

CAMBRIDGESHIRE HORIZONS DATA PROTECTION POLICY

Set out below is the Cambridgeshire Horizons policy on data protection in accordance with the Data Protection Act 1998 which came into effect on 1 March 2000. It relates to all personal data whether held in written or electronic form.

1 INTRODUCTION

1.1 Cambridgeshire Horizons needs to process certain information about its employees, suppliers and other individuals ("data subjects"). In so doing, Cambridgeshire Horizons must comply with the Data Protection Act 1998 ("the Act"). The Act contains eight basic principles. These state that personal data must:

1.1.1 be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met;

1.1.2 be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;

1.1.3 be adequate, relevant and not excessive for those purposes;

1.1.4 be accurate and kept up to date;

1.1.5 not be kept for longer than is necessary for that purpose;

1.1.6 be processed in accordance with the data subject's rights;

1.1.7 be kept safe from unauthorised access, accidental loss or destruction;

1.1.8 not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

1.2 Cambridgeshire Horizons and all employees of Cambridgeshire Horizons or others who process or use any personal information must ensure that the data protection principles and the law under the Act are followed and fully implemented. In order to facilitate this, Cambridgeshire Horizons has developed a policy on data protection. The references to personal data

made within this document apply to all data held on all data subjects of Cambridgeshire Horizons, including employees, suppliers and third party contacts.

2 DEFINITIONS

2.1 Personal data

2.1.1 This is information about a living individual, who is identifiable from the information, or who could be identified from the information combined with other data, which Cambridgeshire Horizons has or may have in the future. This includes names and addresses, telephone numbers, e-mail addresses, information about incomes and personal life. In the context of employees it includes attendance records, ethnic origin, qualifications and experience, details about sick and annual leave, dates of birth or marital status. Any recorded opinions about or intentions regarding a person are also personal data and this includes both appraisals reports and other staff review reports.

2.1.2 The Act covers all personal data processed by Cambridgeshire Horizons, irrespective of whether these are held by individual employees in their own separate files, departmental records systems or on the Cambridgeshire Horizons's computer system.

2.2 Sensitive Personal Data

2.2.1 The Act distinguishes between "ordinary" personal data such as name, address and telephone number and "sensitive personal data". Information relating to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life and criminal convictions is sensitive personal data.

2.2.2 Under the Act the processing of sensitive data is subject to much stricter conditions. In particular, processing of sensitive data requires explicit consent. Therefore, in matters where sensitive personal data will be obtained, consent from the data subject must also be obtained. In the case of third parties this should be dealt with in initial correspondence, in relation to employees it will be dealt with at the recruitment stage.

- 2.3 Electronic data
 - 2.3.1 For the avoidance of doubt, electronic data encompasses not just personal data held on Cambridgeshire Horizons's databases but, for example, all e-mails, letters and other documents held on disk or anywhere on Cambridgeshire Horizons's IT system.

- 2.4 Manual filing systems
 - 2.4.1 The 1998 Act covers 'relevant' manual filing systems, which may have the following characteristics:
 - 2.4.1.1 grouping within a common criteria, even if not physically kept in the same file or drawer;
 - 2.4.1.2 structuring by reference to the individual by name, number, or by criteria common to individuals, such as sickness, type of job, membership of pension scheme or department;
 - 2.4.1.3 and, most pertinently of all, structuring that allows specific information about the individual to be readily accessible.
 - 2.4.2 In practical terms, however, it seems prudent to assume that most, if not all, manual filing systems will fall under the provisions of the Act.

3 CAMBRIDGESHIRE HORIZONS'S DATA PROTECTION POLICY

- 3.1 Subject Consent
 - 3.1.1 So as to avoid any issue on consent, it is Cambridgeshire Horizons's policy in every case, whether relating to employees, suppliers or other individuals, to obtain consent to the processing of personal data by Cambridgeshire Horizons at the time of collection of the data if at all possible and otherwise as soon as possible after the data is collected.

- 3.2 Retention of Data
 - 3.2.1 It is not in the interest either of data subjects or of Cambridgeshire Horizons to retain unnecessary or duplicative information. Cambridgeshire Horizons does, however, retain some data relating to individuals in their files so that Cambridgeshire Horizons can keep historical information as required for management purposes.

- 3.2.2 In relation to former employees - data will be held in the [HR department] - in order that Cambridgeshire Horizons can deal accurately with any reference request and also as a way of maintaining a complete historical record.
- 3.2.3 Nonetheless, it is Cambridgeshire Horizons' policy to discourage the retention of personal data within files for longer than it is needed. Employees should observe the guidelines for the processing and retention of personal data set out in schedule 1 to this policy.
- 3.3 Access to data
- 3.3.1 Employees, suppliers and other individuals who are data subjects of Cambridgeshire Horizons will on most occasions have the right to access personal data that is being kept about them either on computer or in 'relevant' manual filing systems. This will normally be provided in the form of copies of the personal data or a report of the data held, depending on the type and format of the original data.
- 3.3.2 A third party wishing to exercise this right is requested to write to [NAME OF DATA PROTECTION OFFICER]. Cambridgeshire Horizons will make a charge of £10 as permitted by law in connection with the cost of providing the information. A copy of a letter recommended for such requests is set out in Schedule 2.
- 3.3.3 Where required to do so under the Act, Cambridgeshire Horizons aims to comply with requests for access to personal information from data subjects as quickly as possible, but will ensure that it is provided within 40 days from the date of the request.
- 3.4 Employee obligations
- 3.4.1 Certain employees have responsibilities for processing personal data about colleagues, but are also data subjects in their own right. In connection with personal data on colleagues, all employees must comply with Cambridgeshire Horizons guidelines on data protection. In connection with their own personal data, all employees should:

- 3.4.1.1 ensure that any information that they provide to Cambridgeshire Horizons in connection with their employment is accurate and up to date;
 - 3.4.1.2 inform Cambridgeshire Horizons of any changes for which they are responsible, for example, changes of address. Cambridgeshire Horizons cannot be held accountable for errors arising from changes about which it has not been informed.
- 3.5 Data Security
- 3.5.1 All employees must ensure that:
 - 3.5.1.1 any personal data which they hold are kept securely;
 - 3.5.1.2 personal data is not disclosed either orally or in writing, intentionally or otherwise to any unauthorised third party.
 - 3.5.2 Employees should note that unauthorised disclosure of personal data may be a disciplinary matter, and could be considered gross misconduct in certain cases.
 - 3.5.3 Additionally, employees must ensure that, where a data processor processes data on Cambridgeshire Horizons' behalf (a mailing agency, for example) there is a written contract between the parties which specifies that the processor agrees to act on Cambridgeshire Horizons' instructions and to abide by the provisions of the Act in connection with data security. Further guidance on appropriate terms for such a contract can be obtained from [NAME OF DATA PROTECTION OFFICER].
 - 3.5.4 Employees should make reasonable efforts to ensure that all personal data is kept securely but should pay particular attention to the security of sensitive data.
 - 3.5.5 Off-site use of personal data presents a potentially greater risk of loss, theft or damage to personal data and the institutional and personal liability that may accrue from the off-site use of personal data is similarly increased. Employees should take particular care when removing files containing personal data from the office, for example to work on at home.

Employees should also be aware that this policy and their responsibilities under it apply when data are processed under such circumstances.

3.6 World Wide Web and E-mail

3.6.1 The provisions of the Act apply as much to web sites and to e-mail as they do to data processing by any other means; any personal data downloaded from the web, included within a web site, or contained within an e-mail are subject to the same restrictions as information held in manual files or on databases. In particular, employees should be aware that information posted onto a web page is potentially accessible world wide (unless access is restricted in some way): the type of data placed onto web pages should reflect this.

3.7 Cross-border data flows

3.7.1 The Act places restrictions on the transfer of personal data outside the European Economic Area (EEA) unless the country or territory involved ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data. If, after careful consideration, it is regarded as essential that the transfer of personal data outside the EEA should take place - and if the transfer does not qualify as one of the circumstances when this principle does not apply - the consent of the data subject must be sought.

3.8 Confidential references

3.8.1 For practical purposes employees must assume that we can neither guarantee confidentiality in respect of references received by Cambridgeshire Horizons nor expect that those we provide will remain confidential. Any reference request received from either an employee or former employee must be passed immediately to the [Human Resources Manager] who will deal with it in conjunction with the line manager or supervisor of the individual concerned.

4 CONCLUSION

4.1 Compliance with the 1998 Act is the responsibility of all employees of Cambridgeshire Horizons. Any breach of the data protection policy may lead to disciplinary action being taken, access to Cambridgeshire Horizons facilities being withdrawn, or even a criminal prosecution by third

parties. Any questions or concerns about the interpretation or operation of this policy should be taken up with [NAME OF DATA PROTECTION OFFICER].

SCHEDULE 1:

GUIDANCE NOTES FOR PROCESSING AND RETAINING PERSONAL DATA

Before processing and retaining any personal data, you should consider the checklist set out below :

- do you really need to record the information?
- is the information 'ordinary' or is it 'sensitive' ?
- does Cambridgeshire Horizons have the data subject's consent?
- are you authorised to collect/store/process the data?
- unless the data have been obtained from a reliable source, have you checked with the data subject that the data is accurate?
- are you sure that the data are secure?
- if you do not have the data subject's consent to process the data, are you satisfied that you do not need it?

Access requests

The Act means that any recorded opinion about or intentions regarding a person are personal data to which a data subject may gain access. This should be borne in mind when written or other records are made (and this includes e-mails and audio recordings, in addition to computer and manual files) and when files are weeded for unnecessary or duplicative material. The following is a useful test to apply to 'doubtful' comments

- Is this comment fair, accurate and justifiable?
- If I were to show this to the data subject, would I still be confident that the comment is fair, accurate and justifiable?

If the answer to the questions - and in particular the first question - is 'No', then the comment should go unrecorded.

Access rights also mean that the confidentiality of references provided either internally or for external bodies can no longer be assumed. Again, this should be borne in mind when references are drawn up and in general terms the information provided in references should:

- differentiate between statements of fact and opinion
- express only justifiable opinions, based on first-hand experience
- be fair and accurate
- avoid ambiguous or coded language.

SCHEDULE 2:

REQUEST FOR ACCESS TO PERSONAL FILES

The Office of the Information Commissioner recommends the following letter:

[Your address]

[date]

Dear Sir or Madam

Please send me the information that I am entitled to under section 7(1) of the Data Protection Act 1998.

If you need further information from me, or a fee, please let me know as soon as possible.

If you do not normally handle these requests for your organisation, please pass this letter to your Data Protection Officer or another appropriate official.

Yours faithfully