

# TOG Mind Data Protection Policy

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## Revision History

**Date of this revision:** 1 June 2022

**To be reviewed by:** 1 June 2024

Version number	Revised by	Summary of Changes	Changes marked
1	Marcia Thorpe	N/A	No
2	Claire Shuttleworth	Revised in line with GDPR	No
3	John White	Abridged and reformatted	No
4	Nicholas Leverton	Reformatted and updated to reflect best practice. 'Our Commitment' statement included, additions made to the 'Accountability, Monitoring and Consequences' statement, and more explicit explanation of Data Protection by Design and Default. 'Guidance' section removed – to be included in separate procedure.	No

## Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version
Bob Mercer	Chair	May 2017	1
Cheryl Eastwood	Chair	August 2018	2
Bob Mercer	Vice Chair	July 2022	4

## **Introduction and Background**

TOG Mind must use data fairly, proportionately, and in compliance with existing legislation. We will control and process data - personal, sensitive, and special - in a lawful and transparent manner from the moment it is first received until it is disposed of.

### **1. Scope**

This document is for all Tameside Oldham and Glossop Mind employees, workers, and volunteers, and any third-party organisations undertaking work on our behalf, or in partnership, and relates to all data collected in conjunction with TOG Mind activities. In data protection terms, this policy applies to all the processing of personal data carried out by the TOG Mind including processing carried out by joint controllers, contractors, and processors.

### **2. Purpose and aims of this policy**

The policy sets out the organisation's statutory, regulatory, legal and security reasons for data protection. The policy shall outline what practices are required to ensure data is protected while processed or controlled by TOG Mind. We are required to process certain information about staff, volunteers, third party contractors, clients, and supporters, to provide the following:

- Provision of Mental Health and Wellbeing services
- Fundraising and campaigning
- Monitoring, evaluation, and audits of service provision
- Training and consultancy services

### **3. Legal Framework**

This policy has been developed in line with the following legislation and guidance:

- Data Protection Act 2018 (DPA 18)
- UK General Data Protection Regulations, 2018 (UK GDPR)
- Department of Health and Social Care Best Practice Guidance
- Information Commissioner's Office Guidance (ICO)

TOG Mind complies with data protection legislation guided by the seven data protection principles. The principles require that personal data is:

- Processed fairly, lawfully and in a transparent manner.
- Used only for limited, specified stated purposes and not used or disclosed in any way incompatible with those purposes.
- Adequate, relevant, and limited to what is necessary.
- Accurate and, where necessary, up to date.
- Not kept for longer than necessary.
- Kept safe and secure; and
- Handled by organisations who are accountable and responsible for compliance with the other principles and can demonstrate this compliance through appropriate measures and records

The UK GDPR definition of "personal data" includes any information relating to an identified or identifiable natural living person.

Pseudonymised personal data is covered by the legislation, however anonymised data is not regulated by the UK GDPR or DPA 18, providing the anonymisation has not been done in a reversible way.

Some personal data is more sensitive and is afforded more protection, this is information related to:

- Race or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric ID data;
- Health data;
- Sexual life and/or sexual orientation; and
- Criminal data (convictions and offences)

#### **4. Related Policies and Procedures**

To provide appropriate direction on the application of data protection legislation, this policy should be read in conjunction with the following policies:

- Complaints Policy
- Confidentiality Policy
- Consent and Capacity Policy
- Data Breach Policy
- Data Protection Procedures
- Data Quality Policy
- Data Retention Policy
- Information Governance Framework
- Information Sharing Policy
- Privacy Policy
- Safeguarding Policies
- Subject Access Request Policy
- Any other policy relating to Information Governance

## **5. Policy Statement**

### **5.1 Our Commitment**

TOG Mind is committed to transparent, lawful, and fair proportionate processing of personal data. We have established the following measures to ensure this outcome:

- Up-to-date Policies and Procedures
- Records of Processing Activities (ROPAs)
- Information Asset Owners (IAOs)
- Privacy Notices
- Data Protection Audits
- Mandatory and Specialist Training
- Incident Reporting and Data Breach Procedures
- Contracts and Agreements with staff, volunteers and third parties
- Data Protection by Design and Default
- Culture of Privacy and Risk Orientation

### **5.2 Accountability, Monitoring and Consequences**

TOG Mind are committed to not put individuals at risk because of processing their personal data. Failure to comply with the data protection principles, can result in breach of legislation, reputational damage (including the erosion of trust with our clients), or financial implications. To meet our obligations, we put in place appropriate and effective measures to make sure we comply with data protection law.

Any third parties working with us will be expected to comply with these principles and measures. No third party may access personal data held by the organisation without having first entered into an agreement which imposes on them obligations no less onerous than those to which the organisation is committed, and which gives the organisation the right to audit compliance with that agreement in the capacity of a data controller or joint controller (see Information Sharing Policy for further details).

TOG Mind could be fined if information is disclosed about other people without their consent or reliance on other lawful grounds. Any breach of the data protection legislation or this policy will be dealt with under the Charity's disciplinary policy. It may also be a criminal offence, that will be reported as soon as possible to the appropriate authorities.

Compliance with this policy will be monitored by the DPO, SIRO and the Information Governance Steering Group.

### **5.3 Rights of Individuals**

Individuals have rights of access regarding the data that is recorded about them. Any requests made about individual's data should be forwarded on to the Data Protection Officer via the [datarequest@togmind.org](mailto:datarequest@togmind.org) email address as soon as possible. All requests for data or information will be processed in accordance with our Subject Access Request Policy.

### **5.4 Data Protection by Design and Default**

When setting up or reviewing systems, services or processes that involve personal data, data protection considerations must be part of the design. A Data Protection Impact Assessment (DPIA) must be completed, and approved by the DPO, for any significant changes to how personal data is processed at TOG Mind that are likely to result in a risk to individuals. Examples include anything that creates automated decisions or the processing of sensitive data.

In compliance with the data protection principles, TOG Mind is committed to only process data that is necessary to achieve our specific purposes. At the design stage, we will specify the required data before the processing starts, appropriately inform individuals of data processing, and only process the data for its stated purpose. By complying with the principles of data minimisation, purpose limitation and the data access principle of least privilege, TOG Mind strives to achieve data protection by default.

## **6. Roles and Responsibilities**

We have an established Information Governance Steering Group that ensures the risk to personal data across TOG Mind is identified and appropriately managed. Data protection and security direction is set at the management level and translated into effective policies and procedures. Those with responsibility for data protection and security receive appropriate training for their roles. Specific details of roles and responsibilities are provided in TOG Mind's Information Governance Framework.

## **7. Policy Revisions**

This policy will be reviewed every two years, and any amendments made as necessary or earlier if changes to national legislation, or operational procedures at TOG Mind, occurs. All policies are subject to Executive Committee approval.