Data Protection Policy

The Avenues Youth Project

Approved by the Executive Committee on: 26 May 2025

Chair: Jennie Marshall

Next Review date: May 2026

DATA PROTECTION POLICY

Introduction

The Charity is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This policy sets out the Charity's commitment to data protection, and individual rights and obligations in relation to personal data and demonstrates how the Charity complies with the General Data Protection Regulation and Data Protection Act 2018

This policy applies to the personal data of all working for the Charity and any former employees, referred to as HR-related personal data. This policy does not apply to the personal data of clients or other personal data processed for business purposes.

The Charity does not have a nominated Data Protection Officer, but if you have any queries concerning data protection you should speak to a member of management who will either be able to personally answer your query or direct this to an appropriate member of the management team who will be able to assist further.

Under the GDPR and Data Protection Act 2018, additional protections for job applicants, employees and other data subjects apply if an employer is processing "special categories" of personal data and criminal records data. One of these protections is a requirement to have an appropriate policy document in place. The relevant section of this policy sets out the Charity's approach to processing special category personal data and criminal records data.

Data is grouped into three main areas and is defined as follows:

"Personal data" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

The Charity will keep all elements of this policy under review and if necessary, will make amendments as required to ensure that the policy remains up to date and accurately reflects the Charity's approach to processing data.

Data protection principles

The Charity processes HR-related personal data in accordance with the following data protection principles:

The Charity processes personal data lawfully, fairly and in a transparent manner.

The Charity collects personal data only for specified, explicit and legitimate purposes.

The Charity processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.

The Charity keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

The Charity keeps personal data only for the period necessary for processing.

The Charity adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The Charity tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons. If the Charity wants to start processing HR-related data for other reasons, individuals will be informed of this before any processing begins.

HR-related data will not be shared with third parties, except as set out in privacy notices. Where the Charity relies on its legitimate interests as the basis for processing data, it will carry out an assessment to ensure that those interests are not overridden by the rights and freedoms of individuals. Legitimate Interests Assessments (LIAs) are documented where this basis is used.

Where the Charity processes special categories of personal data or criminal records data to perform obligations, to exercise rights in employment law, or for reasons of substantial public interest, this is done in accordance with the relevant elements of this policy.

The Charity will update HR-related personal data promptly if an individual advises that their information has changed or is inaccurate.

Personal data gathered during the working relationship is held in the individual's personnel file (in hard copy or electronic format, or both), and on HR systems. The periods for which the Charity holds HR-related personal data are contained in its privacy notices to individuals.

The Charity keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of the GDPR and Data Protection Act 2018.

Individual rights

As a data subject, individuals have a number of rights in relation to their personal data.

Subject access requests

Individuals have the right to make a subject access request. If an individual makes a subject access request, the Charity will tell them:

whether their data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;

to whom their data is or may be disclosed, including to recipients located outside the UK and the safeguards that apply to such transfers;

for how long their personal data is stored (or how that period is decided);

their rights to rectification or erasure of data, or to restrict or object to processing;

their right to complain to the Information Commissioner if they think the Charity has failed to comply with their data protection rights; and

whether the Charity carries out automated decision-making and the logic involved in any such decision-making.

The Charity will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless they agree otherwise.

To make a subject access request, the individual should send this via email/letter to the Data Protection Contact.

The Charity will normally respond to a request within a period of one month from the date it is received. In some cases, such as where the request is complex, it may respond within three months of the date the request is received. The Charity will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, the Charity is not obliged to comply with it. Alternatively, the Charity can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded if it is made with the intention of harassing the Charity or causing disruption, or excessive where it repeats a request to which the Charity has already responded. If an individual submits a request that is unfounded or excessive, the Charity will notify them that this is the case and whether it will respond to it.

Other rights

Individuals have a number of other rights in relation to their personal data. They can require the Charity to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override the Charity's legitimate grounds for processing data (where the Charity relies on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether the individual's interests override the Charity's legitimate grounds for processing data.
- To ask the Charity to take any of these steps, the individual should send the request to the management team.

Data security

The Charity takes the security of HR-related personal data seriously. The Charity has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the Charity engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Impact assessments

There may be some instances where processing data that the Charity carries out may result in risks to privacy. Where processing would result in a high risk to individual rights and freedoms, the Charity will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

Data breaches

If the Charity discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner as soon as possible and without unreasonable delay. The Charity will record all data breaches regardless of their effect. This will typically occur within 72 hours of becoming aware of the breach.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

International data transfers

The Charity will not transfer HR-related personal data to countries outside the UK. If such a transfer becomes necessary, appropriate safeguards (e.g., IDTA or SCCs) will be implemented as per ICO guidance.

Individual responsibilities

Individuals are responsible for helping the Charity keep their personal data up to date. Individuals should let the Charity know if data provided to the Charity changes, for example if an individual moves house or changes bank details.

Individuals may have access to the personal data of other individuals and any of our customers/clients etc in the course of their working relationship with us. Where this is the case, the Charity relies on individuals to help meet its data protection obligations to staff and any relevant third party working with us, such as customers and clients.

Individuals who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Charity) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the Charity's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
- not to store personal data on local drives or on personal devices that are used for work purposes; and
- to report data breaches of which they become aware to the management team immediately.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the Charity's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Training

The Charity will provide training to all individuals about their data protection responsibilities as part of the induction process. Refresher training will be provided annually, and training records will be maintained.

Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

Special category personal data and Criminal records data

The Charity processes special category personal data and criminal records data for the following purposes.

Equal opportunities monitoring

Data related to racial and ethnic origin, religious and philosophical beliefs, health (including information on whether an individual has a disability) and sexual orientation are processed for equal opportunities monitoring purposes.

Processing is in the Charity's legitimate interests. These interests are not outweighed by the interests of data subjects.

Processing is necessary for monitoring equality of opportunity or treatment, as permitted by the Data Protection Act 2018 (under para.8 of sch.1).

Health

Data related to health (including information on whether an individual has a disability) is processed to:

- ensure that the Charity is complying with its health and safety obligations;
- assess whether an employee is fit for work;
- carry out appropriate capability procedures if an employee is not fit for work;
- ensure that an employee receives sick pay or other benefits to which they may be entitled; and
- allow the Charity to comply with its duties under the Equality Act 2010 for individuals with a disability.
- Processing is necessary for:
- compliance with legal obligations (e.g. assessing an employee's fitness for work, complying with health and safety obligations, carrying out capability procedures and complying with Equality Act 2010 duties).
- the purposes of performing or exercising obligations or rights imposed by law in connection with employment under para.1 of sch.1 of the Data Protection Act 2018
- the performance of a contract and/or complying with legal obligations (e.g. administering sick pay and other benefits).
- the purposes of performing or exercising obligations or rights imposed by law in connection with employment under para.1 of sch.1 of the Data Protection Act 2018.

Racial or ethnic origin

Data related to data subjects' nationality is processed to ensure that the Charity is complying with its obligations to check that they are entitled to work in the UK.

Processing is necessary for the purposes of performing or exercising obligations or rights imposed by law in connection with employment under para.1 of sch.1 of the Data Protection Act 2018.

Criminal records data

Criminal records data is processed as part of recruitment processes and, where necessary, in the course of employment to verify that candidates are suitable for employment or continued employment and to comply with legal and regulatory obligations to which the Charity is subject.

Processing is necessary for:

Use where there is no legal obligation to carry out criminal records checks but the Charity can demonstrate that there is a potential risk of unlawful behaviour if they employ someone with a criminal record.

for the prevention or detection of unlawful acts under para.10 of sch.1 of the Data Protection Act 2018.

Compliance with processing data

The Charity processes HR-related special category personal data and criminal records data in accordance with the following data protection principles:

Lawful, fair and transparent processing

The Charity processes personal data lawfully, fairly and in a transparent manner and for specified, explicit and legitimate purposes.

Employers can process special category personal data only if they have a legal basis for processing and, in addition, one of the specific processing conditions relating to special category personal data, or criminal records data, applies.

Where necessary, the Charity has conducted a data impact assessment in relation to each processing operation to understand how processing may affect data subjects. The impact assessment balances the importance to the Charity of the reasons for processing special category personal data and criminal records data with the possible adverse impact on data subjects (for example in relation to intrusion into an individual's private life and the impact on the duty of trust and confidence between employer and employee).

Any impact assessment has concluded in each case that processing is necessary and proportionate in light of the other safeguards in place and does not pose a high risk to individuals.

The Charity explains to data subjects how special category personal data and criminal records data is used when it collects the data. This information is set out in the Charity's privacy notices.

The Charity does not use the data for any other purpose [and it reviews its processing and policies regularly to ensure that it is not using special category personal data or criminal records data for any other purpose]. The Charity will not do anything unlawful with personal data.

Special category personal data and criminal records data are not disclosed to third parties, except in the context of seeking medical advice from the Charity's chosen occupational health adviser or other medical advisers who are subject to a professional duty of confidentiality or reporting suspected offences to the appropriate authorities. The Charity complies with the Access to Medical Reports Act 1988 where relevant.

Adequate, relevant and limited processing

The Charity collects and retains the minimum amount of information necessary to allow it to achieve the purposes outlined in this policy.

As far as possible, information required for equal opportunities monitoring purposes is kept in an anonymised form. Monitoring forms are kept under review to ensure that the information collected is accurate and not excessive.

As far as possible, the Charity relies on health questionnaires, rather than medical testing, to obtain necessary information. Any medical testing that is carried out is relevant to the purpose for which it is undertaken and is focused on those performing high-risk roles.

Criminal records checks are carried out only for individuals undertaking roles where the Charity is under a legal obligation [or regulatory requirement] to perform such checks or where this is necessary for the prevention or detection of unlawful acts.

All data is reviewed periodically, and any unnecessary data is deleted.

Accuracy of data held

The Charity takes reasonable steps to ensure that the personal data that it holds is accurate.

Special category personal data and criminal records data is obtained:

directly from job applicants, employees and other data subjects; or

from external sources that the Charity is entitled to assume will provide accurate information, such as the Disclosure and Barring Service in the case of criminal records data, or medical professionals in the case of health data.

The Charity keeps a record of the source of all data it collects and data is reviewed periodically and checked for accuracy. Appropriate records are kept of amendments to data.

The Charity will erase or rectify inaccurate data that it holds without delay in accordance with this policy. If an individual notifies it that their personal data has changed or is otherwise inaccurate, or if it is otherwise found to be inaccurate. Individuals are reminded to review their data on a regular basis to ensure that it remains up to date.

Data retention

The Charity keeps personal data only for the period necessary for processing. The Charity has considered how long it needs to retain special category personal data and criminal records data. The periods for which special category personal data is retained after the end of employment are as follows:

Equal opportunities data is kept for a period of six months, after which data is anonymised so that individuals can no longer be identified.

Racial or ethnic origin data is kept for a period of three years.

Health data is normally kept for a period of seven years] unless statutory requirements mean that the Charity must keep records for longer than that.

The Charity does not retain details of an individual's criminal record after the commencement of employment, although it will retain a note on individual HR files indicating that a satisfactory criminal records check was completed prior to the commencement of employment. The note will be deleted at the end of the employment.

At the end of the relevant retention period, the Charity erases or securely destroys special category personal data and criminal records data.

This policy will be retained by the Charity while special category personal data and criminal records data is being processed and for a period of at least six months after the Charity stops carrying out such processing.

Security of data

The Charity takes the security of special category personal data and criminal records data seriously. The Charity has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties. The Charity has analysed the risk presented by processing special category personal data and criminal records data and taken this into account in assessing appropriate security requirements.