

## **Data Protection Policy**

### **(incorporating the General Data Protection Regulation 2018)**

#### **Introduction**

This is the data protection policy adopted by Dyslexia Cornwall and subject to regular review by the Trustees.

All staff are expected to apply the policy and to seek advice when required.

The Data Protection Act 1998 and the General Data Protection Regulation 2018 controls the processing of data relating to individuals. This includes the obtaining, holding, using or disclosing of personal data and covers computerised records as well as manual filing systems and card indexes.

Personal data is information which by itself or with other information available can be used to identify an individual.

Dyslexia Cornwall is a data controller.

This data protection policy sets out how we use personal data.

#### **Data Protection by Design and Data Protection Impact Assessments**

Dyslexia Cornwall has adopted a privacy by design approach to the protection of personal data and has undertaken a Privacy Impact Assessment (PIA).

#### **Why we collect data**

Dyslexia Cornwall collects personal data to communicate with clients, better understand the needs of our clients and to provide a better service, and in particular for the following reasons:

- Internal record keeping.
- To improve our products and services.
- To send promotional emails about new products, special offers or other information which are beneficial to our service users.
- To undertake market research purposes to help develop our service offer.

#### **The types of personal data collected and used**

Dyslexia Cornwall will hold the minimum personal information necessary to enable it to perform its functions. All such information is confidential and needs to be treated with care, to comply with the law. This information is collected **directly** during initial contact with clients or **indirectly** through referrals from businesses and organisations in order to support individuals. The personal data we may use includes:

- Full name and personal details including contact information (e.g. home address, email address, home and mobile telephone numbers)
- Date of birth and/or age (e.g. to provide age appropriate services)
- Lifestyle and social circumstances if relevant to the service being offered

- Education and employment details/ employment status to provide targeted services based on need.
- Specific learning differences and support currently being received.
- Personal information about dependents (aged under 16). In these circumstances Dyslexia Cornwall will need to get consent from a person holding 'parental responsibility'.
- Personal information on family members (aged over 16). In these circumstances Dyslexia Cornwall will anonymise the data.

Dyslexia Cornwall ensures that all data is:

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Dyslexia Cornwall's data controllers (all staff who process or use personal data) are responsible for and able to demonstrate compliance with these principles at all times.

### **Providing personal data**

Dyslexia Cornwall informs individuals if providing some personal data is optional, including asking for consent to process it. In all other cases personal data must be provided so that we can process an enquiry or deliver a service.

To make clients aware of how their data will be used Dyslexia Cornwall explains to all contacts:

- Who their data will be used by
- How their data will be used and why
- Anybody else who will have access to their data

Data protection statements are included on all forms that collect individual's personal data.

## **Consent**

Dyslexia Cornwall seeks compliant and informed consent for processing specific and unambiguous data.

Service users, staff, volunteers and key stakeholders provide positive opt-in consent. Consent is separate from all other terms and conditions

Dyslexia Cornwall informs clients that they have the right to withdraw their consent at any time. Clients can withdraw consent by telephone or email. All personal data will be removed/ destroyed within 10 working days of notification.

## **Security**

Dyslexia Cornwall are committed to ensuring that all personal data is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

## **Monitoring of communications**

Subject to applicable laws Dyslexia Cornwall monitors and records calls, emails, text messages, social media messages and other communication in relation to dealings with clients. We do this:

- To self-regulate practices,
- To protect the security of our communications systems and procedures
- To check for obscene and profane content
- For quality control and staff training
- When we need to see a record of what has been said.

## **Using personal data: the legal basis and purposes**

We will process personal data:

1. As necessary **to perform our 'contract'** for a relevant service or product
  - a. To process an enquiry in relation to dyslexia and other associated learning differences
  - b. To manage and perform the contract
  - c. To update records
  - d. To trace an individual's whereabouts to contact them about the service requested
2. As necessary for **legitimate interests** or those of other persons and organisations. For example:
  - a. For good governance, accounting, managing and auditing of business operations
  - b. For market research, analysis and developing statistics

- c. To send marketing communications for relevant services about dyslexia and associated learning differences
3. As necessary **to comply with a legal obligation**. For example:
  - a. To exercise an individual's rights under the data protection law
  - b. For compliance with legal and regulatory requirements and related disclosures
  - c. For activities relating to prevention, detection and investigation of crime.
4. Based on **consent**. For example:
  - a. When requested to disclose personal data to other people or organisations to support or address the individual's needs associated with dyslexia and other learning differences.
  - b. To process any special categories of personal data at an individual's request (for example; racial or ethnic origin, age, gender, religious beliefs or sexual orientation)
  - c. To send marketing communications/ specialist editorial materials at an individual's request.

Individuals are free at any time to change their mind and withdraw consent by contacting 01872 222 911 or emailing [enquiries@dyslexiacornwall.org.uk](mailto:enquiries@dyslexiacornwall.org.uk). The consequence might be that we cannot do certain things to support the delivery of the relevant service.

## **Sharing personal data**

Subject to the applicable data protection law, Dyslexia Cornwall may share personal data with:

- Subcontractors and other persons who help provide products or services.
- Companies and other persons providing services to Dyslexia Cornwall
- Dyslexia Cornwall's legal and professional advisers, including our auditors
- Government bodies and agencies in the UK and overseas (e.g. HM Revenue & Customs)
- Courts, to comply with legal requirements, and for the administration of justice
- In an emergency or otherwise protect an individual's vital interests
- To protect the security or integrity of business operations
- Organisations when restructuring, merging or selling Dyslexia Cornwall or its assets.
- Payment systems which may transfer personal data necessary to process transactions.
- Anyone else where Dyslexia Cornwall has consent or where it is required by law.

## **International transfers**

Personal data may be transferred outside the UK and the European Economic Area. While some countries have adequate protections for personal data under applicable laws, in other countries steps will be necessary to ensure appropriate safeguards apply to it. These include imposing contractual obligations of adequacy or requiring the recipient to subscribe or be certified with an 'international framework' of protection.

## **Marketing preferences and related searches**

Dyslexia Cornwall will use home address, phone numbers, email address and social media (e.g. Facebook, Google and message facilities in other platforms) to contact clients according to their preferences. Clients can change their preferences or unsubscribe at any time by contacting Dyslexia Cornwall on 01872 222 911 or [enquiries@dsylexiacornwall.org.uk](mailto:enquiries@dsylexiacornwall.org.uk).

In the case of social media messages clients can manage their social media preference via that social media platform.

If we have been advised that clients do not want information or other products/services or decline to be included in market research, we will respect their wishes. Clients can tell us at any time if they want to stop receiving this information.

## **Automated decision making and processing**

Dyslexia Cornwall does not use automated decision making and processing systems. *[Automated decision making involves processing personal data without human intervention to evaluate personal circumstances].*

## **Criteria used to determine retention periods**

The following criteria are used to determine data retention periods for personal data.

**Retention in case of queries:** Dyslexia Cornwall retains personal information as long as it is necessary to deal with client's queries and a subsequent period of 6 years in order to provide ongoing support.

**Retention in case of contractual compliance:** Dyslexia Cornwall retains personal information as required by external funding agencies as part of contractual compliances. Clients will be informed of this retention period at the initial point of contact.

**Retention in accordance with legal and regulatory requirements:** Dyslexia Cornwall retains personal data after an enquiry or service has been closed or has otherwise come to an end based on legal and regulatory requirements.

## **Individual's rights under applicable data protection law**

Dyslexia Cornwall complies with Data Protection and GDPR principles of good practice which includes the following rights for individuals:

- The right to be informed about how personal data is processed;
- The right to request access to personal data
- The right to rectification; enabling inaccurate information to be corrected and incomplete data completed;
- The right to have personal data erased and the "right to be forgotten";
- The right to restrict processing of personal data
- The right to data portability; enabling personal data to be moved, copied or transferred to another data controller.
- The right to object to processing personal data;
- The right not to be subject to automated decision-making including profiling.

The right to data portability is new. It only applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract;
- when processing is carried out by automated means.

You have the right to complain to the Information Commissioner's Office. It has enforcement powers and can investigate compliance with data protection law: <https://ico.org.uk/>

## **Subject Access Requests**

Dyslexia Cornwall will provide clients with details of all personal data held when presented with a verbal or written Subject Access Request.

All information will be provided within 30 working days. There is no charge for this service.

Dyslexia Cornwall reserves the right to refuse or charge for any Subject Access Request that are "manifestly unfounded or excessive in nature". We will notify the individual of this decision within 30 working days. In these circumstances we will inform the individual why we have refused their request and signpost to the appropriate supervisory authority (Information Commissioner's Office) if they wish to challenge this decision.

## **Data anonymisation and aggregation**

Personal data may be converted into statistical or aggregated data which can not be used to identify an individual. This will be used to produce statistical research and reports. This aggregated data may be shared and used in all ways described above.

## **Data Breach**

In the unlikely event of a data breach Dyslexia Cornwall will:

- Notify the Data Protection Officer of the suspected data breach
- The Data Protection Officer will instruct a team to investigate the potential breach to establish if it is real
- The impact to individuals and organisations will be assessed
- Notify the Information Commissioners Office (ICO) within 72 hours with details of:
  - The nature of the personal data breach
  - The categories and approximate number of individuals concerned
  - The categories and approximate number of personal data records concerned
  - The name and contact details of the Data Protection Officer
  - A description of the likely consequences of the personal data breach
  - A description of the measures taken, or proposed to be taken, to deal with the personal data breach and, where appropriate, of the measures taken to mitigate any possible adverse effects.

This is only necessary if the breach could result in:

- Discrimination
- Damage to reputation
- Financial loss

- Loss of confidentiality
  - Economic disadvantage
  - Social disadvantage
- Notify any individuals concerned if there may be a risk to the rights and freedoms of those individuals
  - Resolve breach

## **Data Protection Officer**

The Data Protection Officer is responsible for co-ordinating effective data protection policies, data protection compliance and controls across the organisation.

**Dyslexia Cornwall's Data Protection Officer is:**

*Barbara Hewett-Silk*

*Chairperson*

*Tel: 01872 222 911*

*chairperson@dyslexiacornwall.org.uk*

## **Monitoring and review**

The Board of Trustees, will regularly review the operation of this policy.

**This policy has been approved and authorised by the Trustees of Dyslexia Cornwall.**

Signed:



Name: Barbara Hewett-Silk

Position: Chairperson

Date: 26<sup>th</sup> May 2018

Next review due: May 2019