



Data Protection Policy - GDPR

Date of Publication- 20<sup>th</sup> November 2018

Date of Review- 19<sup>th</sup> November 2020

Line Manager Responsible- Dominic Collis

---

#### **Rationale-**

COLLIS MEDIATION LTD is committed to a policy of protecting the rights and privacy of individuals, local authorities, parents, carer's, young people, staff and others, in accordance with the General Data Protection Regulation (GDPR) May 2018.

The new regulatory environment demands higher transparency and accountability in how business manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use.

The GDPR contains provisions that the business will need to be aware of as data controllers, including provisions intended to enhance the protection of people's personal data. For example, the GDPR requires that:

1. We must ensure that our business privacy notices are written in a clear, plain way that staff and service users will understand.
2. COLLIS MEDIATION LTD needs to process certain information about its staff, service users and other individuals with whom it has a relationship for various purposes such as, but not limited to:
  - a. The recruitment and payment of staff.
  - b. Deliver of mediation, disagreement resolution services and other company business services
  - c. Tax Inspections and accounting
  - d. Invoicing
  - e. Constructing agreements and issuing documentation
  - f. Complying with legal obligations and government including local government.

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR) COLLIS MEDIATION LTD must ensure that all this information about

individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

---

### **Compliance-**

This policy applies to all staff and representatives of COLLIS MEDIATION LTD. Any breach of this policy or of the Regulation itself will be considered an offence and the Business's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with COLLIS MEDIATION LTD and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

An outline of how we store and process data is available on our website and detailed in our emails.

---

### **General Data Protection Regulation (GDPR)-**

This piece of legislation came in to force on the 25<sup>th</sup> May 2018. The GDPR regulates the processing of personal data and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them.

Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images) and may include facts or opinions about a person.

COLLIS MEDIATION LTD is virtually a paperless operation and it is usual that personal data is not retained in hard copy.

---

### **Responsibilities under the GDPR-**

COLLIS MEDIATION LTD will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data.

The business appoints a Data Protection Officer (DPO), currently the Managing Director who is available to address any concerns regarding the data held by our business and how it is processed, held and used.

The Senior Leadership Team is responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the business.

The Senior Leadership Team is also responsible for ensuring that the business's notification is kept accurate. Details of the Business's notification can be found on the Office of the Information Commissioner's website. Our data registration number is: ZA032756.

Compliance with the legislation is the personal responsibility of all members of the business who process personal information.

Individuals who provide personal data to the business are responsible for ensuring that the information is accurate and up-to-date.

---

### **Data Protection Principles-**

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these principles can be found in the DPCoP. Please see the ICO's website [www.ico.gov.uk](http://www.ico.gov.uk)

In order to comply with its obligations, COLLIS MEDIATION LTD undertakes to adhere to the eight principles:

1. Process personal data fairly and lawfully.

COLLIS MEDIATION LTD will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

2. Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.

COLLIS MEDIATION LTD will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

3. Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

COLLIS MEDIATION LTD will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Requests for collecting data will always be issued with this mind. If any irrelevant data are given by individuals, they will be destroyed.

4. Keep personal data accurate and, where necessary, up to date.

COLLIS MEDIATION LTD will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the business if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the business to ensure that any notification regarding the change is noted and acted on.

5. Only keep personal data for as long as is necessary.

COLLIS MEDIATION LTD undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means COLLIS MEDIATION LTD will undertake a regular review of the information held and implement a weeding process.

COLLIS MEDIATION LTD will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste).

6. Process personal data in accordance with the rights of the data subject under the legislation.

Individuals have various rights under the legislation including a right to:

- be told the nature of the information the Business holds and any parties to whom this may be disclosed.
- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision taking process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- sue for compensation if they suffer damage by any contravention of the legislation.
- take action to rectify, block, erase or destroy inaccurate data.
- request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

COLLIS MEDIATION LTD will only process personal data in accordance with individuals' rights.

7. Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

COLLIS MEDIATION LTD will ensure that all personal data is accessible only to those who have a valid reason for using it. COLLIS MEDIATION LTD will have in place appropriate security measures, for example:

- keeping all hard copy personal data in a lockable cabinet with key-controlled access.
- password protecting personal data held electronically with minimum 8 character passwords containing upper and lower case letters, numerical and symbols.
- archiving personal data which are then kept securely (Vaulted Secure Platform).
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff.
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, COLLIS MEDIATION LTD will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible, destroyed physically. Correspondence will be subject to a weeding process where only relevant items will be retained (for example the proof of delivery of documents via email, milestone emails showing legislative compliance, outcomes of mediation agreements, reports, recommendations). Only the most relevant information will be retained along with basic contact details to satisfy requirements of the HMRC,

This policy also applies to staff and people who process personal data 'off-site', e.g. when working at home, and in circumstances additional care must be taken regarding the security of the data.

8. Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

COLLIS MEDIATION LTD will not transfer data to such territories without the explicit consent of the individual. This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so COLLIS MEDIATION LTD will always seek the consent of individuals before placing any personal data (including photographs) on its website.

If the business collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

---

#### **Consent as a basis for processing-**

It is not always necessary to obtain consent to process and share their personal data, for example a person may have a lawful right to our services which may be infringed if we do not share their personal data. Under GDPR 'Legitimate Interest' we may share their personal data to protect their right.

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when COLLIS MEDIATION LTD is processing any sensitive data, as defined by the legislation.

COLLIS MEDIATION LTD understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via expressed consent) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication, however consent can be inferred from an 'affirmation action'.

COLLIS MEDIATION LTD will ensure that any method used to gather data on an individual will contain a statement (Privacy Notice) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

COLLIS MEDIATION LTD will signpost service users to their Data Protection and Data Processing information on their website. This is to inform service users, parents, carer's and young people how their personal information will be collected, stored and used by the business and any other relevant organisations, such as the local authority for example when carrying out our business service provision.

For the purposes of the Data Protection Act 1998, the business is the data controller for your personal data once collected. This personal data will only be used to provide our services and to exercise our functions and to meet our statutory responsibilities, including under the Children and Families Act 2014 and other associated legislation incorporated in the Special Educational Needs and Disabilities Approved Code of Practice 2015, for example.

Your information may be shared with third parties for education, health and social care to exercise our functions and to meet our statutory responsibilities. We may share your personal data under 'Legitimate Interest' to protect your rights in law.

COLLIS MEDIATION LTD will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data (such as Legitimate Interest), then steps will be taken to ensure that processing of that data does not take place.

---

### **Subject Access Rights (SARs)-**

Individuals have a right to access any personal data relating to them which are held by the business.

Any individual wishing to exercise this right should apply in writing (via email, post or website message) to the Data Controller (Dominic Collis). Any member of staff receiving a SAR should forward this to the Data Controller.

Under the terms of the legislation, any such requests must be complied with within one month and there will generally not be a fee payable, unless:

- the request is 'manifestly unfounded or excessive'. The data controller may also not comply with a SAR if the request is 'manifestly unfounded or excessive'.
- further copies are requested.

Further note. Our data controllers can withhold personal data if disclosing it would 'adversely affect the rights and freedoms of others'. This is reflective of the current position under the DPA.

---

### **Disclosure of Data-**

All disclosures of data must be processed by the Data Controller.

All data disclosure requests must be made to the Data Controller.

COLLIS MEDIATION LTD undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure.
- the disclosure has been an order of the court
- the disclosure is required for the performance of a contract.

There are other instances when the legislation permits disclosure without the consent of the individual.

In no circumstances will COLLIS MEDIATION LTD sell any of its databases to a third party or use the data within that database for any other reason than to carry out its service provision for the data subject.

---

### **Email-**

It is the policy of COLLIS MEDIATION LTD to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the business's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the business may be accessed by someone other than the recipient for system management and security purposes.

---

#### **CCTV-**

There are some CCTV systems operating within COLLIS MEDIATION LTD for the purpose of protecting staff and property. COLLIS MEDIATION LTD will only process personal data obtained by the CCTV system in a manner which ensures compliance with the legislation.

---

#### **Procedure for review-**

This policy will be updated as necessary to reflect best practice or future amendments made to the General Data Protection Regulation (GDPR) May 2018 and Data Protection Act 1998.

Please follow this link to the ICO's website [www.ico.gov.uk](http://www.ico.gov.uk) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact:

The Data Protection Officer (DPO): Dominic Collis