The Learning Support Centre
Dyslexia & Disability Specialists

Data Protection – A Guide for Staff

Introduction

The Data Protection Act is concerned with making sure organisations handle personal information in a responsible way. This includes, for example, information about clients, staff or other service users. **All staff have a responsibility to be aware of the key provisions of the Act and to follow the practical guidance in this guide.**

The Data Protection Act applies to any information about individual people (e.g. Clients, staff). Essentially, if you handle any information about people as part of your job then you need to comply with the Data Protection Act. To comply with the Data Protection Act you should familiarise yourself with this guide.

Processing personal data – what the Act covers

The Data Protection Act covers the way in which personal data is 'processed'. The term 'processing' refers to a wide range of actions relating to personal data, including:

- The organisation, adaptation or alteration of information
- The retrieval, consultation or use of information
- The disclosure of information
- The erasure or destruction of information

If you use information about individuals as part of your job it is likely you will be 'processing' personal data in one or more of these ways. This means that the way in which you handle this personal data is governed by the Data Protection Act.

Listed below are 10 common issues which all staff should be aware of:

1. Make sure clients are aware of how you will use their data; this should be done when explaining the **Client Support Agreement** by the designated Support Worker, Tutor or Mentor.

2. 'Sensitive' personal data has to be handled with special care and we normally need to have the person's explicit consent for the use of this information, unless it is related to a safeguarding issue. Please refer to the **Safeguarding Policy and Procedure.** Sensitive personal date includes political opinions, religious beliefs or beliefs of a similar nature, sexual health, criminal records, and ethnic background. Physical or mental health condition, commission or alleged commission of an offence, any court proceedings relating to the commission or alleged commission of an offence.

3. Keep personal data secure at all times. This is particularly relevant to your role as you may be travelling with clients personal data.

4. Keep all client information in a secure place

    - Ensure client information is not left in your car overnight
    - Don't travel with client information unless necessary

- Once a client's support has ceased all their information should be returned to the office
- If Client's information is no longer required it needs to be treated as confidential waste and shredded. This should be brought to the office for shredding
- Be cautious about disclosing personal data to others ensure you are aware of when you can and can't share personal data.
- Client's personal data and information should not be shared outside of the office, this includes with colleagues if they are not involved in supporting the client.
- Discussions regarding clients should only take place with your line managers and seniors in a confidential environment.
- You may discuss shared clients however this needs to be in a confidential setting

5. The office will deal with requests from the Police for personal data. Unless it is a genuine emergency, the request should be made in writing on the Police's own form and disclosure should always be authorised by the Operations Director or Managing Director.

6. If we are to share client or staff information with partner organisations this needs to be agreed with the individual. This is again why the **Client Support Agreement** is so important.

7. Do not keep personal data for longer than necessary, we must have a good reason for keeping personal information and should not store it for longer than necessary. Ensure you give any client information back to the office when it is no longer needed so it can be recorded centrally or destroyed.

8. Ensure you know how to recognise a subject access request - a subject access request is a request by someone for a copy of their own personal information (e.g. a request for 'a copy of my client/staff file', 'any information you hold on me', 'all information relating to my complaint'). Please contact your Line Manager if you receive this kind of request.

9. Be aware that anything you write down about someone could be disclosed to them, subject access requests can include the disclosure of e-mails and handwritten notes to the individual as well as more formal documents.

10. Personal data also includes information which can indirectly identify someone –for example, if you have a list of clients in a group which states that one person uses a wheelchair, and then this could be enough information to identify that person even if you don't have their name on the list. Essentially if someone can be identified from the information, it is classed as personal data.