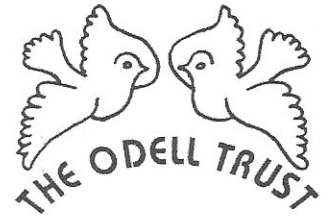


The Odell Trust (Reg. Charity)

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General Data Protection Regulation Policy

1. Overview

- 1.1 The Odell Trust takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligation under the Data Protection Act 2018 (the 2018 Act) and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 1.2 This policy applies to current and former members. If you fall into one of these categories then you are a 'data subject' for the purpose of this policy.
- 1.3 The Odell Trust has measures in place to protect the security of the data in accordance with our Data Security Policy. A copy of this can be obtained from the Office Manager.
- 1.4 The Odell Trust will hold data in accordance with our Data Retention Policy. A copy of this can be obtained from the Office Manager. We will only hold data for as long as necessary for the purposes for which we collected it.
- 1.5 The Odell Trust is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.
- 1.6 This policy explains how The Odell Trust will hold and process your information. It explains your rights as a data subject.
- 1.7 It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, The Odell Trust intends to comply with the 2018 Act and the GDPR.

2. Data Protection Principles

- 2.1 Personal data must be processed in accordance with six 'Data Protection Principles.' It must:
 - be processed fairly, lawfully and transparently;
 - be collected and processed only for specified, explicit and legitimate purposes;



- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

3. How we define personal data

3.1 'Personal data' means information which relates to a living person who can be identified from the data (a 'data subject') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

3.2 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

3.3 This personal data might be provided to us by you, or someone else (such as a carer, family member, your doctor, or a social worker), or it could be created by us. It could be provided or created before your start date or during the course of your placement with The Odell Trust.

3.4 We will collect and use the following types of personal data about you:

- Your contact details and date of birth;
- Your contact details for your emergency contacts;
- Your gender;
- Your marital status and family details;
- Medical details, including medication, doctors details, medical protocols;
- Dietary requirements;
- Allergies;
- Mobility;
- Personal care;
- Communication;
- Support required;
- Routines;
- Leisure Activity likes and dislikes;
- Information relating to your performance and behaviour at The Odell Centre;
- Your images (whether captured on CCTV, by photograph or video); and
- Any other category of personal data which we may notify you of from time to time.

4. How we define special categories of personal data

4.1 'Special categories of personal data' are types of personal data consisting of information as to:

- Your racial or ethnic origin;
- Your political opinions;
- Your religious or philosophical beliefs;
- Your genetic or biometric data;
- Your health;
- Your sex life and sexual orientation; and
- Any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

5. How we define processing

5.1 'Processing' means any operation which is performed on personal data such as:

- Collection, recording, organisation, structuring or storage;
- Adaption or alteration;
- Retrieval, consultation or use;
- Disclosure by transmission, dissemination or otherwise making available;
- Restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

6. How will we process your personal data

6.1 The Odell Trust will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

6.2 We will use your personal data for :

- Carry out the contract of your placement between us;
- Complying with any legal obligation; or
- If it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details in your rights in section 12 below.

We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to provide us with certain personal data you should be aware that we may not be able to carry out certain parts of the contract between us.

7. Examples of when we might process your personal data

7.1 We have to process your personal data in various situations during your time at The Odell Centre and even following termination of your placement.

7.2 For example (and see section 7.5 below for the meaning of the asterisks):

- To decide whether we can offer you a placement;
- To carry out the contract between us including where relevant, its termination;
- To providing activities and training and to review your performance*;
- To determine whether we need to make reasonable adjustments to the centre or activities because of your disability;
- To monitor diversity and equal opportunities;
- To monitor and protect security (including network security) of The Odell Trust, of you, our staff and others;
- To monitor and protect the health and safety of you, our staff, and third parties*;
- To answer questions from insurers in respect of any insurance policies which relate to you*;
- To run our business and to plan for the future;
- The prevention and detection of fraud or other criminal offences; and
- For any other reason which we may notify you of from time to time.

7.3 We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent at a later date if you choose by contacting the Office Manager.

7.4 We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- Where it is necessary for carrying out our rights and obligations under law;
- Where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- Where you have made the data public; and
- Where processing is necessary for the establishment, exercise or defence of legal claims.

7.5 We might process special categories of your personal data for the purposes in paragraph 7.2 above which have an asterisk beside them. In particular, we will use information in relation to:

- Your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities.

8. Sharing your personal data

8.1 Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests.

8.2 We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

8.3 The third parties to whom we may send your data in accordance to paragraph 8.2 include the purposes of;

- engaging independent legal support,
- using Health and Safety specialists to assess the activities;
- for insurance purposes;
- and will be provided to the Emergency Services if the need requires it to be.

8.4 We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

9. How should The Odell Trust process personal data

9.1 Everyone who works for, or on behalf of, The Odell Trust has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy and The Odell Trust's Data Security and Data Retention Policies.

9.2 The Odell Trust's Data Protection Officer/Data Protection Manager is responsible for reviewing this policy and updating the Board of Directors on the The Odell Trust's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy to this person.

9.3 Staff should only access personal data covered by this policy if they need it for the work they do for, or on behalf of The Odell Trust and only if they are authorised to do so. They should only use the data for the specified lawful purposes for which it was obtained.

- 9.4 Staff should not share personal data informally.
- 9.5 Staff should keep personal data for the specified lawful purpose for which it was obtained.
- 9.6 Staff should not make unnecessary copies of personal data and should keep and dispose of any copies securely.
- 9.7 Staff should use strong passwords.
- 9.8 Staff should lock their computer screens when not at their desk.
- 9.9 Personal data should be encrypted before being transferred electronically to authorised external contacts.
- 9.10 Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.
- 9.11 Personal data should never be transferred outside the European Economic Area except in compliance with law and authorisation of the Data Protection Officer.
- 9.12 Staff should lock drawers and filing cabinets. Do not leave paper with personal data lying about.
- 9.13 Staff should not take personal data away from The Odell Trust's premises without authorisation from their line manager or Data Protection Officer.
- 9.14 Personal data should be shredded and disposed of securely when it has been finished with.
- 9.15 Staff should ask for help from our Data Protection Officer/Data Protection Manager if they are unsure about data protection or if they notice any areas of data protection or security The Odell Trust can improve upon.
- 9.16 Any deliberate or negligent breach of this policy by any staff may result in disciplinary action being taken against them in accordance with our disciplinary procedure.
- 9.17 It is a criminal offence to conceal or destroy personal data which is part of a subject access required (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in dismissal.
- 9.18 Personal data on tablets, that are to be taken out of the centre, will have strong passwords and the data files will be encrypted.

10. How to deal with data breaches

- 10.1 We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we must also notify the Information Commissioner's Office within 72 hours.
- 10.2 If you are aware of a data breach you must contact The Odell Trust immediately and keep any evidence you have in relation to the breach.

11. Subject access requests

- 11.1 Data subjects can make a 'subject access request' ('SAR') to find out the information we hold about them. This request must be made in writing. If The Odell Trust receive such a request we should forward it immediately to the Data Protection Officer/Data Protection Manager who will coordinate a response.
- 11.2 If you would like to make a SAR in relation to your own personal data you should make this in writing to the Office Manager. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

12. Your data subject rights

- 12.1 You have the right to information about what personal data we process, how and what basis as set out in this policy.
- 12.2 You have the right to access your own personal data by way of a subject access request (see above).
- 12.3 You can correct any inaccuracies in your personal data. To do this you should contact the Office Manager.
- 12.4 You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Office Manager.
- 12.5 While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Office Manager.
- 12.6 You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.

- 12.7 You have the right to object if we process your personal data for the purposes of direct marketing.
- 12.8 You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.
- 12.9 With some exceptions, you have the right not to be subjected to automated decision-making.
- 12.10 You have the right to be notified of a data security breach concerning your personal data.
- 12.11 In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Office Manager.
- 12.12 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

Signed

Ann Masters
Chairman

Date 26 - 06 - 2018

Ref No. P031 v1.0

Review Date