



INNIT FOR YOUNG PEOPLE

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Registered Charity No. 1182891  
Company No. CE017127

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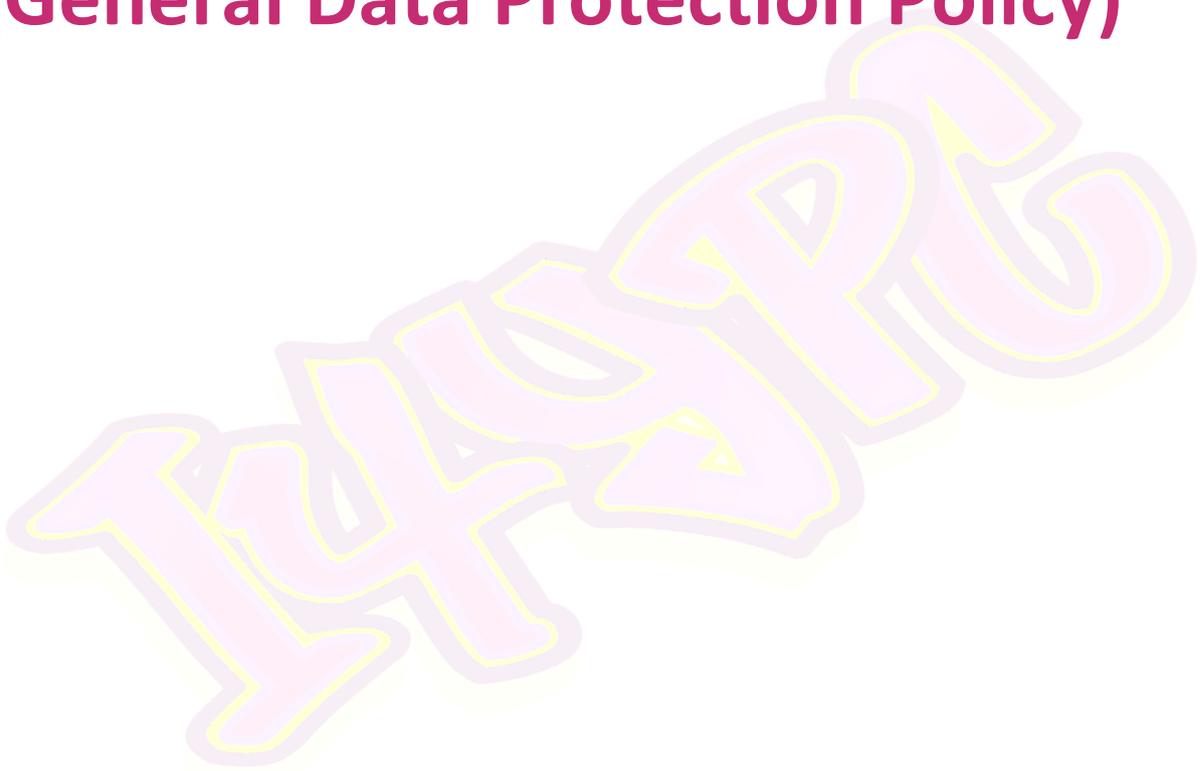
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## Governance Policy

# GDPR

# (General Data Protection Policy)



**DOCUMENT CONTROL PAGE**

<b>Title</b>	<p><b>Title:</b> General Data Protection Policy</p> <p><b>Version:</b> 1</p> <p><b>Reference Number:</b> GDPR</p>
<b>Originator or Modifier</b>	<p><b>Originated By:</b> Micky Dacks</p> <p><b>Designation:</b> Chief Executive Officer</p> <p><b>Modified by:</b> Ange Lea</p> <p><b>Designation:</b> Chair</p>
<b>Ratification</b>	<p><b>Referred for approval by:</b> Micky Dacks</p> <p><b>Date of Referral:</b> 2.6.20</p> <p><b>Referral Destination:</b> Ange Lea (Chair)</p> <p><b>Date of I4YPC Board Approval:</b></p>
<b>Application</b>	<p>All I4YPC Trustees</p> <p>All I4YPC Employees</p> <p>All I4YPC Volunteers</p> <p>All I4YPC Stakeholders</p> <p>All I4YPC Service Users</p>
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<b>Designation</b>	<p><b>Data Protection Officer:</b> Micky Dacks (Chief Executive Officer)</p> <p><b>Information Governance Lead:</b> Robert Parker (Treasurer)</p>
<b>Review</b>	<p><b>Review Date:</b> 2.6.21</p> <p><b>Responsibility of:</b> Trustee Members, led by Chair (Ange Lea)</p>



## GDPR / Data Protection Policy

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### 1. Purpose and Scope

I4YPC takes the security and privacy of your data seriously. I4YPC needs to gather and use information or 'data' about you as part of I4YPC's business and to manage I4YPC's relationship with you. I4YPC intends to comply with legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. I4YPC have a duty to notify you of the information contained in this policy.

This policy applies to current and former employees, workers, volunteers, apprentices, consultants, stakeholders, young people and/or other service users. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy. You should read this policy alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your data.

I4YPC has measures in place to protect the security of your data.

I4YPC will hold data in accordance with our statutory data protection and retention obligations as may be required by law. I4YPC will only hold data for as long as necessary for the purposes for which I4YPC collected it.

I4YPC is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

**I4YPC is registered with the ICO (Information Commissioner's Office)**

**I4YPC'S Registration number is ZA782205**

This policy explains how I4YPC will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, on behalf of, or as a participant of I4YPC.

This policy does not form part of your contract of employment (or contract for services if appropriate) and can be amended by I4YPC at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, I4YPC intends to comply with the 2018 Act and the GDPR.



## 2. Data Protection Principles

Personal data must be processed in accordance with six 'Data Protection Principles'. It must:

- be processed fairly, lawfully and transparently
- be collected and processed only for specified, explicit and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay
- not be kept for longer than is necessary for the purposes for which it is processed
- be processed securely.

I4YPC are accountable for these principles and must be able to show that we are compliant.

## 3. How We Define Personal Data

'Personal data' means information which relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information which is likely to come into I4YPC's possession. It includes any expression of opinion about the person and an indication of the intentions of use by I4YPC or others, in respect of that person. It does not include anonymised data.

This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

This personal data might be provided to I4YPC by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by I4YPC. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by a manager or other colleagues.

We may collect and use the following types of personal data about you, dependent upon the circumstances of your engagement with I4YPC:

- recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments
- your contact details and date of birth
- the contact details for your emergency contacts
- your gender
- your marital status and family details
- information about your contract of employment (or services) including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement



- your bank details and information in relation to your tax status including your national insurance number
- your identification documents including passport and driving licence and information in relation to your immigration status and right to work in the UK for I4YPC
- information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings)
- information relating to your performance and behaviour at work
- training records
- electronic information in relation to your use of IT systems/swipe cards/telephone systems
- your images (whether captured on CCTV, by photograph or video)

and

- any other category of personal data which we may notify you of from time to time.

#### 4. How We Define Special Categories of Personal Data

‘Special categories of personal data’ are types of personal data consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

#### 5. How We Define Processing

‘Processing’ means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.



## 6. How Will We Process Your Personal Data?

I4YPC will process your personal data (including special categories of personal data) in accordance with any obligations under the 2018 Act.

I4YPC may use your personal data for:

- performing the contract of employment (or services) between us;
- complying with any legal obligation; or
- if it is necessary for I4YPC's legitimate interests (or for the legitimate interests of someone else). However, I4YPC can only do this if your interests and rights do not override I4YPC's (or theirs). You have the right to challenge I4YPC's legitimate interests and request that I4YPC stop this processing.

I4YPC can process your personal data for these purposes without your knowledge or consent.

However; I4YPC will not use your personal data for any unrelated purposes without telling you about it and the legal basis that I4YPC intend to rely on for processing it.

If you choose not to provide I4YPC with certain personal data, you should be aware that I4YPC may not be able to carry out certain parts of the contract between us. For example, if you do not provide I4YPC with your bank account details, I4YPC may not be able to pay you. It might also stop I4YPC from complying with certain legal obligations and duties which I4YPC has - such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.

## 7. Examples of When We Might Process Your Personal Data

I4YPC has to process your personal data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement).

For example (see below for the meaning of the asterisks):

- to decide whether to employ (or engage) you
- to decide how much to pay you, and the other terms of your contract with I4YPC
- to check you have the legal right to work for I4YPC
- to carry out the contract between you and I4YPC, including, where relevant, its termination
- training and reviewing performance\*
- to decide whether to promote you
- to decide whether and how to manage your performance, absence or conduct\*
- to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else
- to determine whether I4YPC need to make reasonable adjustments to your workplace or role because of your disability\*



- to monitor diversity and equal opportunities\*
- to monitor and protect the security (including network security) of I4YPC, of you, I4YPC's other staff, young people, customers and others
- to monitor and protect the health and safety of you, I4YPC's other staff, young people, customers and third parties\*
- to pay you and provide pension and other benefits in accordance with the contract between you and I4YPC\*
- paying tax and national insurance
- to provide a reference upon request from another employer
- to pay trade union subscriptions\*
- monitoring compliance by you, I4YPC and others with I4YPC's policies and contractual obligations\*
- to comply with employment law, immigration law, health and safety law, tax law and other laws which affect I4YPC\*
- to answer questions from insurers in respect of any insurance policies which relate to you\*
- running I4YPC's business and planning for the future
- the prevention and detection of fraud or other criminal offences
- to defend I4YPC in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure\*
- and for any other reason which I4YPC may notify you of from time to time.

I4YPC will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, I4YPC can do so with your explicit consent. If I4YPC asked for your consent to process a special category of personal data then I4YPC would explain the reasons for I4YPC's request. You do not need to consent and can withdraw consent later if you choose by contacting the CEO.

I4YPC does not need your consent to process special categories of your personal data when I4YPC are processing it for the following purposes, which I4YPC may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims;
- and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

I4YPC may be required to collect and process data relating to criminal convictions of employees, workers, volunteers and other individuals engaged with I4YPC.



I4YPC might process special categories of your personal data for the purposes listed above which have an asterisk beside them. In particular, I4YPC will use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities
- your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with I4YPC's legal obligations under employment law including to make reasonable adjustments and to look after your health and safety
- your trade union membership to pay any subscriptions and to comply with I4YPC's legal obligations in respect of trade union members

I4YPC does not take automated decisions about you using your personal data or use profiling in relation to you.

## 8. Sharing Your Personal Data

Sometimes I4YPC might share your personal data with group companies or our contractors and agents to carry out I4YPC's obligations under our contract with you or for I4YPC's legitimate interests.

I4YPC require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and I4YPC's own policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

I4YPC does not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

## 9. How Should You Process Personal Data for I4YPC?

Everyone who works for, with or on behalf of I4YPC has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy.

I4YPC's CEO is responsible for reviewing this policy along with and updating the Board of Trustees on I4YPC's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person.

You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of I4YPC and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained.



You should always have regard to the policies and procedures which are relevant to dealing with the personal data and records of I4YPC's clients and customers, which includes but is not limited to, this Data Protection Policy.

You should **never** disclose the personal data of any employee, worker, volunteer, consultant, contractor, young person, client or customer of I4YPC (or any of the organisation's contacts or any associated individuals) unless you have been explicitly instructed to do so, or are expressly required to do so.

You should not share the personal data of any employee, worker, volunteer, consultant, contractor, young person, client or customer of I4YPC informally.

You should keep personal data secure and not share it with unauthorised people.

You should regularly review and update personal data which you have to deal with for work. This includes telling us if your own contact details change.

You should not make unnecessary copies of personal data and should keep and dispose of any copies securely, particularly any special category personal data as define above, which includes the personal data and records of young people, clients and customers.

You should use strong passwords on all devices which contain personal data.

You should lock your computer/phone/tablet screens when not using this equipment.

Personal data should be encrypted before being transferred electronically to authorised external contacts (where possible), including using zip folders and secure means of transferring data.

Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.

Do not save personal data to your own personal computers or other devices, whether it be the personal data of employees, workers, volunteers, young people, clients and customers.

Personal data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the CEO/IG Lead.

You should lock drawers and filing cabinets. Do not leave paper with personal data lying about, for example on printers.

You should not take personal data away from I4YPC's premises without authorisation from the CEO.

Personal data should be shredded and disposed of securely when you have finished with it.

You should ask for help from our CEO or IG Lead if you are unsure about data protection or if you notice any areas of data protection or security you feel that we can improve upon.

Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with I4YPC's disciplinary procedure.



It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under I4YPC's disciplinary procedure, which could result in your dismissal.

## 10. How to Deal with Data Breaches

I4YPC has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then I4YPC must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then I4YPC must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the CEO or IG Lead immediately and keep any evidence you have in relation to the breach.

## 11. Subject Access Requests

Data subjects can make a 'subject access requests' ('SAR') to find out the information that I4YPC holds about them. This request must be made in writing. If you receive such a request, you should forward it immediately to the CEO who will coordinate a response.

If you would like to make an SAR in relation to your own personal data you should make this in writing to the CEO. I4YPC must respond within one month unless the request is complex or numerous in which case the period in which I4YPC must respond can be extended by a further two months.

There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive, I4YPC may charge a reasonable administrative fee or refuse to respond to your request.

## 12. Your Data Subject Rights

You have the right to information about what personal data I4YPC processes, how and on what basis as set out in this policy.

You have the right to access your own personal data by way of a subject access request (see above).

You can correct any inaccuracies in your personal data. To do so you should contact the CEO.

You have the right to request that I4YPC erases your personal data where I4YPC were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the CEO.



While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of I4YPC's processing, you can apply for its use to be restricted while the application is made. To do so you should contact the CEO.

You have the right to object to data processing where I4YPC are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish I4YPC to stop.

You have the right to object if I4YPC processes your personal data for the purposes of direct marketing.

You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. I4YPC will not charge for this and will in most cases aim to do this within one month.

With some exceptions, you have the right not to be subjected to automated decision-making.

You have the right to be notified of a data security breach concerning your personal data.

In most situations I4YPC will not rely on your consent as a lawful ground to process your data.

If I4YPC do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later.

To withdraw your consent, you should contact the CEO.

You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly.

Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.

