

Key Points

Most volunteer involving organisations hold information on their staff, volunteers and perhaps their clients. This information is likely to be personal data, and therefore subject to the 1998 Data Protection Act which, gives rights to Data Subjects (the people whose data you have) and creates a framework of good practice for those holding personal data. If you collect and hold personal data on individuals then you are legally required to comply with the Act.

What is the Data Protection Act?

The Data Protection Act 1998 regulates the collection, storage, use and disclosure of information about individuals by organisations. Any organisation that keeps information about individuals must comply with the act.

Data Protection Principles

Eight principles are defined to ensure that all "personal data" is handled properly. The act states that the data must be:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

All employees paid/unpaid must conform in accordance to these principles.

Under S.51 (1) It shall be the duty of the Commissioner to promote the following of good practice by data controllers and, in particular, so to perform his functions under this Act as to promote the observance of the requirements of this Act by data controllers.

Under Schedule 5 (1) the corporation sole by the name of the Data Protection Registrar established by the Data Protection Act 1984 shall continue in existence by the name of the [Information Commissioner].

Why is following these principles important?

Failure to observe these principles puts the professional reputation of your organisation at risk. Good information handling enhances your organisation's reputation by increasing member, customer and partner confidence in the organisation. Data protection is the responsibility of all members as well as all staff and agency or contract employees.

Storing of Records

Some guidelines for good practice:

- Compile and Label Files carefully
- All sensitive and confidential data should be locked away and access to the keys strictly controlled
- Keep a log of who has accessed the cabinet where all sensitive and confidential data is kept
- If files are to be stored long term then arrangements need to be made for the keys to be passed from outgoing staff to their successors.
- Access to records need to be limited to people in named roles who either need to know about the information in those records and/or who manage the records/files
- All keys must be returned and accounted for at the end of the day
- All employees paid/unpaid MUST sign for any information they take out of the cabinets

Determining which records should be stored

- What records will we keep and for what purpose?
- Is our record keeping in line with the data protection principles
- How long should we retain information for?
- What is the format of the record
- How will the records be stored and who will have access to them?

Confidentiality

Confidential information is that which is regarded as personal. It is information which is told to an individual, or a group of people, and is not meant for public or general knowledge. It is the duty of volunteers not to reveal to any other person, outside the specifically expressed person within the organisation, any matter which becomes known to the individual via their involvement with the organisation. This includes information which may be traced back to the individual by identifying them or anyone else involved with them. Volunteers are bound by our organisations confidentiality agreement which all volunteers must sign.

Procedure for accessing confidential files

- Sign for keys on the key signing sheet
- Must record the reason for accessing files
- All records for accessing files will be checked, and anybody accessing confidential files without the correct authorisation will be instantly dismissed.

What we expect from our volunteers

We expect all volunteers will adhere to the policies and rules laid out in the above sections. All volunteers will also be expected to comply with the confidential agreement they signed, failing to do so, is an offence under Section 47 (2) of the Data Protection Act 1998. Every volunteer must act in a way which enhances the reputation of both charities at all times, and must never act in a way which would reflect poorly upon our charities or affect our reputation in a negative way.



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Families Fighting for Justice and
O.L.L.Y (Our Lost Love Years)
protects all its
member's data conforming
to the guidelines
laid out in the
Data Protection Act 1998.

