

# **Nene Art School C.I.C.**

## **Confidentiality & Information Sharing Policy (Including GDPR)**

### **General principles**

Nene Art School C.I.C. recognises that colleagues (employees, volunteers, trustees, secondees and students) gain information about individuals and organisations during the course of their work and activities. In most cases such information will not be stated as confidential, and colleagues must exercise common sense and discretion in identifying whether this information should be communicated to others.

Information given in confidence must not be disclosed without consent unless there is a justifiable reason, e.g., a requirement of law or if there is an overriding public interest to do so, such as safeguarding.

The General Data Protection Regulation 2016 has been superseded by the Data Protection Act 2018. This Act is a piece of legislation that manages data protection law. It explains the requirements and safeguards which must be applied to personal data to ensure the rights and freedoms of living individuals are not compromised.

Data protection means when we record and use personal information then we must be open about how the information is used and kept secure. It applies to how we collect, use, shared, keep, delete and destroy personal information. As we collect and decide how we use personal information, we have to ensure we comply with data protection legislation.

This policy applies to all personal data held by or on our behalf. It includes manual/paper records and personal data that is electronically processed by computer systems.

### **What Are Our Responsibilities**

There are six Data Protection Principles with which we must comply with in relation to personal information. In summary these state personal information will be:-

- Processed fairly and lawfully in a transparent way.
- Obtained only for one or more specified and lawful purposes and not further processed in a manner incompatible with that purpose.
- Adequate, relevant and limited to what is necessary.
- Accurate and where necessary, kept up to date.
- Not be kept for longer than is necessary.
- Protected by appropriate technical and organisational measures.

This means that we will:-

- Make sure that when we ask for information we are fair to the people whose information we ask for and use.
- Explain why we are asking for the information and what we will do with it.
- Make sure we only ask for the information we need.
- Make sure the information we hold is up to date and accurate.
- Make sure we only keep it for as long as we need to.
- Ensure that we have processes in place to protect the information. whether it is on paper or electronic.
- Ensure that we won't send information abroad unless there are the proper safeguards.
- Make sure that people can exercise their data protection rights.

In addition we will also:-

- Have someone with specific responsibility for data protection.
- Make sure all employees, trustees, volunteers, etc, know that they are responsible for data protection and know what good practice is.
- Train staff and volunteers to manage and handle information correctly.
- Support staff and volunteers to manage and handle personal information correctly.
- Respond to any queries about handling personal information promptly and courteously.
- Review how we use personal information to make sure we are always complying.
- Ensure staff know when they can share information with others.

### **Why information is held**

Most information held by Nene Art School C.I.C. relates to young people (and their next of kin), volunteers, staff or committee members.

Information is kept to enable Nene Art School C.I.C. to understand the history and activities of individuals in order to deliver the most appropriate services. For example, medical information to keep a young person safe, or to contact their next of kin regarding projects, first aid or collecting young people from the project.

Information about protected equality characteristics of users is kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

### **Consent**

All young people that join our project are expected to complete a consent form. If they are under 18 years of age, their parent, guardian or carer needs to also give consent for information to be held.

Consent must be freely given; this means giving people genuine ongoing choice and control over how you use their data.

Consent should be obvious and require a positive action to opt in. Consent requests must be prominent, unbundled from other terms and conditions, concise and easy to understand, and user-friendly.

Within our consent statement we request the right to process personal data lawfully (Article 6 of the GDPR (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose).

This Consent includes passing data to third parties to keep young people safe, for example, Emergency Service, NHS.

## **Rights of the individual**

Under GDPR, data subjects have new rights in terms of their data. A Data Subject means an 'individual' who is the subject of personal data. In other words, the data subject is the individual whom particular personal data is about.

[Right to be informed](#) – data subjects have the right to know what is happening with their personal data, through the use of a privacy notice.

[Right to access](#) – the right to access personal data which is held can be accessed by Subject Access Request (SAR). Under the new legislation the time period to respond is reducing from 40 Calendar days to 20 working days, but this can be expanded to 3 months for requests which are for a large amount of information.

[Right to rectification](#) – to right to amend data if is inaccurate or incomplete.

[Right to erasure](#) – a person can ask for information to be deleted in certain cases, for example, consent withdrawn or no longer needed.

[Right to restrict processing](#) – the blocking of processing in certain situations, for example, the accuracy is contested or no longer needed.

[Right to data portability](#) – the ability to provide data to data subject in a way in which they can re-use it but only in certain cases.

[Right to object](#) – a data subject can object to processing activities, for example, those based on public interest or official authority.

[Rights related to automated decision making including profiling](#) – using a "human decision" rather than by an automated process. This also applies to profiling.

## **Data Breach**

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data. A personal data breach can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data.

- We must report data protection breaches within **72 hours** and in some cases inform the people whose data has been affected.
- The fining powers of the regulator will be increased substantially by GDPR (from a £500k maximum to **€20m**).
- When a personal data breach has occurred, we must establish the likelihood and severity of the resulting risk to people's rights and freedoms. If it's likely that there will be a risk, then you must notify the Information Commissioner's Office (ICO).

Misuse of personal data and security incidents must be reported to the Nene Art School C.I.C. Committee so that steps can be taken to rectify the problem and ensure that the same problem does not occur again. This includes unauthorised access to person-identifiable information where a member of staff, or third party, does not have a need to know. It also includes incidents of information lying around in a public area, theft and loss of information.

Please report all data breaches immediately to following people from the Nene Art School C.I.C. Committee.

- Chair Jurgita Kapsiene
- Treasurer Jonas Kapsas
- Secretary Ingrida Abraityte

### **Data Protection Officer**

- GDPR introduces a duty for you to appoint a data protection officer (DPO) if you are a public authority, or if you carry out certain types of processing activities.
- DPOs assist you to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.
- Our DPO is chair Jurgita Kapsiene admin@neneartschool.co.uk, 07377703749.

### **Access to information**

Information is confidential to Nene Art School C.I.C. as an organisation on a need-to-know basis to ensure the best quality service for young people.

Where information is sensitive, it should be clearly labelled 'Confidential'.

Users may have sight of records held in their name. The request to access information must be in writing to Nene Art School C.I.C. giving 14 days' notice and be signed by the individual.

Employees / volunteers may have sight of their personnel records by giving 14 days' notice in writing to Nene Art School C.I.C.

When photocopying or working on confidential documents, colleagues should ensure people passing do not see them. This also applies to information on computer screens.

### **Storing information**

General non-confidential information about our organisation is kept in an unlocked filing cabinets and in computer files with open access to all Nene Art School C.I.C. colleagues.

Personnel information on employees, volunteers and other individuals working within Nene Art School C.I.C. will be kept in a lockable filing cabinet by line managers and Chair of Organisation.

Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.

In an emergency situation, the Chair of the Organisation may authorise access to files by other people.

### **Duty to disclose information (Information Sharing)**

There is a legal duty to disclose some information including:

- Child and vulnerable adult abuse will be reported to the relevant statutory services.
- Drug trafficking, money laundering or acts of terrorism will be disclosed to the police.

In addition, colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to our Safeguarding Lead who will report it to the appropriate authorities.

Members of our project should be informed of this disclosure unless this would put at risk the safety of any individual or jeopardise a potential criminal investigation. Details about disclosure of information and who has been

informed will always be kept on record and stored securely with restricted access. (See Safeguarding Policy for further info).

### **Disclosures (In terms of volunteers / staff recruitment)**

Nene Art School C.I.C. complies fully with the DBS Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

Disclosure information is always kept separately from an applicant's personnel file in secure storage with access limited to those who are entitled to see it as part of their duties. It is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Nene Art School C.I.C. will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

**This Policy was agreed and adopted by Nene Art School C.I.C.**

**Signed (2 Committee Members).**

Chair - Jurgita Kapsiene – Signed:

Secretary – Rita Skukauske – Signed:

Date: 14/01/2025

Date of Next Review: Jan 2025