Data Protection Policy

Hogarth Youth & Community Centre, Duke Road, Chiswick, London W4 2JR
Charity Number: 1084019

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Data protection principles

The Hogarth Charitable Trust Company Limited ("Hogarth Charitable Trust") is committed to processing data in accordance with its responsibilities under the GDPR. The EU GDPR was incorporated into UK legislation with some amendments by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulation 2020 and the Data Protection Act 2018 (DPA 2018).

Article 5 of the GDPR requires that personal data shall be:

a. processed lawfully, fairly and in a transparent manner in relation to individuals;
b. 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 research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
e. kept in a form which 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 the GDPR in order to safeguard the rights and freedoms of individuals; and
f. 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."

General provisions

a. This policy applies to all personal data processed by the Hogarth Charitable Trust.
b. The Responsible Person shall take responsibility for the Hogarth Charitable Trust ongoing compliance with this policy.
c. This policy shall be reviewed at least annually.
d. The Hogarth Charitable Trust shall register with the Information Commissioner's Office as an organisation that processes personal data.

Lawful, fair and transparent processing

a. To ensure its processing of data is lawful, fair and transparent, the Hogarth Charitable Trust shall maintain a Register of Systems.
b. The Register of Systems shall be reviewed at least annually.
c. Individuals have the right to access their personal data and any such requests made to Hogarth Charitable Trust shall be dealt with in a timely manner.

Lawful purposes

a. All data processed by the Hogarth Charitable Trust must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests (see ICO guidance for more information).
b. Hogarth Charitable Trust shall note the appropriate lawful basis in the Register of Systems.
c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Hogarth Charitable Trust system.

Data minimisation

a. The Hogarth Charitable Trust shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
b. The Hogarth Charitable Trust occasionally takes part in research exercises. Consideration is given to the anonymisation and deletion of data gathered in research.

Accuracy

a. The Hogarth Charitable Trust shall take reasonable steps to ensure personal data is accurate and correcting personal data known to be incorrect, inaccurate, incomplete, ambiguous, misleading or outdated, even if the Data Subject does not request

rectification.

b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

Archiving / removal

a. To ensure that personal data is kept for no longer than necessary, the Hogarth Charitable Trust shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
b. The archiving policy shall consider what data should/must be retained, for how long, and why.

Security

a. The Hogarth Charitable Trust shall ensure that personal data is stored securely using modern software that is updated.
b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
c. Staff will be trained annually in regard to their responsibilities to safeguard data.
d. When personal data is deleted this should be done safely such that the data is irrecoverable.
e. Appropriate back-up and disaster recovery solutions shall be in place.

Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Hogarth Charitable Trust shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO (more information on the ICO website).

The right to object to direct marketing

People have the right to decide whether or not they wish their information to be used for direct marketing purposes. The Hogarth Charitable Trust offers the option to "opt-out" of receiving marketing materials e.g. its quarterly newsletter. Anyone can opt-out at any time and the Hogarth Charitable Trust must respect this and amend records to ensure mailings no longer continue.

Information sharing for safeguarding purposes

The Hogarth Charitable Trust understands its duty to share information that may help another relevant person exercise their functions, including assess risk, make a decision, provide support or take action to safeguard and promote the welfare of a child. This information may be about a child, or another named individual connected to a child and that the common law duty of confidentiality (CLDoC) does not apply to information shared in compliance with the information sharing duty, meaning that confidential patient information can be shared without consent under the CLDoC, and without the need to consider whether sharing is in the overriding public interest.

Other Requests for Access

Sometimes the Hogarth Charitable Trust is contacted by third parties who would like access to client records.

If the police contact you for data, you should confirm with the police that the reason for the request is that they wish to contact a named individual about a named criminal investigation (regardless of whether that individual is a suspect or witness) and that failure to release the data would prejudice the investigation. Most police forces will have their own request form which should always include a statement confirming that the information requested is required for the purposes covered in Section 29 of the Data Protection Act, a brief outline of the nature of the investigation and the subject's role in that investigation, and the signature of the investigating officer. This document must be obtained prior to the release of any information. All requests from the Police should be sent to the Youth Officer or the Hogarth Charitable Trust Trustees for action.