



Data Protection and Storage of Documents Procedure

1) Scope - This procedure shall describe what data shall be considered sensitive and how this data will be requested, gathered, stored and used by Dudley Mind.

2) Definition of Protected Data - In the Data Protection Act 1998 'sensitive personal data' means personal information that consists of information about;

- 2.1 The racial or ethnic origin of the data subject
- 2.2 His / her political opinions
- 2.3 His / her religious beliefs or beliefs of a similar nature
- 2.4 Information about trade union membership
- 2.5 His / her physical or mental health condition
- 2.6 His / her sexuality or sexual life
- 2.7 The commission or alleged commission by him of any offence
- 2.8 Any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

3) Procedure

3.1 Personal data shall only be obtained for specified and lawful purposes and shall not be further processed in any manner incompatible with that originally stated purpose. The data subject should be informed of who the data controller is (the Chief Executive on behalf of Dudley Mind); who the data controller's representative is; the purpose or purposes for which the data are intended to be processed; and to whom the data will be disclosed. Personal data processing may only take place if specific conditions have been met - these include the subject having given consent or the processing being necessary for the legitimate interests of the data controller. Additional conditions must be satisfied for the processing of sensitive personal data, that relating to ethnicity, political opinion, religion, trade union membership, health, sexuality or criminal record of the data subject.

3.2 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are requested and processed.

3.3 Personal data shall be accurate and, where necessary, kept up to date

3.4 Personal data processed for any purpose shall not be kept for any longer than is necessary for that purpose to be met.

3.5 Appropriate technical and organisational measures will be taken against unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data. This will include taking measures to protect electronic information through password protection and storing all data in lockable cupboards.

3.6 The new Act covers personal data in both electronic form and manual form (e.g. paper files, card indices) if the data are held in a relevant, structured filing system

3.7 Personal data shall not be transferred to a country outside the European Economic Area unless specific exemptions apply (e.g. if the data subject has given consent) this includes the publication of personal data on the internet.

4. Data Subject Rights

The Act gives significant rights to individuals in respect of personal data held about them by data controllers. These include the rights:

4.1 To make a subject access request- an individual is entitled to be supplied with a copy of all personal data held.

4.2 To require the data controller to ensure that no significant decisions that affect them are based solely upon an automated decision-taking process

4.3 To prevent processing likely to cause damage or distress

4.4 To prevent processing for the purposes of direct marketing

4.5 To take action for compensation if they suffer damage by any contravention of the Act by the data controller

4.6 To take action to rectify, block, erase or destroy inaccurate data.

4.7 To request the Data Protection Commissioner to make an assessment as to whether any provision of the Act has been contravened

5. Retention of Data

The Data Protection Act 1998 places an obligation on all employers and organisations storing personal data to consider their data retention needs based on legal guidance, commissioning requirements and good personnel and practise. For

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example the termination of employment does not mean that all records should be deleted; it will be necessary to retain information on PAYE and NI, on pension arrangements and in order to enable referencing for future employers.

The storage of documents by Dudley Mind will adhere to the following rules;

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| Accident Books | 3 Years after the date of the last entry |
| Accounting Records | 7 years in line with Charities Commission Guidelines |
| Records of tests and examinations for workplace safety | 5 years from the date of testing in line with CoSHH Regulations 1999 |
| Records Relating to events notifiable under Retirement Benefits Scheme 1995, inc. retirement due to incapacity and pension accounts. | 6 years from when the notifiable event took place in line with Retirement Benefits Scheme (Information Powers) Regulations 1995. |
| Maternity pay documentation, calculations, records and associated medical evidence | 3 years after the end of the tax year in which the maternity period ends in line with Maternity Pay Regulations 1986. |
| Statutory Sick Pay records, calculations, medical certificates and self certificates | 3 years after the end of the tax year to which they relate in line with SSP regulations 1982. |
| Wage, Salary, bonus, overtime and expenses payments | 6 years in line with Taxes Management Act 1970. |
| Valuation Reports | Permanently |
| All job application forms and interview notes | At least one year |
| Assessment under Health and Safety Legislation | Permanently |
| Inland Revenue Approvals | Permanently |
| Parental Leave | 5 years from the birth / adoption of the child or 18 years if the child receives a disability allowance. |
| Pension scheme investment | 12 years from the end of any benefit |
| Personnel Files and training records including disciplinary records and working time records | 6 years after the employment ceases |
| Client Files including third party information | 7 years for purposes of Professional Indemnity. |
| Redundancy details, calculations of payments refunds etc | 6 years from the date of redundancy |
| Senior Executives records | Permanently for historical purposes |
| Trade Union Negotiations | 10 years |
| Trust Deeds, Minutes of Board Meetings and | Permanently |

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| Records of Annual General Meetings | |
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