Fruit & Nut Village CIO

Data Protection Policies and Procedures

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Fruit & Nut Village

**Data Protection Procedures**

(in line with the GDPR, 2018)

These procedures have been developed in line with guidelines set out by the General Data Protection Regulation (2018). It also serves to record and log our full data processing practices, which may change from time to time.

Fruit & Nut Village obtains, keeps and processes personal data in order to deliver our community gardening programmes. Throughout this process we are committed to ensuring the security and integrity of people's personal information.

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**1.** **Data subject categories and relevant processing**

Due to the range of work we do with a varied client group, there will be differing levels of processing and sourcing of different types of information. The two core categories are: *Community*, and *personal/sensitive*.

**Community**

Fruit & Nut Village runs community projects in different parts of the city. Part of this work involves updating local people of activities and events. We therefore collect and hold basic non-clinical information of volunteers and those interested in our community work. People will have given us their details because they wish to participate or be updated on our activities. By signing up with our projects (people completing a sign up information sheet), people agree for their details to be held and used for these purposes. Fruit & Nut Village will never add people to the email list unless they have clearly agreed or requested to be on it.

· **What information we hold:**

Names, email address, contact numbers, and in some cases area of Birmingham in which they reside. If they are already involved with a project which is associated with Fruit & Nut Village work, we may also note which one.

· **How Long do we hold information:**

Contact details will be held for as long as it is relevant and necessary, i.e. for the duration of the project which they have signed up to be informed about. They will be remain on the email list for the duration of the project, unless they make a request to be removed before this.

· **Where is the information held:**

Sign-up sheets containing their information will be held in a locked cabinet at a Fruit & Nut Village coordinator's office, behind a locked door. Names and email addresses will be held online on an email list in order to disseminate information. Email lists will belong to the specfic project they are involved in.

· **Does the information get shared with other organisations/agencies:**

Fruit & Nut Village will not share this information with other projects or organisations unless we have explicit permission from the individual to do so. Whenever this is necessary we will contact the individual for permission for their contact details to be passed on.

It is important that any Fruit & Nut Village project coordinator emailing to the project email list, add private email addresses under the 'Blind Carbon Copy' (BCC) contact field, so that each recipient is unable to see the other email addresses or names of other recipients.

· **Legal basis for processing:**

*'Legitimate interest'*. We use people’s data in ways they would reasonably expect and which have a minimal privacy impact.

**Personal/Sensitive**

Personal/sensitive information is of people who have been referred or have self-referred to the project with the purpose of it benefitting their well-being, and who may have been referred by health/mental health service or project. In many keys they may classed as vulnerable

Information taken and procesed by Fruit & Nut Village should only be what is necessary and sufficient to support their involvement in the project.

· **What information we hold:**

General personal information:

***Necessary***: Contact details, GP, Next of Kin, Care team and key worker (if appropriate).

**Clinical issue and needs.** Ths includes any factors or isses impacting on their ability to engage in the project or impacting on their well-being during their time involved in the project. We will also hold any information related to any potential risk to themseves or to others.

We wil only take and process information that is necessary and relevant to their involvemnt in FNV: This includes risk factor (risk to self or others),

· **Where information comes from:**

We will receive referrals – some of which may include more detailed information – from a range of different sources:

· GP sugeries.

· Local mental health services, including social work teams and occupational therapy teams.

· Third sector Mental health and well-being organisations.

· Job centres.

· **Who manages the data and who we share it with:**

When first involved with our services, clients should be made aware of who we may share their date with, with their permission, and under what circumstances.

We may share client's data with:

1. Fruit & Nut Village staff , who will be working directly with the client, or if there is a safeguarding issue, it will be raised with Fruit & Nut village's Safeguarding lead

2. Partner organisations who either process data or are involved in the therapeutic care of clients.

3. Organisations that Fruit & Nut Village may sign-post clients to, or where clients have been sign-posted from, such as through a social prescribing scheme.

4. When there is a safeguarding concern, we will share information to emergency services, care teams, or other professionals involved in the care of the client. This can be done without the consent if there is a potential risk to themselves or others. The information shared will be relevant and necessary for the specific purpose. Clients will be informed that this may happen when the initial assessment is conducted with them.

· **How is information shared within or across services:**

Information will be shared securely between Fruit & Nut Village staff or between staff and relevant agencies, either as an encrypted document via email, secure online referral form (e.g.

safeguarding board) or over the phone in a private environment.

On some occasions, Fruit & Nut Village staff may have to send personal information by post.

Our procedure for this is as follows:

If you are sending personal/sensitive information by post, you must:

 confirm the name, department and address of the recipient;

 seal the information in a robust envelope;

 mark the envelope ‘Private and Confidential – To be opened by Addressee

Only’ and place this inside a larger envelope with only the correct name and

address on it - this adds an additional level of security as the package is not

easily identifiable as ‘valuable’ and administrative staff should only open the

outer envelope;

If you are sending **sensitive** personal information by post, you must also:

 send the information by recorded, registered or 'signed for' delivery or by

courier where appropriate;

 ask the recipient to confirm receipt; and

 record the disclosure on the service users file

 Registered post is the best way to send sensitive personal or confidential

information on in an encrypted CD.

· **How is our clinical information processed:**

For Living Well Consortium funded therapy work: following initial assessment where client's personal and clinical information is acquired, this is then added to the secure database – DCRS, by Spring to Life associates trained in DCRS and with access to the system.

· **Legal basis for processing (GDPR Article 6):**

The legal basis that Spring to Life have for processing data is '*Legitimate Interests*'. This means that Fruit & Nut Village have a legitimate interest in using the information that is given to us. This interest is Fruit & Nut Village's aim to promote and develop community for people and educate people around perennial food production.

In addition to this, since the information we process for clinical purposes is considered 'Special Category Data', the condition for processing is under article 9 (GDPR):

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

**Data responsibility of local Fruit & Nut Village Groups**

Fruit & Nut Village CIO is responsible for the data collected of volunteers and beneficiaries involved in the original Stirchley Village project, and any associated scheme directly run by it's coordinators. New local Fruit & Nut Village groups supported by the CIO, will hold full responsibility for the data they collect of it's volunteers and beneficiaries. This means they will be the data controllers and processors for their data subjects

**2. Rights**

There are a number of key rights individuals have regarding our management of their personal information. (These are laid out by the European General Data Protection Regulation). Clients can make contact with Fruit & Nut Village via the Data Protection Lead to make requests regarding these rights and clients information. Requests can be made in writing or verbally to Fruit & Nut Village, C/O Data Protection Lead.

· **The right to be informed**

Individuals have the right to be informed that we are collecting their data, why we are processing it, and who we may share it with. The information shall mostly be taken during people's initial assessment with Fruit & Nut Village.

· **The right of access**

Individuals have the right to obtain:

1. Confirmation that their data is being held by Fruit & Nut Village.

2. Access data about them held by Fruit & Nut Village.

3. Other supplementary information.

This information will be provided free of charge, and within 28 days of the request being made. We may charge if the request is excessive, repetitive, or unfounded (in which case it may also take longer than 28 days). The fee will be based on the administrative cost of providing the information.

· **The right to rectification**

Individuals can ask us, either verbally or in writing, to change inaccurate or incomplete information about themselves. The rectification will be done within 28 days from receipt of the request. If the request is complex or if it entails a number of rectifications, the period can be extended to two months. In this case, the individual will be informed of this with an explanation of why this is the case.

· **The right to erasure**

Individuals can make a request for information we hold to be erased where we no longer use it, have withdrawn from treatment, or where we have no legal basis for holding it. For this to be done Spring to Life have to confirm their identity.

· **The right to restrict processing**

Individuals can ask us to restrict the processing of the information, even though we may still hold it.

· **The right to data portability**

Individuals have the right to obtain and reuse personal information we have of them across other services that they may be involved in.

· **The right to object**

Individuals can object to your data being processed where we are relying on a legitimate interest (or those of a third party already mentioned). Individuals can also object to the processing of data for the purposes of marketing.

· **The right not to be subject to automated decision-making including profiling**

Automated decision-making is when an organisation uses electronic/computer systems to make decisions based on personal information without any human intervention. Unless they have given consent, it is their right not to be subject to this. Nevertheless Fruit & Nut Village does not currently carry out this type of decision-making.

**3. Privacy Notice**

Fruit & Nut Village has a Privacy Notice which we make our users aware of - particularly for those who we hold personal information. This aims to outline the rights of data subjects and our processes for handling personal data. This full privacy notice is on the Fruit & Nut Village website. All staff who take personal information from clients will give an abridged version to them during their first meeting, or refer to the website notice for people to view.

**4. Data Breaches**

Detecting, reporting and investigating data breaches:

Data breaches will be investigated by the Data Protection Lead.

On discovering a data breach the Data Protection Lead will:

· Assess the potential impact on the data subject(s) whose data has been breached, and make attempts to mitigate any adverse effects of this.

· Following investigation of the data breach, the team will decide if it is serious enough to report it to the ICO. If a decision has been taken not to report it, a rationale for this must be noted and recorded.

· If a decision is taken to report to the ICO, this must be done within 72 hours of discovery of the breach.

· A log of breaches will be kept outlining: reasons for breach, nature of beach, number of individuals affected, level of impact on data subjects, action taken following breach and action to be taken to avoid similar breaches.

· Review systems and processes to avoid future breaches.

**5. Data Protection Impact Assessments (DPIA)**

A DPIA is a process to identify and minimise data protection risks to a project.

There are some circumstances which would require Spring to Life to carry out a Data Protection Impact Assessment. These are if:

☐ We use systematic and extensive profiling or automated decision-making to make significant decisions about people.

☐ We process special category data or criminal offence data on a large scale.

☐ We systematically monitor a publicly accessible place on a large scale.

☐ We use new technologies.

☐ We use profiling, automated decision-making or special category data to help make decisions on someone’s access to a service, opportunity or benefit.

☐ Carry out profiling on a large scale.

☐ Process biometric or genetic data.

☐ Combine, compare or match data from multiple sources.

☐ Process personal data without providing a privacy notice directly to the individual.

☐ Process personal data in a way which involves tracking individuals’ online or offline location or behaviour.

☐ Process children’s personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them.

☐ Process personal data which could result in a risk of physical harm in the event of a security breach.

Carrying out a DPIA will involve

· describe the nature, scope, context and purposes of the processing;

· assess necessity, proportionality and compliance measures;

· identify and assess risks to individuals; and

· identify any additional measures to mitigate those risks.

To assess the level of risk, we must consider both the likelihood and the severity of any impact on individuals. High risk could result from either a high probability of some harm, or a lower possibility of serious harm.

· A DPIA will be carried out by Members of the Information Governance team, and if necessary in conjunction with other Fruit & Nut Village coordinators or processors that the issue is relevant.

· If a risk is identified that cannot be mitigated, the ICO must be consulted before

starting the processing.

The ICO will give written advice within eight weeks, or 14 weeks in complex cases. If appropriate, we may issue a formal warning not to process the data, or ban the