

Data Policy

This document sets out The Action Group's policy on the protection of information relating to service users, employees and volunteers. Protecting the confidentiality and integrity of personal data is a critical responsibility that The Action Group takes seriously at all times. The Action Group will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

Key Definitions

Data Processing	Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.
Personal Data	Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers the The Action Group possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.
Sensitive Personal Data	Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

Privacy Notice – Advice Service

This policy, together with the information contained in the table of service user data appended to this policy, constitutes a privacy notice setting out the information The Action Group holds about service users, the purpose for which the data is held and the lawful basis on which it is held. The Action Group will process personal information with the service users knowledge or consent, in compliance with this policy, or without consent where this is required or permitted by law.

If the purpose for processing any piece of data about a service user should change, The Action Group will update the table of service user data with the new purpose and the lawful basis for processing the data and will notify service users.

Fair Processing of data

Fair processing principles

In processing service users' data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely

Lawful processing of personal data

Personal data will only be processed when there is a lawful basis for doing so. Most commonly, The Action Group will use personal data in the following circumstances:

- When it is needed to provide an agreed service;
- When it is needed to comply with a legal obligation; or
- When it is necessary for The Action Group's legitimate interest (or those of a third party) and service users interests and fundamental rights do not override those interests.

The Action Group may also use personal information in the following situations, which are likely to be rare:

- When it is necessary to protect service users', employees' (or someone else's interests); or
- When it is necessary in the public interest [or for official purposes].

Lawful processing of sensitive personal data

The Action Group may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- In order to meet legal obligations;
- When it is needed in the public interest, such as for equal opportunities monitoring;
- Is necessary for the discharge of any function which is designed for the provision of confidential counselling, advice, support or any other service; or
- When it is needed to provide support to a service user on health or safety (Adult & Child Protection), subject to appropriate confidentiality safeguards.

Less commonly, The Action Group may process this type of information where it is need in relation to legal claims or where it is needed to protect another person's interest and the service user is not capable of giving consent, or where the service user has already made this information public. The Action Group may use particularly sensitive personal information in the following ways:

- Information about a service users physical or mental health, or disability status, may be used to ensure health and safety of staff (or other service users);
- Information about race or national or ethnic group, religious, philosophical or moral beliefs or sexual orientation, may be used to ensure equal opportunity monitoring and reporting.

Consent to processing data

The Action Group will not normally process data (including sensitive personal data) on the grounds of consent. Information will be collected in order to provide an agreed service, including medical and financial information.

Automated decision making

The Action Group does not use automated decision making in the provision of services.

Collection and Retention of Data

Collection of data

The Action Group will collect personal information about service users through the referral process, either directly from service users or by someone else (eg social worker). When we receive an initial referral, we will inform users/referrers that the information collected will be kept on record and that we need to do this to provide them with a service. We will advise of where people can find out more and offer to send out a copy of our privacy statement if they would like this.

The table of service user information appended to this policy relates to information which is collected at the outset of the service. From time to time, The Action Group may collect additional personal information in the course of providing the service. If The Action Group requires to obtain additional personal information, this policy will be updated or service users will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data

The Action Group will only retain service users personal information as long as necessary to fulfil the purposes it was collected for, including the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the table of service user information appended to this policy.

When determining the appropriate retention period for personal data, The Action Group will consider the amount, nature and sensitivity of the personal data, the potential risk for harm from unauthorised use or disclosure of personal data, the purpose for which the personal data is processed, whether The Action Group can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances The Action group may anonymise personal information so that it can no longer be associated with service users, in which case The Action Group may use such information without further notice to service users.

After the retention period has expired, The Action Group will securely destroy service users' personal information.

Data Security and Sharing

Data Security

The Action Group has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are detailed in The Action Group's Policy and Standards for Confidentiality and Data Protection and are available on request.

Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on the Company's instructions and are subject to a duty of confidentiality. The Company expects staff members handling personal data to take steps to safeguard personal data of staff members (or any other individual) in line with this policy.

Data Sharing

The Action Group requires third parties to respect the security of service users' data and to treat in accordance with the law. The Action Group will share service users personal information with third parties where there is explicit consent from the service user or where there is a regulatory or legal requirement to do so.

The Action Group uses a number of IT systems, where personal data is stored on hardware not maintained by The Action Group. The Action Group will have agreements with these providers to ensure that personal data is stored securely. Copies of these agreements are available on request.

Service User Rights and Obligations

Accuracy of data

The Action group will conduct regular reviews of the information held by it to ensure the relevancy of the information that it holds. Service users should inform The Action Group of any changes to their personal information to ensure The Action Group can keep service users information up to date. Where a service user has concerns about the accuracy of the personal information held by The Action Group, the service user should contact their support/employment/advice worker or manager to resolve.

Service User rights

Service users have the right to:

- **Request access** to personal information.
- **Request erasure** of personal information.
- **Object to processing** of personal information where The Action Group is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.
- **Request the transfer** of personal information to another party.

If a service user (or their representative) wishes to make a request on any of the above grounds, they should contact The Data Protection Officer in writing. Please note that, depending on the nature of the request, The Action Group may have good grounds for refusing to comply. If that is the case, the service user will be given an explanation by The Action Group.

Data subject access requests

Service users will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, The Action Group may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, The Action Group may refuse to comply with the request in such circumstances.

The Action Group may need to request specific information from the service user (or their representative) to help confirm their identity and ensure that the right to access the information (or to exercise any other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Compliance with This Policy

The Action Group's responsibility for compliance

The Action Group has appointed a Data Protection Officer (DPO) who is responsible for ensuring The Action Group is compliant with this policy. If a service user (or their representative) have any questions about this policy or how The Action Group handles personal information, they should contact the DPO. Service users have the right to make a complaint at any time to the Information Commissioner's Office (ICO), Scotland's supervisory authority for data protection issues.

The DPO can be contacted at DPO@actiongroup.org.uk.

Data security breaches

The Action Group has put in place procedures to deal with any data security breach and will notify service users and any applicable regulator of a suspected breach where legally required to do so. Details of these measures are recorded in The Action Group's Policy and Standards for Confidentiality and Data Protection and are available on request.

In you think there has been a data protection breach regarding the personal information (that The Action Group processes) please contact the DPO immediately. You can also report any suspected breaches to the ICO.

Table of Service User information

Information collected during the referral process, where a full service is not provided, will be retained for 1 year. Subsequently, a referral that evolves into an Advice service being provided, means that all information collected will be retained for 8 years once the service has ended.

Advice Service user information						
Type of personal data	Sensitive data	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention Period
Name	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
Address	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
Date of Birth	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
National Insurance Number	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
Contact Details	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended

Support Needs	Yes	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice	1 year/8 years after service has ended
Gender	Yes	Provision of Service/Equal Opportunities	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice/Equal Opportunities	1 year/8 years after service has ended
Ethnicity	Yes	Provision of Service/Equal Opportunities	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice/Equal Opportunities	1 year/8 years after service has ended
Next of Kin	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
Referral Details	No	Provision of service	HMRC /DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
Casenotes/Contact Log	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice	1 year/8 years after service has ended
Risk Assessments	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice	1 year/8 years after service has ended
Correspondence	Yes	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	Provision of Support and Advice	1 year/8 years after service has ended

Finance and benefit details	No	Provision of service	HMRC/DWP/Statutory Services/Third sector services/ auditors/Funders	Service provision	n/a	1 year/8 years after service has ended
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