



# Fit 4 Future Group

## Data Protection Policy

Last Review: April 2020

Next Review: April 2021

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Fit 4 Future Foundation - Charity Number: 1168854

Fit 4 Future Group - Company Number: 12563227

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## **Data Protection Policy**

For Fit 4 Future Foundation & Fit 4 Future Group

### **1. Policy**

2. This policy applies to all members of Fit 4 Future Foundation & Fit 4 Future Group. For the purposes of this policy, the term “Staff” means all members of Fit 4 Future Foundation & Fit 4 Future Group including permanent, fixed term, and temporary staff, trustees, any third-party representatives, agency workers, volunteers, interns, agents and sponsors engaged with Fit 4 Future Foundation & Fit 4 Future Group in the UK.

3. Fit 4 Future Foundation & Fit 4 Future Group is committed to processing data in accordance with its responsibilities under the General Data Protection Regulation 2018 (GDPR).

4. All contractors and agents acting for or on behalf of Fit 4 Future Foundation & Fit 4 Future Group should be made aware of this policy.

5. This policy applies to all personal and sensitive personal data processed on computers and stored in manual (paper based) files. It aims to protect and promote the rights of individuals and the organisations.

(i) Personal Data: Any information that relates to a living individual who can be identified from the information. It also extends to any information that may identify the individual.

Examples of personal data:

- A person’s name and address (postal and email)
- Date of birth
- Statement of fact
- Any expression or opinion communicated about an individual
- Minutes of meetings, reports
- Emails, file notes, handwritten notes, sticky notes
- CCTV footage if an individual can be identified by the footage
- Employment and student applications
- Spreadsheets and/or databases with any list of people set up by code or participant number
- Employment or education history

(ii) Sensitive Personal Data: Any information relating to an individual’s:

- Ethnicity
- Gender
- Religious or other beliefs
- Political opinions
- Membership of a trade union
- Sexual orientation
- Medical history
- Offences committed or alleged to have been committed by that individual

## 1. Definition

2. The General Data Protection Regulation 2018 is designed to protect individuals and personal data, which is held and processed on their behalf. The Regulation defines the individual as the 'data subject' and their personal information as 'data'. These are further defined as:

(i) Data Subject: Any living individual who is the subject of personal data whether in a personal or business capacity

(ii) Data: Any personal information that relates to a living individual who can be identified. This includes any expression of opinion about the individual.

(iii) Data is information stored electronically i.e. on computer, including word processing documents, emails, computer records, CCTV images, microfilmed documents, backed up files or databases, faxes and information recorded on telephone logging systems.

(iv) Manual records which are structured, accessible and form part of a 'relevant filing systems' (filed by subject, reference, dividers or content), where individuals can be identified and personal data easily accessed without the need to trawl through a file.

## 1. General Principles

2. The General Data Protection Regulation 2018 sets legislative requirements for organisations processing personal data (referred to under the Act as 'Data Controllers'). Fit 4 Future Foundation & Fit 4 Future Group will be open and transparent when processing and using private and confidential information by ensuring we follow the principles of article 5 of the GDPR. Personal data shall be:

(i) Processed lawfully, fairly and in a transparent manner in relation to individuals;

(ii) Collected for specified, explicit and legitimate 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;

(iii) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(iv) 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;

(v) 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

(vi) 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 organisational measures.

2. Fit 4 Future Foundation & Fit 4 Future Group recognises and understands the consequences of failure to comply with the requirements of the GDPR may result in:

- Criminal/civil action;
- Fines and damages;
- Personal accountability and liability;
- Suspension/withdrawal of the right to process personal information by the Information Commissioners Office (ICO);
- Loss of confidence in the integrity of Fit 4 Future Foundation & Fit 4 Future Group 's systems and procedures;
- Irreparable damage to Fit 4 Future Foundation & Fit 4 Future Group 's reputation.

3. Fit 4 Future Foundation & Fit 4 Future Group may also consider taking action, in accordance with their respective Disciplinary Procedure, where staff do not comply with the General Data Protection Regulation.

## 1. Roles and Responsibilities

### **2. Lawful, fair and transparent processing**

- To ensure its processing of data is lawful, fair and transparent, Fit 4 Future Foundation & Fit 4 Future Group shall maintain a Register of Systems.
- The Register of Systems shall be reviewed at least annually.
- Individuals have the right to access their personal data and any such requests made to Fit 4 Future Foundation & Fit 4 Future Group shall be dealt with in a timely manner.
- Fit 4 Future Foundation & Fit 4 Future Group will ensure that all staff are made aware of the reasons why personal and sensitive personal data is being processed:
  - o how it will be processed
  - o who will process it
  - o how it will be stored
  - o how it will be disposed of when no longer required.

### **3. Lawful Purposes**

- All data processed by Fit 4 Future Foundation & Fit 4 Future Group must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interest.
- Fit 4 Future Foundation & Fit 4 Future Group shall note the appropriate lawful basis in the Register of Systems.
- Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.

- Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in Fit 4 Future Foundation & Fit 4 Future Group's systems.

#### **4. Data Minimisation**

- Fit 4 Future Foundation & Fit 4 Future Group shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Fit 4 Future Foundation & Fit 4 Future Group will ensure that all personal or sensitive personal information is anonymised as part of any evaluation of assets and liability assessments except as required by law.

#### **5. Accuracy**

- Fit 4 Future Foundation & Fit 4 Future Group shall take reasonable steps to ensure personal data is accurate.
- Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

#### **6. Archiving/Removal of Data**

- To ensure that personal data is kept for no longer than necessary, Fit 4 Future Foundation & Fit 4 Future Group shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- The archiving policy shall consider what data should/must be retained, for how long, and why.

#### **7. Security**

- Fit 4 Future Foundation & Fit 4 Future Group shall ensure that personal data is stored securely using modern software that is kept up-to-date.
- Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- When personal data is deleted this should be done safely such that the data is irrecoverable.
- Appropriate back-up and disaster recovery solutions shall be in place.
- In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Fit 4 Future Foundation & Fit 4 Future Group shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO.

## 1. Data Subjects Rights

2. Fit 4 Future Foundation & Fit 4 Future Group acknowledges individuals (data subjects) rights under the General Data Protection Regulations to access any personal data held on our systems and in our files upon their request, or to delete and/or correct this information if it is proven to be inaccurate, excessive or out of date.
3. Fit 4 Future Foundation & Fit 4 Future Group recognises that individuals have the right to make a request in writing and upon payment of a fee, obtain a copy of their personal information, if held on our systems and files.
4. Fit 4 Future Foundation & Fit 4 Future Group recognises that individuals have the right to prevent data processing where it is causing them damage or distress, or to opt out of automated decision making and stop direct marketing.

## 1. Organisation (Data Controllers) Obligations

2. Fit 4 Future Foundation & Fit 4 Future Group will follow Code of Practice issued by the ICO when developing policies and procedure in relation to data protection.
3. Fit 4 Future Foundation & Fit 4 Future Group will ensure that Data Processing Agreements are applied to all contracts and management agreements where either organisation is the data controller contracting out services and processing of personal data to third parties (data processors). Both organisations will ensure this agreement clearly outlines the roles and responsibilities of both the data controller and the data processor.
4. Fit 4 Future Foundation & Fit 4 Future Group will adhere to and follow the 8 principles of data protection when conducting surveys, marketing activities etc., where Fit 4 Future Foundation & Fit 4 Future Group collects, processes, stores and records all types of personal data.
5. Fit 4 Future Foundation & Fit 4 Future Group will not transfer or share personal information with countries outside of the European Economic Area (EEA) unless that country has a recognised adequate level of protection in place in line with the recommendations outlined in the Data Protection Act.
6. Fit 4 Future Foundation & Fit 4 Future Group will ensure all staff are provided with data protection training and promote the awareness of Fit 4 Future Foundation & Fit 4 Future Group's data protection and information security policies, procedures and processes.

## **1. Complaints**

2. Complaints relating to breaches of the General Data Protection Regulation and/or complaints that an individual's personal information is not being processed in line with the principles of data protection will be managed and processed by the CEO.

3. All complaints of dissatisfaction will also be processed in accordance with Fit 4 Future Foundation & Fit 4 Future Group's Complaints Process and should be sent to:

CEO

30 Clayhill Crescent

London

SE9 4JB

## **1. Confidentiality and Information Sharing**

2. Fit 4 Future Foundation & Fit 4 Future Group will only share information in accordance with the provisions set out in the General Data Protection Regulation 2018.

3. Where applicable Fit 4 Future Foundation & Fit 4 Future Group will inform individuals of the identity of third parties to whom we may share, disclose or be required to pass on information to, whilst accounting for any exemptions which may apply under the General Data Protection Regulation 2018.

4. Complete confidentiality should be maintained between the beneficiaries of Fit 4 Future Foundation and Fit 4 Future Group and staff/volunteers. All young people should be made aware that this confidentiality may be breached in the following circumstances:

- o When there is risk of serious harm to any individual, including where a participant is judged to be at risk of sexual, emotional or physical abuse.

- o When a member of staff/volunteer is aware that a participant is involved in criminal activities.

5. In any of these exceptional circumstances, a member of staff, after careful thought and consultation, decide to inform the appropriate agencies or authorities, depending on the details of the situation. The young person will be informed of the need to breach confidentiality prior to it happening. Where this is not possible (in an emergency) the young person will be informed of the breach at the earliest possible opportunity.

6. Reasonable care must be taken to make sure that discussions/conversations and telephone calls relating to individual beneficiaries cannot be overheard by visitors or any other beneficiary.

7. Beneficiaries' records and other information relating to them must be stored securely to prevent accidental or intentional viewing by anyone who is not a volunteer or a worker within the organisation.

8. Fit 4 Future Foundation and Fit 4 Future Group's beneficiaries have the right to see any written information about them, in the presence of an appropriate member of staff/volunteer.