



# Data Protection Policy

Last reviewed by the Trustees: September 2019

Level Trust is fully committed to protecting the privacy and respecting the choices of those who supply us with personal information. We will use the information in compliance with EU General Data Protection Regulation (GDPR). Detailed information on GDPR is available through the following website: <https://www.eugdpr.org/>

## 1. Registration and Compliance

1.1 Level Trust is committed to complying with the six principles of good practice, as set out in the GDPR. These are that data must be:

- processed fairly and lawfully
- collected for specified, explicit and legitimate purpose
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- kept for no longer than necessary
- processed in a secure manner.

1.2 As specified in the GDPR, the six lawful basis under which data is held are:

- Consent
- Contractual
- Legal Obligation
- Vital interest
- Public interest
- Legitimate interest.

1.3 Level Trust does not retain sensitive personal information without permission unless there is a lawful basis to do so. Such information could relate to an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual's health, sex life or sexual orientation.

## 2. Recruitment Processes

2.1 During the short-listing, interview and decision-making stages, no questions will be asked relating to sensitive personal information.

2.2 If sensitive personal information is received, e.g. the applicant provides it without being asked for it within his or her CV or during the interview, no record is kept of it and any reference to it is immediately deleted or redacted.

2.3 Any completed equal opportunities monitoring form is kept separate from the individual's application form, and not seen by the person shortlisting, interviewing or making the recruitment decision.

2.4 “Right to work” checks are carried out before an offer of employment is made unconditional, and not during the earlier short-listing, interview or decision-making stages.

2.5 Questions regarding health issues will not be asked in connection with recruitment.

### **3. During employment**

3.1 Information will be processed in relation to administering sick pay, keeping sickness absence records, monitoring staff attendance and facilitating employment related health and sickness benefits.

### **4. Storage and Retention of Personal Information**

4.1 Level Trust will maintain a log of all personal data retained, including details of how data was obtained, how long the data should be retained, and how permission was obtained. A regular audit of the log will be carried out by Level Trust.

4.2 All staff responsible for collecting the personal data will also be responsible for ensuring it is removed when no longer required or permission is no longer given for it to be retained.

### **5. Individual Rights**

5.1 Individuals have the following rights in relation to their personal information:

- To be informed about how, why and on what basis that information is processed.
- To obtain confirmation that the information is being processed and obtain access to it by making a subject access request in writing to the Fundraising, Marketing and Project Manager at Level Trust.
- To have data corrected if it is inaccurate or incomplete.
- To have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing (this is sometimes known as the “right to be forgotten”).
- To restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but there is no wish to have the data erased), or where the employer no longer needs the personal information but the data is required by the individual to establish, exercise or defend a legal claim.
- To restrict the processing of personal information temporarily where the individual does not think it is accurate (and the employer is verifying whether it is accurate), or where the individual has objected to the processing (and the employer is considering whether the organisation’s legitimate grounds override the interests of the individual).

### **6. Individual obligations**

6.1 Individuals are responsible for helping Level Trust keep their personal information up to date.

6.2 Individuals employed by Level Trust or working in a voluntary capacity who have access to personal information must keep the information secure.

## **7. Disclosure**

Data will not normally be disclosed to any third party unless the following conditions apply:

- Under the requirements of The Police and Criminal Evidence Act 1984 where police may obtain access to material in relation to the detection of crime. Where the material is counselling and advice records, and falls within sections 11 and 12, a warrant must be applied for under section 9 of the Act.
- Under the requirements of The Children Act 1989, section 47, where social services require assistance in carrying out an investigation and the role of Level Trust falls within the definition of an authorised person under the terms of the Act.
- Level Trust decides that it is in the interests of the person that data is disclosed to social services or the police. In this instance the permission of the person will be sought prior to any disclosure but this may be overridden if Level Trust believe that the person's health and safety, or the health and safety of another person is at risk.

## **8. Administration**

8.1 A Data Protection Officer will be appointed within the organisation to oversee this policy and review the effectiveness of its implementation.

8.2 The designated Data Protection Officer is the Office Manager or the designated deputy.

## **9. Monitoring**

To check that our data protection policy is being followed, and to review any changes in legislation or good practice, we will regularly review this policy.