



# **Data Protection and Security of Information**

**Reviewed May 2011**  
**Reviewed April 2012**

## Summary

Kingston Mencap has responsibilities under the Data Protection Act 1998 for protecting any personal data that it receives in the course of its activities and to keep such data confidential. Personal data is any information that would allow a person to be identified from it.

Kingston Mencap is responsible for ensuring that:

- The personal data is processed fairly and lawfully
- Data is only used for the purpose for which it was obtained
- Data is not disclosed to anyone else without the person's consent
- Data kept is adequate and relevant for the purpose they need it
- Data is reviewed and kept up to date
- Data is not kept longer than necessary
- Data is kept secure

Kingston Mencap must respond to requests made under the Freedom of Information Act 2000

## Introduction

Kingston Mencap takes the concept of confidentiality very seriously and does all in its power to restrict personal information to those who genuinely need to know.

To comply with the principles of the Data Protection Act, Kingston Mencap will endeavour to ensure that strict confidentiality of members' personal data is maintained in all of its work, whether the information is stored on a computer or a manual filing system.

Kingston Mencap will also try to ensure that:

**access to personal information by its employees and volunteers is on a "need to know" basis only.**

**personal information is not given to any outside party without the consent of the person concerned (or their legal or appointed representative).**

**information is stored securely and can be reinstated/restored in an emergency.**

**members are made aware that they have the right to request access to information concerning them.**

## GUIDELINES

**Members** are defined as people with a learning disability, their parents and carers or any individual who is a member of Kingston Mencap.

**All personal information will be stored under lock and key in the office and/or on computer protected by a security code. Computer held records will be copied onto a disk and stored at a designated site away from Kingston Mencap's office or in a fire-proof safe within the office.**

**All members will be made aware that they have a right to access personal information held on them, but should give reasonable notice of this request to their club leader. References for employees will remain confidential.**

**Personal information about members will be shared within Kingston Mencap on a strictly "need to know" basis and will not be shared with outside agencies without the prior permission of the person concerned (or their legal or appointed representative), except in unavoidable or exceptional circumstances.**

**Notes of meetings with members where personal issues are discussed will not be freely circulated or accessible and will be stored securely.**

**Personal data will not be kept unnecessarily and in normal circumstances will be destroyed after 7 years.**

**Personal data and confidential documents will be shredded on disposal.**

**Adequate security precautions must be taken when laptop computers and personal data are taken out of the office, e.g. not left unattended or kept in the boot of car.**

**The Data Protection Controller is the Chair of Kingston Mencap and the Data Protection Compliance Officer is the Vice Chair.**

**All staff should be made aware of this policy and agree to abide by it.**

### **Freedom of Information**

The Freedom of Information Act 2000 provides a public right of access to certain information held by Public Bodies. Kingston Mencap is not by definition a public body, but because it funds services jointly with the Local Authority it may find that it holds information that the public may have a right of access to.

If a request is received for access to information under the Freedom of Information Act you should refer the matter to the Chair. In deciding whether there is a duty to disclose the information requested, the Chair should consider the individual's rights of protection under the Data Protection Act 1998.

The Chair should always inform the Local Authority. If a request for information is received from the Local Authority Kingston Mencap should co-operate but may need to consider the request alongside its own responsibilities for protection of personal data and take advice if it feels there is a conflict in its responsibilities.