



## **Data Protection Policy**

Manchester Deaf Centre

Updated February 2024

Policy No.: 16

Date approved by Board of Trustees:

Date of next review: March 2024

### **Contents**

<b>1. Policy Statement.....</b>	<b>2</b>
<b>2. Legal Requirements .....</b>	<b>2</b>
<b>3. Managing Data Protection .....</b>	<b>3</b>
<b>4. Data Protection Principles.....</b>	<b>3</b>
<b>5. Types of Personal Data held by Manchester Deaf Centre .....</b>	<b>4</b>
<b>6. Purpose of Data held by Manchester Deaf Centre .....</b>	<b>5</b>
<b>7. Individual Rights .....</b>	<b>5</b>
<b>8. Personal Data Breach.....</b>	<b>6</b>
<b>9. Definitions .....</b>	<b>8</b>

## **1. Policy Statement**

This policy sets out how Manchester Deaf Centre processes personal data. It explains what data we keep and why and how we make sure this information is kept safe and is as accurate as possible. The policy provides guidelines on individuals' rights to see their data and the circumstances under which we may disclose data to others. It applies to all personal data that we process regardless of the way that information is stored (e.g. on paper, electronically or other means). You can find a definition of the key terms used in this policy at the end of the document.

Manchester Deaf Centre is committed to protecting the rights and privacy of staff, volunteers, service users, external contacts and others in accordance with The General Data Protection Regulation (GDPR) and Data Protection Act 2018. The policy applies to all Manchester Deaf Centre workers.

As a matter of good practice, other organisations and individuals working with Manchester Deaf Centre, and who have access to personal information, will be expected to have read and comply with this policy. It is expected that any staff who deal with external organisations will take responsibility for ensuring that they also comply with The General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Manchester Deaf Centre takes compliance with the Act and this policy very seriously. Any breach of The GDPR and Data Protection Act 2018 or Manchester Deaf Centre Data Protection Policy is considered as misconduct and in that event, Manchester Deaf Centre disciplinary procedures apply. A significant or deliberate breach of this policy, such as accessing a data subject's personal data without authority or unlawfully obtaining or disclosing a data subject's personal data (including for a third party) without Manchester Deaf Centre's permission constitutes gross misconduct and could lead to dismissal. If you are not an employee, you may have your contract with us terminated immediately.

## **2. Legal Requirements**

Data is protected by the GDPR and Data Protection Act 2018, which came into effect on 25 May 2018. Its purpose is to protect the rights and privacy of individuals and to ensure

that personal data is not processed without their knowledge, and, wherever possible, is not processed without their consent.

The Act requires Manchester Deaf Centre to register the fact that we hold personal data and to acknowledge the rights of 'data subjects' – service users, trustees, staff and volunteers must have the right to copies of their own personal data, and to know that we are processing this data lawfully.

### **3. Managing Data Protection**

For the purposes of GDPR Manchester Deaf Centre is a Data Controller. Responsibility for data protection begins with the board of trustees and runs through all levels of the organisation. MDC's Senior Managers have day-to-day responsibility for leading on Data Protection and Information Governance at Manchester Deaf Centre.

Manchester Deaf Centre ensures that our details are registered with the Information Commissioner. The current certificate expires **31st August 2024**. A copy of the notification is located in the Manchester Deaf Centre office. You can see Manchester Deaf Centre's registration online on the Data Protection Register by going to <https://ico.org.uk/ESDWebPages/Entry/ZA199361>

### **4. Data Protection Principles**

Under the GDPR, there are six data protection principles that Manchester Deaf Centre must comply with, personal data we hold must be:

1) Processed lawfully, fairly and in a transparent manner

*Inform individuals as to the purpose of collecting any information from them, as and when we ask for it*

2) Collected only for legitimate purposes that have been clearly explained and not further processed in a way that is incompatible with these purposes

*Ensure that records kept are only for the purpose intended, and these purposes are clear and transparent to the service user*

- 3) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

*Ensure that the information kept is only relevant to that of the intended purpose.*

- 4) Accurate and, where necessary kept up-to-date

*Be responsible for checking the quality and accuracy of the information*

- 5) 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

*Regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held.*

- 6) Processed in a way that ensures appropriate security of the personal data

*Ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security policy requirements at all times*

## **5. Types of Personal Data held by Manchester Deaf Centre**

Personal information is any information about an individual from which that person can be directly or indirectly identified. It does not include anonymised data, i.e. where all identifying particulars have been removed. There are also **'special categories'** of personal information and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal data are information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, and genetic and biometric data.

In addition to the six lawful basis for processing personal data special category data must also have a [separate condition for processing](#). This will usually be the explicit consent of the subject, but there are also other conditions. Whilst it is accepted that data of this nature may sometimes be used for monitoring purposes, strict safeguards will always be in place to ensure that individuals cannot be identified.

Manchester Deaf Centre collects uses and processes a range of personal information. This may be about service accessed, ward of residence, age range etc.

## **6. Purpose of Data held by Manchester Deaf Centre**

Manchester Deaf Centre holds data for the following purposes:

1. Funding
2. Referrals
3. Case Studies and Testimonials
4. Identifying needs of the community

## **7. Individual Rights**

The GDPR provides the following rights for individuals:

1. **The right to be informed.** This includes an obligation on organisations processing personal information to provide fair processing information, typically through a privacy notice and be transparent over how they use personal data.
2. **The right of access.** Individuals have the right to access their data; (known as Subject Access) to help them understand how their data is being used and if this is being done lawfully. This request can be made verbally or in writing (via any format including social media) and can be made to any member of Manchester Deaf Centre staff. Manchester Deaf Centre will respond to the request within one month. The individual requesting access does not have to use any special forms or the words subject access for the request to be valid. Information will be provided free of charge.

3. **The right to rectification.** Personal data can be corrected if it is inaccurate or incomplete.
4. **Right to erasure.** This is also known as the right to be forgotten. It allows an individual to request the deletion or removal of personal information where there is no compelling reason for its continued processing. E.g. it is no longer necessary for the purpose it was originally collected.
5. **Right to restrict processing.** Individuals have a right to block or suppress the processing of personal data. The data can still be stored, but must not be further used. The circumstances in which processing may be restricted could be where an individual contests the accuracy of personal data, and wants it to be verified, or where the organisation no longer needs the data, but the individual does (for a legal claim for example).
6. **Right to data portability.** This gives individuals the right to obtain and reuse their personal data for their own purposes across different services. This right only applies to data provided by the individual, based on consent or for performance of a contract and where processing is carried out by automated means.
7. **Right to object.** Individuals have the right to object to direct marketing and processing based on legitimate interests. Manchester Deaf Centre gives all our service users choices about their marketing preferences when they first contact us and these preferences can be changed at any time.
8. **Rights related to automated decision making including profiling.** This is related to automated individual decision making and profiling.

Any such request should be reported to MDC's Senior Managers and logged with their line manager.

## 8. Personal Data Breach

A personal data breach happens where personal data is lost, destroyed, altered, corrupted or disclosed, accessed or passed on without proper authorisation. Or if the data is made unavailable and this causes significant negative effect to individuals. This includes breaches that are the result of both accidental and deliberate causes.

Personal data breaches can include:

- Access by an unauthorised third party
- Sending personal data to an incorrect recipient
- Computing devices (tablets, mobiles etc.) containing personal information being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

If a personal data breach occurs steps should be taken promptly to address it:

- All Manchester Deaf Centre workers should **immediately** inform their line manager/supervisor of any data security incident, and in their absence any other member of the Manchester Deaf Centre management team
- The manager will then immediately alert MDC's Senior Managers, who will form a response team
- The response team will establish the likelihood and severity of any resulting risk to people's rights and freedoms because of the breach
- If it is likely there will be a risk then the ICO must be notified within 72 hours of Manchester Deaf Centre
- becoming aware of the breach
- If the ICO are notified then the Charity Commission and relevant funders will also need to be notified
- If the breach involves a high risk to the rights and freedoms of individuals then the individual must also be informed without undue delay
- Manchester Deaf Centre have a Risk Register to guide managers in addressing any breaches that do occur

## 9. Definitions

**Consent** means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which they, by a statement or by clear affirmative action, signify their agreement to the processing of personal data relating to them.

**Data subject** means a living identified or identifiable individual about whom the company holds personal data.

**Manchester Deaf Centre worker** means any staff, volunteer, trustee, apprentice, intern, contractor or consultant employed or engaged by Manchester Deaf Centre.

**Personal Data** is any information relating to a data subject who can be identified (directly or indirectly) either from those data alone or by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, mental, economic, cultural, social, genetic identity of that data subject. It excludes anonymised data where all identifying particulars have been removed.

**Processing** is any operation or set of operations which is performed on personal data or sets of personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disclosing, disseminating, restricting, erasing or destroying. It also includes transmitting or transferring personal data to third parties.