

APPENDIX 36 – DATA PROTECTION POLICY

Background

Data protection laws exist to strike a balance between the rights of individuals to privacy and the ability of organisations to use data for the purposes of their business. The Data Protection Act 1998 came into force on 1 March 2000 and regulates the processing of personal data, such as its collection, storage, use, destruction and any access to it. Personal data is data which refers to identifiable living individuals, known as *data subjects*. Your personnel record would be one example.

The Data Protection Act 1998 contains eight key principles

- (1) The data should be processed fairly and lawfully.
- (2) Data should be obtained only for specified and lawful purposes.
- (3) Data should be adequate, relevant and not excessive.
- (4) Data should be accurate and kept up to date.
- (5) Data should not be kept longer than is necessary for the purposes for which it is processed.
- (6) Data should be processed in accordance with the rights of the data subject under the Act.
- (7) Data should be kept securely.
- (8) Data should not be transferred to countries that do not have adequate protection.

NICVA recognises the need to protect its employees from the misuse of personal and sensitive personal information that is held about them in their Personnel Records and to protect their rights under the Data Protection Act. The following arrangements are in place to ensure this.

What Personal Data Does NICVA Hold?

Personal data is held for purposes of administration, supervision, management, the payment of employees and to develop and maintain the employment relationship between NICVA and its employees. Personal information will also be used for monitoring purposes and for any residual employment related activities, such as recruitment and selection, the provision of job references, processing applications for employment and any matters relating to the provision of pension scheme payments.

Verification and Updating of Personal Data

There is a requirement to maintain up to date records and employees are required to confirm the accuracy of the personal information held about them and to add any further details that may have been omitted from the records. To ensure this, staff must notify the Human Resources Officer in writing of any changes in relation to:

- (1) Next of kin.
- (2) Name.
- (3) Address and/or telephone number.
- (4) Bank details.
- (5) Qualifications where appropriate.

The employee's personal file will be maintained securely in the Human Resources Unit. This unit is responsible for notifying the Finance Unit, the individual concerned and his/her line manager in writing of any changes affecting an individual's remuneration or status, and for placing a record of this on the individual's file.

Retention of Personal Information

Personal information will be retained for the duration of the employment, and it will be updated, revised or deleted as appropriate. Thereafter personal information about a past employee will be kept for six years and during this time the employee has the right to know all the personal data held about them. (In accordance with Fair Employment Legislation the statutory requirement for retaining this information is for a minimum of three years from the date the employee left.)

Information will also be retained in respect of staff recruitment such as application forms, references and interview notes, for both successful and unsuccessful applicants. Monitoring information for all applicants and appointees must be kept for a minimum of three years from the date of receipt of application forms, whilst recruitment files must be kept for a minimum of 12 months after the recruitment file has closed.

Disclosure of Personal Information

External

NICVA does not disclose personal information about employees to external organisations and individuals. However, NICVA is legally required to disclose information to organisations such as the Inland Revenue, Child Support Agency, Benefits Agency and Department of Health and Social Services. Personal information will also be passed to NICVA's insurance company, bankers, medical practitioners, payroll agency and any relevant staff union representatives.

Personal information will not be made available to other individuals or organisations outside NICVA without the employee's knowledge and consent except in the following circumstances:

- (1) Information requested in respect of mortgage loan applications.
- (2) Reference requests.
- (3) Non-disclosure would hamper the detection of crime.

Internal

In accordance with the data protection principles, the following personal data is considered to be '**open access**' and may be disclosed on request to any member of staff including internal NICVA representatives:

Name
Gender
Job Title
Unit
Office telephone number/extension
Grade
Employment status
Employment commenced
Date terminated
Hours of work
Line manager's name and job title

Any other data which the employee specifically consents to allow the Human Resources Officer to disclose on an 'open' basis will also be treated as 'open access data'.

Access to other personal data is restricted to the Human Resources Unit, NICVA line managers and the individual it relates to (subject to any legal requirements as above). The term 'NICVA line managers' comprises:

- (1) The line manager of the employee.
- (2) Other, more senior, managers, directors or the Chief Executive.

Disclosures will normally be limited to a line manager in the same unit unless the matter directly concerns more than one unit, eg recruitment to another unit.

This data will only be disclosed to others if the following conditions are met:

- (1) Prior permission is obtained from the employee to whom the data relates.

(2) Disclosure is authorised by the Human Resources Officer.

Equal Opportunities legislation requires the Human Resources Unit to collate the following data which is used solely for monitoring and statistical purposes:

- Gender.
- Marital status.
- Religious belief or political opinion.
- Disability.
- Race or ethnic origin.
- Nationality.
- Age.

This information is treated in the strictest confidence and employees' names will not be shown in the statistics produced. The statistics may not be completely anonymous, however, if the data is unique, and as a result the nature of the data is capable of identifying individuals. This information is confidential to the Human Resources Unit and to the employee to whom it relates.

Identifiable information about employees' disabilities, ethnicity, marital status, gender etc, may only be disclosed to others if all of the following conditions are met:

- (1) A clear reason for wishing to use such information in a way that specifically identifies the employee is given to Human Resources and its use is in line with NICVA's Equal Opportunities Policy.
- (2) Consent has been sought from the employee to process their information.
- (3) The disclosure is authorised by the Human Resources Officer on the basis of (1) and (2) above.

Employees' responsibility

Line managers have responsibility for the type of personal data they collect and how they use it. Employees have a duty not to disclose personal data outside the organisation's procedures, or use personal data held on others for their own purposes.

Subject Access Requests by Employees

NICVA staff have the right to know what information is kept about them. This right applies to sickness records, disciplinary or training records, appraisal or performance review notes, information held in general personnel files and interview notes. This information can be accessed by making what is known as a Subject Access Request. Requests for information held in personnel files should be made in writing and be addressed to the Human Resources Officer. NICVA will respond to Subject Access Requests promptly and within 40 days.

In accordance with the Data Protection Act 1998, information supplied in response to a Subject Access Request will be based on the data held at the date of receipt of the request. The information supplied may therefore be subject to any routine or regular amendments or deletions that have been made since that date.