If HCG staff and volunteers know or suspect that a child or vulnerable adult is suffering harm or poses a risk to themselves, the staff member or volunteer have an obligation to consult with other agencies. **In those circumstances please refer to HCGs Safeguarding Policy.**

**Giving information to the police, Ofsted or Social Services Department:** This should preferably be achieved with the co-operation and knowledge of the person concerned /their caregiver. It is expected that the issue will be discussed beforehand with the DSL and the Data controller, especially in circumstances where the person concerned is unwilling to co-operate or where the risk to others is too great for this to be advisable or possible.

#### **8. External Data security breach**

To minimise data being lost, stolen or misused, HCG takes the following security steps:

- Update Virus protection licences annually
- Data is secure and access is on a 'need to know' basis
- Internal files shared on Gdrive is limited to office staff and certain volunteers only
- Staff and volunteers are not permitted to share passwords internally or externally
- External files shared on Gdrive are done on a folder specific basis, and the title of the folder labelled "shared". No "parent" sharing of folders is permitted in this way
- Financial information is shared between the Treasurer, financial manager and external accountants as necessary

- Financial information about HCG will be only managed and handled inline with **HCGs Internal charity financial controls policy and procedure.**

## 9. Guidelines for Staff

HCG operates an open file policy. Staff may have access to their own personal records, and this will be arranged by the Data controller.

Employees should not disclose personal or financial information about any staff member, to any unauthorised person, or to any external organisation/agency without the express approval of the person concerned. Subject to the requirements of legislation, including the Data Protection Act 2018, information obtained about an individual/Service User is confidential unless otherwise agreed in advance.

Staff and volunteer home addresses and telephone numbers will not be disclosed to individuals/Service Users. If appropriate, a message will be passed on to a staff member.

Images, photography, videoing of individuals/Service Users, volunteers and staff will comply with **HCGs Photography and filming consent policy.**

## 10. Additional sources of data

HCG staff and volunteers may have, at times, access to additional sources of data for individuals/Service Users, this may be in the form of CCTV footage.

- Access to the CCTV cameras will be limited to the Director or Trust Board Members only
- Access to historical footage will be available to the Police on request
- Footage will only be reviewed in the event of an incident taking place
- Access to the office where confidential files are stored will be limited to HCG staff only and will be kept locked when staff are not in the building
- Paper records will be kept in locked drawers

Any disclosure of confidential information should be conveyed only to appropriate people and for appropriate reasons. It is wise to ask yourself 'who needs to know'.

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.

To assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

According to the ICO, HCG "does not need a data protection officer". However, to meet best practice we have decided to nominate one. In case of any queries or questions in relation to this policy please contact the HCG Data Protection Officer:

Sarah Rogers  
Director  
[hillfieldscommunitygarden@gmail.com](mailto:hillfieldscommunitygarden@gmail.com)

## Glossary of Terms

**Data Controller** – The person who (either alone or with others) decides what personal information HCG will hold 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 information.

**Data Protection Officer** – The person(s) responsible for ensuring that ACCA follows its data protection policy and complies with the Data Protection Act 1998.

**Individual/Service User** – The person whose personal information is being held or processed by HCG for example: a client, an employee, or supporter.

**Explicit consent** – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

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

The link below will take to the ICO website where a self assessment guide will help you to decide if you are exempt from notification:

[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide/exemptions.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide/exemptions.aspx)

**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 information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within HCG .

**Sensitive data** – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

Date of Change:	Changed By:	Comments:
June 2024	S.Rogers	Policy Created ready for Trustee review and approval
July 2024	S.Rogers	Changes made to policy to reflect staff (paid) and voluntary roles.

## **Hillfields Community Garden**

Registered Charity number: 1204254

Registered Address: Hillfields Park Community Centre, Thickett Ave, Hillfields, Bristol, BS16 4EH

### **Contact details:**

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