

November 2009

Introduction

Technology and progress in recording and sharing information have made gathering and storing information about people very easy and accessible. There are large amounts of information about us all held on all different types of records over the country. This information may range from names and addresses on the electoral roll to the personal records of health, education and volunteering. The Government realised that access to this information about us should be controlled and updated the Data Protection Act in 1998 (DPA). This means that we all have rights regarding the information that is held on us, this includes the information that an organisation will record and store about volunteers and volunteering activities.

"Data Protection" is concerned with individuals' rights in relation to how their personal information is processed. How we get access to information held by public authorities is the concern of "Freedom of Information". Under current rules we all have rights of access to certain specific information. There are Codes of Practice indicating that certain information will generally be made available. Further information about DPA and the Information Commissioners' Office is available online at http://www.ico.gov.uk/what_we_cover/data_protection.aspx

The Data Protection Act 1998

The Data Protection Act 1998 covers most types of personal data, including that held on computer, in automated relevant filing systems and in 'accessible records' (health, social work, housing tenancy and educational records). Any dispute over its meaning can be interpreted in the light of

the European Directive.

The Data Protection Act 1998 also extended the definition of personal data to include "sensitive" personal data. This means information on racial or ethnic origins, political opinions, religious beliefs, trade union membership, physical or mental health, sexual life or commission of offences.

All processing of data to which the Act applies must comply with eight (8) Principles and:

1. Be processed fairly and lawfully
2. Be obtained only for specified and lawful purposes
3. Be adequate and relevant and not excessive
4. Be accurate and, where necessary, kept up to date;
5. Be kept for no longer than is necessary
6. Be processed in accordance with the rights of data subjects under the DPA
7. Not be transferred to a country or territory outside the European Economic Area without assurances
8. The organisation must protect against unauthorised or unlawful processing and accidental loss, destruction or damage.

Your organisations legal obligations

The Data Protection Act doesn't guarantee personal privacy at all costs, but aims to strike a balance between the rights of individuals and sometimes competing interests of those with legitimate reasons for using personal information. It applies to some paper records as well as computer records.

This short checklist will help you comply with the Data Protection Act. Being able to answer 'yes' to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

- **Do I really need this information about an individual?**

What information do you really need to collect (in the application or registration process) you may only need to collect name, address, contact tel no or email – thereafter you may want to have a discussion with a potential volunteer and then collect more data. It is at this point then you can ask the potential volunteer to agree to and sign a data protection statement about the collection, retention and storage of their data.

- **Do I know what I'm going to use it for?**

Ensure that all the information that you collect about potential and active volunteers is held for a realistic purpose. If potential volunteers record an interest, complete an application from or register with you and then if they don't take up a volunteering opportunity you may have never needed to hold their information and in this case you would destroy the information collected.

- **Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?**

Ensure that all the volunteers are aware that you are holding data on them, it is easier to ask new volunteers to sign an application form

that has a data protection statement on it – however if you have recently updated your form you may need to go back to active volunteers and ask them to sign an agreement that you can hold information about them. You might do this on the next support record that you complete with an active volunteer.

- **If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this?**

You might be asked to pass on information about volunteers when you report to others, i.e. funders, or when you make a referral of a volunteer to a service user. Consider when this might occur and ensure that you have the volunteer permission to give their data to others. In general most volunteers will understand why you want to use the data to pass on to others however a volunteer has the right to refuse for you to pass on their data. For the purpose of funding you could make the volunteers name as pseudonym name – or give initials, there are often ways around providing data in reports.

- **Are we satisfied the information is being held securely, whether it's on paper or on computer? And what about my website? Is it secure?**

Organisations need to ensure that any information held is done so safely – some information may need to be secured in a locked file whereas other information can be shared across the organisation. To confirm which information can be shared ask your colleagues/ volunteers what information that we hold can and cannot be shared with others?

- **Are we sure the personal information is accurate and up to date?**

The organisation has a responsibility to ensure that the information held on individuals is accurate and up to date. This means that you need to ensure that all records are updated

either regular on a time lited basis. Do you need to check that your volunteer's addresses are up to date annually? You may rely on volunteers taking responsibility to provide you with any changes and updates – however remember it is good practice to ask on an annual basis.

- **Do I delete or destroy personal information as soon as I have no more need for it?**

If you have no good purpose for holding onto personal information you should destroy information safely. The best option would be to shred information that you no longer use, don't just throw it in the bin. Sometimes you might have information about a volunteer that you want to hold onto for a few months – if you can justify why you would keep this then that's ok – hold onto the information. If volunteers leave your organisation and they would or you would like to keep a contact with them, establish a Friends' of the Organisation Group and ask the volunteers if they would like to receive news from you, perhaps a newsletter or updates on the organisations progress by email bulletins. This would give you a realistic reason to hold their information.

- **Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting them into practice?**

As the Volunteer Manager or Coordinator it may be best to ask if your organisation is already registered with the Information Commissioner's Office. You may find that your organisation already has guidance and policies that you should be adhering to. If not – you may have to initiate policies on data retention and storage and also on staff and volunteer awareness. All staff and volunteers who handle information need to be aware of the regulations from the Information Commissioner's Office

- **Do I need to notify the Information Commissioner and if so is my notification up to date?**

If you hold and process information about your clients, employees or suppliers, you'll need to comply with the Data Protection Act. This states that personal information must be kept secure, up to date and processed lawfully and fairly. Good information handling makes good business sense, and provides a range of benefits. You'll enhance your business' reputation, increase customer and employee confidence, and by ensuring that the information is accurate, save both time and money.

If you process personal information you must register with:

The Information Commissioner's Office

Important: Changes to the notification fee structure will come into effect on 1st October 2009.

If you are making a new application to notify, your fully completed form and £35 notification fee must be received by the ICO by 30th September 2009. If you are unable to return your notification application before 1st October 2009, please contact the notification helpline on Tel: 01625 545740 for further guidance.

For more details go to:

http://www.ico.gov.uk/what_we_cover/data_protection/notification.aspx

Adapted from ICO,

http://www.ico.gov.uk/for_organisations/data_protection_guide.aspx