

DATA PROTECTION POLICY

Name	Version	Date	Signature
Data Protection Policy	V1 draft	November 17	

1. INTRODUCTION

- 1.1 TERRA collects and uses information about individuals and clients in contact with us in order to carry out our work. This personal information must be collected and dealt with appropriately whether on paper or stored in a database. There are safeguards to ensure this under the Data Protection Act of 1998.

2. DATA CONTROLLER

- 2.1 TERRA is the Data Controller under the Act. It determines what purposes the personal information held will be used for. It is responsible for notifying the Information Commissioner of the data it holds or may hold, and the general purposes this data may be used for.

3. DISCLOSURE

- 3.1 TERRA may share data with other agencies including: Local Authorities, funding bodies, such as Student Finance England, Schools, Colleges and Universities.
- 3.2 The Individual/Service User will usually be informed how and with whom their information will be shared. There are circumstances in which the law allows TERRA to disclose data (including sensitive data) without the data subject's consent.
- 3.3 These are:
- a) Carrying out a legal duty or as authorised by the Secretary of State
 - b) Protecting the vital interests of an Individual
 - c) The Individual/Service User has already made the information public
 - d) Conducting or preparing for any legal proceedings, obtaining legal advice or defending any legal rights
 - e) Monitoring for equal opportunities purposes –i.e. race, disability or religion
 - f) Providing a confidential service where it is reasonable to proceed without consent: e.g. perhaps to avoid forcing stressed or ill people to provide consent signatures.
 - g) For audit or service monitoring purposes.

4. OPERATION

4.1 TERRA believes that the lawful treatment of personal information facilitates successful working and maintains the confidence of those with whom we deal. It intends to ensure that personal information is treated lawfully and correctly. To this end, TERRA will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

4.2 Specifically, these require that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s),
- d) Shall be accurate and kept up to date,
- e) Shall not be retained for longer than is necessary,
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) Shall be kept secure by the Data Controller which takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
- h) 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 people in relation to the processing of personal information.

4.3 TERRA will:

4.4 Observe conditions regarding the fair collection and use of information and specify the purposes for which it is used. Information will be collected only to the extent that it is needed to carry out operational needs or to comply with legal requirements.

4.5 Ensure the quality of information used

4.6 Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:

- a) The right to be informed that processing is being undertaken,

- b) The right of access to one's personal information,
- c) The right to prevent processing in certain circumstances,
- d) The right to correct, rectify, block or erase information regarded as incorrect,
- e) Take appropriate technical and organisational security measures to safeguard personal information,
- f) Ensure that personal information is not transferred abroad without suitable safeguards,
- g) Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity.
- h) Set out procedures for responding to requests for information.

5. DATA COLLECTION

- 5.1 Informed consent is when:
- 5.2 A person understands: why their information is needed, who it will be shared with and the possible consequences of them agreeing or refusing the proposed use of the data and consents.
- 5.3 TERRA will ensure that data is collected within the boundaries defined in this policy. This applies to data collected in person, or by completing a form.
- 5.4 When collecting data, Terra will ensure that the person: understands why the information is needed, what it will be used for and what the consequences are should the person decide not to consent to processing.
- 5.5 As far as reasonably possible the subject grants explicit consent, either written or verbal for data to be processed and is, as far as reasonably practicable, competent to provide consent and has consented without duress.

6. DATA STORAGE

- 6.1 Information and records relating to service users will be stored securely and will only be accessible to authorised colleagues.
- 6.2 Information will be stored for only as long as it is needed or required and will be disposed of appropriately.

- 6.3 It is TERRA's responsibility to ensure all personal and company data is not retrievable from any computer system previously used within the organisation, which has been passed on to a third party.

7. DATA ACCESS AND ACCURACY

- 7.1 People have the right to access the information TERRA holds about them. Terra takes reasonable steps ensure that this information is kept up to date by asking data subjects for updates

- 7.3 TERRA ensures that:

- a) It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- b) Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- c) Everyone processing personal information is appropriately trained
- d) Everyone processing personal information is appropriately supervised
- e) Anybody wanting to make enquiries about handling personal information is told what to do
- f) People deal promptly and courteously with enquiries about handling personal information

- 7.4.1 TERRA describes clearly how it handles personal information

- a) TERRA will regularly review and audit the ways it holds, manages and uses personal information
- b) TERRA regularly assesses and evaluates its methods and performance with regard to handling personal information
- c) Colleagues are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them
- d) This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes made to the Data Protection Act 1998.
- e) In case of any queries or questions in relation to this policy please contact the Data Controller, Terra Consultancy 86-90 Paul Street London EC2A 4NE

