

# Lomond & Argyll Advocacy Service

## Policy Manual

### DATA PROTECTION POLICY 2007

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**Background:** The Data Protection Act 1998 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information.

It gives individuals certain rights regarding information that is held about them. It also places obligations on those who process information, and give certain rights to those who are the subject of that data. Personal information covers both facts and opinions about the individual.

This policy has been developed to comply with the requirements of the Data Protection Act 1998, which also requires registration with the Information Commissioners Office (ICO) at an annual cost of £35.

#### **Policy:**

##### Introduction

Lomond & Argyll Advocacy Service needs to keep certain personal data, for example about its staff and clients, to fulfil its purpose and to meet its legal obligations to funding bodies and government. To comply with the Data Protection Principles, which are set out in the Data Protection Act 1998, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

In summary, these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose.
- Be adequate, relevant and not excessive for those purposes.
- Be accurate and kept up-to-date.
- Not be kept for longer than is necessary for the purpose.
- Shall be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.
- Not be transferred to a country outside the European economic area, unless the country has equivalent levels of protection for personal data.

## Aim

The aim of this policy is to ensure that the manner in which Lomond & Argyll Advocacy Service processes or uses any personal information follows the data protection principles at all times.

## Notification of data held and processed

All staff, clients and other individuals are entitled to:

- Know what information LAAS holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what LAAS is doing to comply with its obligations under the Data Protection 1998 Act.

## Responsibilities of staff

All staff are responsible for:

- Checking that any personal data they provide to LAAS is accurate and up to date.
- Informing LAAS of any changes to personal information which they have provided e.g. changes of address.
- Checking any information that LAAS may send out from time to time, giving details of information that is being kept and processed.

If and when, as part of their responsibilities, staff collect information about other people, including clients, they must comply with the Data Protection Policy.

## Data security

The need to ensure that all data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Personal information must be:

- kept in a locked filing cabinet; or
- in a locked drawer or box; or if it is computerised, in a password protected file

The Service will ensure that volunteers and other workers who are not office based have access to suitable lockable storage files, where necessary the service will arrange for the provision of such facilities.

#### Rights of access to information

Individuals have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should make their request in writing

LAAS will respond in line with the approved Freedom of Information Procedures.

#### Subject Consent

The need to process data for normal purposes will be explained to the individual concerned. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data will be obtained.

#### Retention of data

LAAS will keep some forms of information for longer than others. LAAS will produce a Disposal Schedule.

#### Review

This Data Protection Policy will be subject to regular monitoring and review by the LAAS every three to five years.