

General Data Protection Regulation & Privacy Policy

Making A Difference To Maidstone (MADM) regards the lawful and secure processing of Data of utmost importance for the protection of all Data Subjects and for the successful and efficient provision of services. MADM endeavours to fully adhere to the General Data Protection Regulation 2018 (GDPR). This includes your individual rights as a client (known as the Data Subject).

If you have difficulty reading or understanding this Policy please ask the Data Controller who will assist you. The contact details are below under the heading Location.

Who We Are and What We Do

MADM is a professional Christian charity located in Maidstone. MADM was established as a limited company on the 19th May 2015 and became a UK registered charity on the 6th September 2016 to provide a service to people who are homeless, addicts, vulnerable, isolated and in crisis and serve the local community. MADM Maidstone has three locations based in the town.

Location

Making a Difference to Maidstone (MADM)
49 Church Street
Maidstone
Kent
ME14 1DS
Tel: 01622 687414
Email: madmstone@gmail.com
Website: TBA

MADM Outreach Centre
The Old Security Office
The Mall Bus Station
Maidstone
Kent

MADM Furniture & Electrical
Unit 326
The Mall Shopping Centre
Maidstone
Kent
ME15 6AT

Scope

The policy applies to all staff/trustees (voluntary/employed/contracted) of Making A Difference to Maidstone (MADM). During the course of duties, staff will be dealing with or may overhear sensitive, personal Data. GDPR gives specific guidance to comply with the law; personal Data must be processed appropriately and not disclosed unlawfully, as outlined in this Policy.

Compliance

Compliance with the GDPR and Privacy Policy is the responsibility of all staff/trustees. Any unlawful breach will be treated as a serious matter, which may result in disciplinary action, dismissal for gross misconduct and could also lead to criminal prosecution.

Definitions

(GDPR) General Data Protection Regulation 2018/Data Protection Act 1998

GDPR applies to 'personal data' meaning any information relating to an identifiable person, who can be directly, or indirectly identified by reference to an identifier. Identifiers constitute data including for example; name, identification number, location, online identifiers and applies to automated or manual systems.

'Data Controller' means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are processed. IT IS THE DATA CONTROLLER THAT MUST EXERCISE CONTROL OVER THE PROCESSING AND CARRY DATA PROTECTION RESPONSIBILITY. The Data Controller with overall responsibility is Founder/Director Amanda Sidwell.

'Data Processor' means any person (other than the employee of the Data Controller) who processes the data on behalf of the Data Controller. Data Processors are responsible to the Data Controllers and the Data Subjects to ensure data is kept secure. A Data Processor may also be a Data Controller.

'Data Subject' means the person whose data is being processed (client, employee, volunteer, organisation, etc).

'Processing' in relation to the data means obtaining, recording, storing or carrying out any operations on the data including;

- a) Organisation, adaptation or alteration of the data
- b) Retrieval, consultation or use of the data
- c) Disclosure of the data by transmission, dissemination or otherwise making available
- d) Alignment, combination, blocking, erasure or destruction of the data

Principles

Under the GDPR, the data protection principles set out the main responsibilities for organisations. 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.

Processing of Data Held

Client Record of Personal Information:

This form contains personal and relevant details of the Data Subject. The details are hand written or typed and printed then deleted from the computer. This information is not saved on the hard drive. The data is then stored in a lockable, fireproof filing system.

Employee/Volunteer Records:

Records contain personal and relevant details of the Data Subject. The details are hand written or typed and printed then deleted from the computer. This information is not saved on the hard drive. The data is then stored in a lockable, fireproof filing system.

Correspondence:

Permission is obtained from the Data Subject relating to their preference of appropriate means of contact, whether by text, phone, email. Only general information will be communicated to the Data Subject via these methods and on a first name only basis. Letters will be used concerning any sensitive data. Correspondence sent to any agency is with the Data Subject's agreement, unless it is deemed that exceptions to confidentiality apply due to disclosure of and/or concern of serious risk of harm to self or others.

Computers:

Electronic data is encrypted/password protected. All data is securely backed-up to retrieve any data in the event of a physical or technical incident.

Information We Require From You and Why

If you receive services from MADM you will require an initial assessment with the Data Controller. This is to consider whether MADM will be the most suitable agency to help you and for you to decide whether you would like to receive services from MADM.

Before your assessment, you will be asked to complete a 'Record of Personal Information' giving consent to MADM to hold your personal information. (GDPR Articles 6.(1), 7.2, & 9(2) a,d,j).

The assessment will require you, the Data Subject to provide general personal information such as name, address, date of birth, GP's name and address, more detailed information relating to the reasons you are requesting help. (GDPR Article 15)

This information is necessary for the following reasons:

- To communicate with you
- For the assessor to decide whether MADM is able to assist you
- To provide the most appropriate services
- In certain circumstances, to contact your GP or other agencies.
- For Gift Aid purposes by providing proof to HMRC when claiming the tax benefit
- Recruitment
- Equal Opportunities monitoring
- Volunteering opportunities
- To distribute relevant organisational material e.g. meeting papers
- Payroll

Every effort is made to ensure that data storage is minimised.

Not providing the required information will mean that services cannot be provided.

Who Will See Your Personal Information?

Your personal Data; Personnel Records, Record of Personal Information, Assessment, Case Notes and correspondence will only be processed by Data Controllers and Data Processors which may be employees and/or volunteers as necessary in order to provide services. Exceptions to this may occur, if either; records are subpoenaed (ordered) by law to have access, or there is a disclosure or concern of serious risk of harm to self and/or others.

Photographs

Consent will be obtained from the Data Subject before using photographs in which they appear. If this is not possible, for example, in a large group photo, the Data Controller will remove any photograph if a request or complaint is received.

How Will We Use Information About You?

- Communication between the Data Controller/Data Processors.
- To communicate with you via letters, phone calls, texts or email.
- In certain circumstances to contact your GP or other agencies as necessary.
- Statistical analysis. No personal details are ever disclosed.
- For the purposes of applying for grants which helps to provide services.

Purpose and Legal Basis for Processing Your Information

Consent

As noted above you will be asked to sign a form called 'Record of Personal Information' (GDPR Articles 6.1, 7.2, & 9.(2)a,d,j). This will give MADM permission to obtain your personal details including the reason you wish to access our services.

This form will also give you an opt in or out option choice as to whether you wish MADM to retain your records for five years or whether you wish MADM to destroy any information about you when services end.

You will be given a copy of the form and MADM will retain a copy for their records.

Outside Agencies

Under no circumstances will MADM be involved with general marketing of your personal information. However, it might be necessary to contact other agencies such as your GP. MADM aims to make every effort for any form of communication like this will be in writing, confidential and as transparent as possible. We will endeavour to involve you in this process where reasonably practicable.

Where contact with outside agencies are sought to provide further services, MADM will not send sensitive, identifiable information about you via email or text. Exceptions to any of the above may occur, if either; records are subpoenaed (ordered) by law to have access, or there is a disclosure or concern of serious risk of harm to self and/or others.

Assessment Forms and Case Notes

These are written by the Data Controller and/or the Data Processor and contain your general information, i.e. name and address as well as information relating to your reason for accessing services.

Necessity to Perform a Task in the Public Interest or Exercising an Official Duty

MADM adheres to a strict code of confidentiality, however, confidentiality has its limitations and there may be certain circumstances where there are exceptions to confidentiality, such as harm to self or others which will compromise this principle.

In such circumstances MADM may have to contact designated outside agencies such as The Police, Social Services or GP because the issue is in direct conflict with our legal or ethical obligations as a service provider. This would include situations such as; ongoing sexual abuse involving a minor, (a child under the age of 18), any intention to commit any act of terrorism. These examples are not exhaustive.

Data Controllers and Processors

The Trustees hold overall responsibility for the charity. However, for the purposes of obtaining, filing, processing and keeping your personal information confidential the Founder/Director Amanda Sidwell is the Data Controller. (GDPR. Article 13 (1)a.c (2)Article 24 (1) (2))

Your Rights as a Data Subject

Right to Obtain Personal Information

You, the Data Subject have the right to obtain your personal information from MADM. However, in certain circumstances obtaining this information might not be in your best interests. For example, in a domestic violence situation. Therefore, in such circumstances, you will only be given aspects of your personal information to ensure best practice, to protect your safety, your well-being or the safety of another. (Data Protection (Subject Access Modification) (Health) Order 2000 No 413). Please give prior notice if you wish to access data.

Right of Rectification

Reasonable action will be taken to keep Data up to date and accurate. You have the right to rectification and are entitled to view your information to check it is accurate. (GDPR. Article 16). Please give prior notice if you wish to access data.

Right to Withdraw Consent

You may decide to withdraw your consent to your data being held at any time, or request your data be erased once the service has ended, in which case MADM will securely erase your data. If you request that you wish your information to be erased you must sign the 'opt out' clause on the Record of Personal Information otherwise your data will be stored for 5 years from the date you end using the service.

Right to Restrict Processing

The Data Subject has the right to obtain restrictions of processing where the following applies (GDPR Article 18 Article 21 (1));

- the accuracy of the data is contested by the Data Subject
- the processing is unlawful
- the Data Controller no longer needs the information
- they are required by the Data Subject for the establishment, exercise or defence of legal claims
- the data Subject has objected to processing

Right to Data Portability

The Data Subject may obtain and reuse their data for their own purposes across different services. The Data Subject may move, copy or transfer their personal data easily from one IT environment to another in a safe and secure way without hindrance to usability. (GDPR Article)

Right to Object

The Data Subject has three rights to object to processing. The only absolute objection is to direct marketing. The other two rights relate to scientific/historical/research/statistical purposes or it's necessary for the public interest/official authority. There must be adequate grounds for the Data Subject to make an objection. (GDPR Article 21)

Rights of Automated Decision Making and Profiling

Automated decision making is a decision made solely by an automated process with no human involvement in the decision process. Some of these decisions could have a legal effect for example a contract which could impact on the Data Subject's individual legal rights.

Profiling is obtaining personal data via an automated process i.e. a computer with the aim of evaluating personal aspects of the person or groups of people for example age, gender, which might include analysis or prediction. An example of profiling includes analysing an individual's credit score.

MADM does not use automated decision making or profiling.

Right to Complain

You have the right to make a complaint if you believe the service you are receiving is inadequate (GDPR. Article 15 (1) f). You can make a complaint to the Founder/Director of MADM either directly or in writing.

Data Breach

In the unlikely event of a data breach, that is; the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed of the Data Subject's personal information, the Data Controller must be notified immediately.

If it is deemed the data breach is going to compromise the Data Subject in any way, the Data Controller will inform the supervisory authority (ICO) within 72 hours after having become aware of the breach. Unless the Data Controller is able to demonstrate, in accordance with the accountability principle that the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. (GDPR. Article. 33)

Children & Vulnerable Adults and their Parents/Carers

MADM generally only works with adults aged 18 years or over. However, on rare occasions that a child or young person enquires for services MADM's Child and Vulnerable Adult Policy applies. MADM is committed to ensuring the protection of children and vulnerable adults. Any staff member working with young people and vulnerable adults has the immediate responsibility to keep them safe and process data responsibly. The person in MADM who has overall responsibility for child and vulnerable adult protection is Founder/Director Amanda Sidwell.

The Children's Act states the term 'child' refers to any young person under the age of 18 years old. This document should be read in conjunction with MADM's full Child and Vulnerable Adults Protection policy is available at MADM. For young people under the age of 18 years of age, written consent will be obtained from either the parent or carer and the young person before services can be provided. (GDPR Article 8 (1)

The statutory duty regarding the protection of children and vulnerable adults takes priority over client confidentiality.

Any staff working directly with or involved in the care and support of children or vulnerable adult clients are subject to an Enhanced Disclosure and Barring Service Check (DBS).

Reference:

<https://ico.org.uk/>