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# **DATA PROTECTION POLICY**

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## **1. Introduction**

NE Youth collects and uses certain types of information about the individuals who come into contact with the organisation in order to carry out our work. This personal information must be collected and dealt with appropriately in order to comply with the General Data Protection Regulation (GDPR).

## **2. Data Controller**

NE Youth is registered as a Data Controller under GDPR, which means that it determines what purposes personal information is held and how it will be used. It is also responsible for notifying the Information Commissioner about the data it holds or is likely to hold, and the general purposes that this data will be used for.

Due to the nature of the data controlled and processed by NE Youth, we are not required to appoint a Data Protection Officer, however, NE Youth's designated Data Controller is the Chief Executive.

## **3. Disclosure**

NE Youth may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The individual will be made aware in most circumstances how and with whom their information will be shared. There are however some circumstances where the law allows NE Youth to disclose data (including special category data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of individuals e.g. safeguarding
- c) Where the individual has already made the information public

- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – e.g. race, disability or religion
- f) Providing a confidential service where the individual's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where it is in the best interest of the individual

NE Youth regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

NE Youth intends to ensure that personal information is treated lawfully and correctly.

To this end, NE Youth will adhere to the Principles of Data Protection, as detailed in the General Data Protection Regulation.

Specifically, the Principles require that personal information is:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical purposes or statistical purposes shall not be considered to be incompatible with the initial purpose;
3. Accurate and, when necessary, kept up to date; every reasonable step must be taken to ensure that personal data is accurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
4. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by GDPR in order to safeguard the rights and freedoms of individuals;
5. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against

accidental loss, destruction or damage, using appropriate technical or organisational measures.

NE Youth will, through appropriate management and strict application of criteria and controls:

- Observe fully the conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under GDPR. These include:
  - The right to be informed that processing is being undertaken,
  - The right of access to one's personal information
  - The right to prevent processing in certain circumstances and
  - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

#### **4. Data Collection**

NE Youth will ensure there is a valid lawful basis in order to process personal data. The six lawful bases for processing data under GDPR are:

1. Consent: the individual has given clear consent for you to process their personal data for a specific purpose

2. Contract: the processing is necessary for a contract you have with an individual, or because they have asked you to take specific steps before entering the contract
3. Legal obligations: the processing is necessary for you to comply with the law (not including contractual obligations)
4. Vital interest: the processing is necessary to protect someone's life
5. Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law
6. Legitimate interest: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

When processing data under the 'consent' legal basis, NE Youth will always work to seek informed consent. Informed consent is when:

- An individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent

NE Youth will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

In accordance with the GDPR guidelines, NE Youth considers children aged 13 to 18 able to consent to legitimate communications from the organisation. When personal or sensitive information needs to be collected or shared, we will also seek to gain consent from a parent or guardian in line with good practice guidelines.

When collecting data, NE Youth will ensure that the individual:

- a) Clearly understands why the information is needed and how it will be used
- b) Understands what it will be used for and what the consequences are should the individual decide not to give consent to processing

- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress

## **5. Data Storage**

Information and records relating to individuals will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed and will be disposed of appropriately and confidentially.

It is NE Youth's responsibility to ensure all personal and company data is non-recoverable from any data storage previously used within the organisation, which has been passed on/sold to a third party.

## **6. Data Access and Accuracy**

All individuals have the right to access the information NE Youth holds about them. NE Youth will also take reasonable steps to ensure that this information is kept up to date by asking current data subjects whether there have been any changes.

In addition, NE Youth will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection. The individual responsible is the Chief Executive
- Everyone processing personal information understands that they are responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised

- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will review and conduct internal audits of the ways it holds, manages and uses personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

All requests for information relating to data should be forwarded to the Chief Executive who will deal with the request in line with this policy.

This policy will be reviewed and updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the General Data Protection Regulations or the NE Youth's Capability, Disciplinary and Grievance Policy.

## **7. Right to Erasure**

NE Youth will comply with Article 17 of the GDPR which states that individuals have the right to have personal data erased in certain circumstance. The 'right to be forgotten' applies if:

- The personal data is no longer necessary for the purpose which NE Youth originally collected or processed it for;
- NE Youth is relying on consent as our lawful basis for holding the data, and the individual withdraws their consent;



- NE Youth is relying on legitimate interests as our basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- NE Youth is processing data for direct marketing and the individual objects to that processing;
- NE Youth has processed the data unlawfully (i.e. in breach of the lawfulness requirement of the 1<sup>st</sup> principle);
- NE Youth has to do it to comply with a legal obligation; or
- NE Youth has processed the personal data to offer information society services to a child

The 'right to be forgotten' does not apply if processing is necessary for one of the following reasons:

- To exercise the right of freedom or right of freedom and expression and information;
- To comply with a legal obligation;
- For the performance of a task carried out in the public interest, scientific research, historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing;
- For the establishment, exercise or defence of legal claims

The GDPR also specifies two circumstances where the right to erasure will not apply to special category data:

- If the processing is necessary for public health purposes in the public interest (e.g. protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices)
- If the processing is necessary for the purposes of preventative or occupation medicine (e.g. where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services). This only applies where the data being processed is being processed by or under the responsibility of a professional subject to legal obligation of professional secrecy (e.g. as a health professional)

NE Youth will seek to act upon all legitimate 'right to be forgotten' requests within one month of receipt of the request.

## **8. Data Breach**

If a suspected data breach occurs, the Chief Executive, Deputy Chief Executive and a Board Member will meet as soon as possible in order to gather all relevant information to determine:

- Whether or not a breach has occurred
- Exactly what information may have been compromised
- The sensitivity of the information
- Whether or not there is a high risk of adversely affecting the individuals involved
- If the individuals involved need to be notified

If it is determined that a data breach has occurred, the incident will be reported to the ICO within 72 hours of becoming known to NE Youth.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, NE Youth will inform the individuals without undue delay.

A record of all breaches will be maintained.

## Glossary of Terms

**Data Controller** – The person who (either alone or with others) decides what personal information NE Youth will hold and how it will be held or used.

**General Data Protection Regulations** – The framework for responsible behaviour by those using personal information.

**Data Protection Officer** – The person(s) responsible for ensuring that NE Youth follows its data protection policy and complies with the General Data Protection Regulations.

**Individual** – The person whose personal information is being held or processed by NE Youth for example: a client, an employee, or supporter.

**Explicit consent** – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing special category data.

**Notification** – Notifying the Information Commissioner about the data processing activities of NE Youth, as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the General Data Protection Regulation.

**Processing** – means collecting, amending, handling, storing or disclosing personal information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within NE Youth.

**Special category data** – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings