



Privacy Policy

Effective Date: 1st October 2018

| Version | Purpose | Owner | Approval | Int / Ext |
|----------------|---|--------------|-----------------|------------------|
| 1. | New policy | PS | | Both |
| 1.1 | Address amended per 24/9/18 board meeting | PS | | Both |
| 1.2 | Annual review 2019 - no changes required | PS | | |
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Next Review: 30th September 2020

Purpose

To support the protection of personal information and enable Hearing Help Essex staff and volunteers to know what to do to achieve this.

The Data Protection Act 2018 and General Data Protection Regulation (GDPR) implemented in 2018 make it mandatory for organisations to apply specific principles and practices in relation to personal information.

Overall policy statement

Hearing Help Essex is committed to respecting and protecting the privacy of people who it serves and its own personnel, and upholds its duty to act appropriately in relation to statutory and regulatory requirements. It recognises the particular sensitivity of health data.

Hearing Help Essex wants to promote good understanding of individuals' privacy rights and its commitments to support these, and create confidence in how it addresses concerns and safeguards personal information. It needs certain personal information to meet its objectives.

Hearing Help Essex aims to benefit the community through delivering its services. Demonstrating strong social responsibility and sound ethical practices complements this. Given its role in the community it is important that Hearing Help Essex can evidence its compliance with data protection legislation and regulations.

Scope

The policy and procedures apply to:

- all Hearing Help Essex personnel, i.e. employees, volunteers and trustees, and;
- all non-Hearing Help Essex personnel working on behalf of (instructed by) Hearing Help Essex
- any contractors operating in HHE's premises or servicing its equipment

They support the privacy of personal data of Hearing Help Essex's prospective or actual past and present clients, and its personnel.

Audience

- All Hearing Help Essex personnel, i.e. employees, volunteers and trustees, and;
- all non-Hearing Help Essex personnel working on behalf of (instructed by) Hearing Help Essex.

Definitions

"Client" - an individual who may receive, is receiving or has received services

"Data subject" - anyone whose personal data is held by Hearing help Essex

"HHE representatives" - all Hearing Help Essex personnel, and, non-Hearing Help Essex personnel working on behalf of (instructed by) Hearing Help Essex.

"Personal data" - data relating to an identified or identifiable living person

A) Why and how we collect personal data

1. HHE will fully understand, justify and oversee all personal data that it holds.
 - 1.1 HHE will maintain a data asset register recording: types of personal data held; its location(-s) and system(-s); its source(-s); who it is shared with; and its purposes. These will be determined and authorised by the CEO.
 - 1.2 No personal data will be recorded outside the location(-s) and system(-s) registered. Breach of this requirement may result in disciplinary procedure.
 - 1.3 HHE will only record personal data essential to the purpose of providing services for hearing loss.
2. HHE will actively help all data subjects to understand the uses of their data and their rights at the point of its collection, since HHE depends on relevant data to fulfil its services. However HHE will only collect such personal data as is essential for the provision of services for hearing loss (the “lawful basis”).
 - 2.1 HHE will maintain a Privacy Notice (see appendix) in easily intelligible form, including; how and why data is collected; how it is stored; who it is shared with; how individuals can control and access it; what it is used for; and data retention periods.
 - 2.2 The Privacy Notice must: be published on HHE’s website; be available at all public events where personal data may be collected; and be provided upon request.
 - 2.3 When collecting personal data face to face or by phone the Privacy Notice must be verbally summarised. Where the client is not able to understand a phone conversation then the Privacy Notice should be referred to in follow-up correspondence and including details of the HHE website.
3. HHE will ensure that consent to having and using personal data is affirmative.
 - 3.1 Clients will be asked to complete an “opt in” when personal data is collected face to face, in the form of a written signature.
 - 3.2 Where for reasons of personal health a client is not able to record their consent as required in clause 3.1, the HHE representative will explain the position and seek the client’s agreement to record their consent as being given by completing the document in their presence.
 - 3.3 When personal data is collected through inbound phone calls, consent will be taken as given if the client agrees following the verbal summary of the Privacy Notice.
 - 3.4 Subsequent to clause 3.3, when a client is visited “opting in” will be confirmed by following the procedure in clause 3.1 or 3.2.
 - 3.5 Records will be audited to ensure that consent has been correctly recorded. The CEO will sample check this quarterly.

B) How we use personal data

4. HHE will only use clients’ personal data for purposes compatible with the provision of services for hearing loss (the “lawful basis”) as recorded in the data asset register. This includes:
 - Providing services to clients
 - Managing service providers

- Training and managing HHE personnel
 - Monitoring spending on services
 - Monitoring service quality
 - Research and planning of new services
 - Contacting clients to advise HHE's latest news and services for hearing loss
 - Contacting clients in relation to surveys or consultations on shaping future services
 - Monitoring the effectiveness of HHE's communication methods
- 4.1 HHE will not market its services to prospective clients via email without their prior consent.

C) How we store personal data

5. HHE will take all reasonable steps to ensure it keeps personal data safe, secure and used in accordance with this policy. It will apply procedures and security features to prevent unauthorised access.
- 5.1 HHE will maintain a board-approved IT policy which includes an appropriate data security and back-up infrastructure.
- 5.2 Personal data will only be recorded in the location(-s) and system(-s) in the data asset register, with any access by HHE volunteers or trustees restricted to specifically agreed business need only.
- 5.3 Personal mobile devices must never be used to record, transport or transfer HHE personal data.
- 5.4 Personal data is only issued to the client, their representative (subject to proof of authority in clause 6.1) or as consented by them in relation to hearing loss services.
- 5.5 Contractors operating in HHE's premises or servicing its equipment will be monitored to ensure that any systems access is strictly restricted to business need.

D) Who we share personal data with

6. HHE will never sell personal data. HHE will only share personal data where this is in the best interests of clients seeking the provision of services for hearing loss.
- 6.1 HHE will share personal data with a client or their previously authorised representative. Where this is requested over the phone it will be subject to three questions to validate the caller's identity. Where this is requested via email or letter it will be checked against the authorisation information on HHE's file.
- 6.2 Clients' personal data may be shared with:
- Providers of services relating to hearing loss acting on behalf of (instructed by) HHE
 - HHE's charity, health and local government partners in the process of delivering any contract we enter with them or our client
 - Additional professional or legal services on matters relating to provision of hearing loss services to our clients
- 6.3 Personal data issued electronically relating to more than one client will be password encrypted and always sent to a single nominated recipient contact address.
- 6.4 HHE will ensure that partners with whom it shares personal data provided to it have appropriate Privacy policies.

E) How data subjects can access and control their personal data

7. Clients have the right to access their personal data, withdraw or amend their consent, request or change their personal data at any time. HHE will make it as easy for them to do this as giving their consent unless there is a legal or public interest reason for HHE not to do so.
 - 7.1 This may be done by phone, email or letter at:
Suite 2, 158 Moulsham Street, Chelmsford CM2 0LD
Telephone: 01245496347 Email: info@hearinghelpessex.org.uk
 - 7.2 HHE will ensure that its representatives are able to identify data access requests and that personal data can be provided to clients in a common, transferable electronic format within one month.

F) Other rights and general management of personal data

8. HHE will seek to ensure that client personal data is accurately recorded and a new, updated record will be established if or when any subsequent services are requested.
9. Personal data must be deleted when consent is withdrawn unless there is a legal or public interest reason for HHE not to do so.
 - 9.1 Where a client withdraws consent their personal data must be securely erased within 5 working days. The CEO will check that any requests have been actioned.
10. Personal data must be deleted after the lawful basis for its use has expired.
 - 10.1 The Records Management Code of Practice for Health and Social Care is to retain personal data records for 8 years from the date of care being provided. All personal data exceeding this age will be securely erased through a “sweep” exercise undertaken in May of each year, so that only statistical (anonymous) data appropriate for annual reporting remains. The CEO will check that this annual exercise is completed.
11. Clients have the right to decide how they want to be contacted and what they want to be contacted about.
12. As a small charity HHE is not required to appoint a Data Protection Officer. However HHE takes data protection seriously and the CEO will undertake the key responsibilities of a Data Protection Officer, ensuring:
 - Adherence to this policy
 - Training of HHE personnel
 - Ongoing review of procedures to ensure that data protection is considered by default in both business as usual and change activity
 - Dealing with suspected or actual infringements
 - Reporting to and providing the board with assurance
 - Championing data protection

G) How we manage the data of HHE personnel

13. HHE will apply the same principles in clauses 1. to 12. in relation to the personal data of HHE personnel.
14. Access to the personal data of HHE personnel will be restricted to those personnel with business need. Business need may widen in the event of requiring to contact personnel to manage an incident affecting HHE's business.

H) How we respond to suspected or actual infringements

15. Although HHE will do its best to protect personal data, if a situation arises that compromises this it must act promptly and in accordance with the legal and regulatory requirements.
 - 15.1 HHE representatives will be trained in identifying potential or actual infringements. This will take place as part of their induction and within 3 months of commencing any work on behalf of HHE.
 - 15.2 The CEO must be notified immediately following any suspected or actual infringements. The CEO will advise the board immediately and an action plan created and implemented. This will include notifying the regulator of any breach within 72 hours where feasible and a prompt communication strategy for clients.

Reporting requirements

- Suspected or actual infringements as clause 15.2.
- The CEO will brief the board on any infringements and provide updates on remedial plans at board meetings.

Related documents

- Information Commissioner's Office guides to the GDPR and Data Protection Act:
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
<https://ico.org.uk/for-organisations/data-protection-act-2018/>
- Appendix - HHE Privacy Notice