



Data Protection Policy

Introduction

NYJC has adopted this Data Protection Policy to establish good data protection practices and to reflect its desire to protect the privacy of individuals about whom it holds personal information. This policy applies to all employees and those acting on its behalf. NYJC expects its staff to be aware of their responsibilities and to comply with this policy.

It is the policy of NYJC to comply with the law contained in the Act. NYJC is registered under the 1998 Data Protection Act. This registration includes broad details of the classes of person whose data may be held, the purposes for which it is held, the type of data held, and the classes of persons to whom it may be disclosed. Details of the current registration can be accessed on the Information Commissioner's website at www.dataprotection.gov.uk

NYJC needs to collect and use certain information about people with whom it deals in order to operate. These "data subjects" include participants and their parents/carers, current, past and prospective employees, clients and potential clients, suppliers, tutors, contractors and advisers. NYJC maintains data on employees and applicants for employment. This information is used confidentially for normal purposes, including recruitment, employment, payroll and monitoring associated with these uses.

NYJC recognises its duty to ensure that all personal data is handled properly and confidentially at all times. This covers the whole lifecycle of processing personal data, including:

- the obtaining of personal data;
- the storage and security of personal data;
- the use of personal data;
- the disposal / destruction of personal data.

Any personal data which NYJC collects, records or uses in any way whether it is held on paper, on computer or other media will have appropriate safeguards applied to it to ensure compliance with the Data Protection Act 1998. Employees and others working on NYJC's behalf have a personal responsibility to handle data in accordance with the provisions of the Act and NYJC policy.

Under the Data Protection Act, all processing of personal data must comply with the eight principles of good practice.

Principle 1 : “fairly and lawfully processed”

NYJC will not process personal data unless:

- the data subject has given consent or
- the data is required for the performance of a contract or
- the data is required to pursue the legitimate interests of NYJC and does not cause unwarranted substantial damage or distress to the data subject.

This is not an exhaustive list, and NYJC will seek consent in other circumstances where it is appropriate to do so.

NYJC will not process “sensitive” personal data unless:-

- the data subject has given explicit consent; or
- the data is required for diversity monitoring of employment or participant profile

(“sensitive” personal data is defined as data relating to an individual’s racial or ethnic origin, religious or similar beliefs, health or sex life, criminal offences, political opinions or trade union membership)

Principle 2 : “obtained/processed for specified and lawful purposes”

NYJC will ensure that individuals are informed of the purposes for which information about them will be used. NYJC will process personal data for stated purposes only.

Principles 3, 4 & 5 : “adequate, relevant and not excessive, accurate and up to date, kept only as long as necessary”

NYJC will only collect personal information that is required. A periodic ‘spring clean’ of files (both manual and computerised) will be arranged to ensure that the data they contain is (a) adequate, relevant and not excessive (b) accurate and (c) not kept longer than necessary.

Principle 6: “processed in accordance with the rights of those it concerns”

It is NYJC’s policy to be as open as practicable with data subjects, allowing them reasonable access to their personal data.

When formally requested to do so, NYJC will provide (a) a description of the data (b) an explanation of the purpose for which the data is being held (c) access to a copy of the information held (d) the names of people in the organisation to whom the data is routinely OR occasionally disclosed.

Such requests will be dealt with by NYJC Data Protection Officer (the General Manager), in consultation with the data subject. A response will be provided within 40 days. NYJC will not normally charge a fee for providing such information.

A data subject may request in writing that certain information be deleted from NYJC’s records, on the grounds that retaining or processing such information could lead to

substantial and unwarranted damage or distress. NYJC will comply with such requests, unless the information is necessary for contractual or legal reasons or to protect its legitimate interests.

Information used for future planning such as pay review or other management forecasting is excluded from data subject access.

Principle 7 : “kept securely”

NYJC will not disclose personal or sensitive personal data to others without good reason and where appropriate the data subject will be informed of the intention.

NYJC operates appropriate organisational and technical security arrangements in relation to all personal data held, to protect against damage, loss or abuse.

Principle 8 : “not transferred to countries outside the European Economic Area (EEA) without adequate protection”

NYJC recognises that personal data needs to be treated with particular care in countries which do not have reciprocal data protection laws. NYJC will not transfer personal data outside the EEA without the individual’s consent or suitable safeguards.

Responsibilities

The General Manager, under authority delegated by the Chief Executive of NYJC is responsible for ensuring compliance with the Data Protection Act.

This will include the following areas:

- maintaining and renewing NYJC’s formal notifications under the Act
- having a reasonably good understanding of the requirements of the Act
- administering the data protection policy agreed by NYJC
- managing requests from individuals for access to information about them

Where it is necessary for NYJC to provide trustees, committee members, or advisers with personal data, appropriate measures will be taken to ensure that they are aware of their responsibilities under the Data Protection Act and the requirements of this policy.

Where it is necessary for NYJC to pass personal data to third parties for processing, it will seek assurance from the third party that it will abide by the legal requirements of the 1998 Data Protection Act.

NYJC recognises that failure to comply with the eight principles of the Data Protection Act may result in enforcement notices being served by the Information Commissioner. NYJC further recognises that failure to comply with any such notices is an offence, and that the penalty on conviction is a fine of up to £5,000. NYJC recognises that it is an offence to obstruct the Information Commissioner or his/her Officers in execution of their powers.