



**Policy No: 5**

**Version: 3**

**Information Governance Policy  
including Data Protection,  
General Data Protection Regulations,  
confidentiality and security**

Date approved	4 April 2014
Approved by	Trustee Board
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### Version control

Approved/amended date	Version	By	Issue
4 April 2018	1	Trustee Board	New policy
12 June 2018	2	Hon Sec	Cookies statement changed as a result of new website
7 June 2020	3	Board of Trustees by email	Confirmed at Board of Trustees meeting 1 June 2020

## **1.Data Protection Act 1998 and General Data Protection Regulations 2018**

### **1.1 Introduction**

The Friends of York Hospitals (FOYH), as a charity, holds and processes personal data on a daily basis to provide a volunteer service and fundraise. The information is collected from current, past and future volunteers, trustees, FOYH members, those who make donations and others with whom it communicates.

### **1.2 The Legislation**

The Data Protection Act 1998 (DPA) covers information about individuals which is held on computer or in a manual filing system or which is recorded with the intention that it will be part of such systems. The Act applies to people or organisations that use or hold such personal data.

The Act is based on the right of the individual (the Data Subject) to know what information is being held about them and how the information will be used. The Act sets out principles to ensure that personal data is:

- Processed fairly and lawfully;
- Obtained only for specified purposes;
- Relevant to the purposes for which it is processed;
- Accurate and kept up to date;
- Not kept for longer than is necessary;
- Processed according to the rights of the Data Subject under the Act;
- Kept secure and protected against unauthorised processing, accidental loss or damage; and
- Not transferred to areas outside of the European Union (including via websites)

The General Data Protection Regulations 2018 (GDPR) includes the following rights for individuals:

- The right to be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object; and
- The right not to be subject to automated decision making including profiling.

FOYH seeks to comply with both the letter and the spirit of the Data Protection Act 1998 and the General Data Protections Regulations 2018.

### **1.3 Definitions of data**

Definitions of data are detailed on appendix 1 of this policy.

## **1.4 Compliance**

FOYH holds personal information about:

- Volunteers
- Trustees
- Other members and supporters
- Donors
- Individuals who contact the FOYH

The information is held in accordance with the requirements of the legislation.

The privacy statement attached at appendix 2, and which is available on the FOYH website, demonstrates compliance with the regulations.

## **1.5 Outsourcing**

Where FOYH use the services of external organisations e.g. payroll, website development, recruiters we will seek confirmation from those organisations that they comply with the Data Protection and GDPR regulations.

## **1.6 Consent**

The GDPR requires that consent to process an individual's data must be freely given, specific, informed and unambiguous. There must be a positive opt-in – consent cannot be inferred from silence, pre-ticked boxes or inactivity and must also be separate from other terms and conditions.

Relevant FOYH publications include a consent section for individuals to indicate their consent for the organisation to contact them in the future. An example is attached at appendix 3 "Can we keep in touch?"

## **1.7 Subject access requests**

Individuals have the right to request access to their personal information which FOYH holds and the right to object, request rectification, request erasure, restrict processing and not to be subject to automated decision-making including profiling.

Subject access requests will be dealt with by the Volunteer Manager and Administrator (VMA):

1. Requests can be submitted by email or letter (see privacy statement appendix 2)
2. VMA to confirm identify of individual (photographic evidence such as passport or driving licence)
3. VMA to obtain consent of the subject if an individual is requesting personal information on behalf of a third party
4. Information to be provided by VMA in writing within one month from the application date
5. There will be no charge for handling subject access requests

FOYH can reserve the right to refuse a request if it becomes excessive or vexatious. In the case of refusal the individual will be informed of his/her right to complain and this notification will be sent within one month.

### **1.8 Retention periods**

The retention period for personal data is 6 years. All personal data (including emails) will be reviewed on an annual basis to ensure that unnecessary information is not held for longer than is reasonable and necessary. This review will bear in mind the appropriate statutory/good practice guidance for various types of records e.g. volunteer records, financial records, minutes of meetings.

### **1.9 Information Security**

FOYH data holdings are secured in line with the York Teaching NHS Foundation Trust security measures and only accessible to the VMA and the Hon. Secretary and the Hon. Treasurer and on occasion to another identified Trustee/volunteer for a specified reason with approval of the Board of Trustees.

### **1.10 Data breaches**

The GDPR introduces a duty on all organisations to report certain types of personal data breach to the relevant supervisory authority. This must happen within 72 hours of becoming aware of the breach. Where the breach involves email/password data, it must be reported to the Information Commissioners Office (ICO) within 24 hours.

Data breaches must also be reported to the Charity Commission.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, those individuals must be informed without undue delay.

Where a personal data breach is identified, the VMA in association with the FOYH Hon. Secretary will review the Information Commissioners Office website and Charity Commissioners website to identify whether the breach requires reporting.

Should a personal data breach occur, an incident review of systems and processes will be carried out by two trustees and the report of the review, including recommendations, will be considered by the full Board of Trustees.

The data breach and result of the incident review will be notified to the individual(s) concerned together with an apology.

## **2. Confidentiality**

A duty of confidentiality arises when one individual discloses information to another in confidence.

FOYH is committed to ensuring confidentiality in relation to all personal information about volunteers, trustees, members, donors and patients who come in contact with the volunteers.

Information will only be passed to another agency or to other individuals outside of the charity with the consent of the individual, where possible this will be with written consent. No personal information about staff, volunteers, trustees, members, donors, patients will be given to any third party.

The only exception will be if we are required to disclose information by law (for example, to comply with applicable laws, regulations and codes of practice or in response to a valid request from a competent authority).

All volunteers and trustees will observe their own behaviour in relation to this policy and ensure that they do not divulge information about patients or staff which they may see/hear during the course of their time in the hospital environment.

### **3. Photographs**

Consent will be obtained for any photographs of volunteers and/or patients which may be used in FOYH publications both internal and external and the FOYH website.

### **4. Training**

The Volunteer Manager and Administrator (VMA) and any additional trustees or volunteers who are given access to the database will undergo the Information Governance Training Programme of the York Teaching Hospitals NHS Foundation Trust.

### **5.Complaints**

Complaints arising from data and confidentiality issues will be dealt with in accordance with the FOYH complaints policy.

### **6.Reporting to the Board of Trustees**

Any data or confidentiality breaches will be reported to and monitored by the Board of Trustees.

### **7.Review of policy**

This policy will be reviewed every 2 years or sooner in the event of changes in guidance or legislation.

## Definitions of data

### Personal data

For the purpose of this Policy personal information will be defined as any information that directly or indirectly relates to a living individual which allows an individual, or other individuals, to be identified from that information (either on its own or in conjunction with information that is likely to come into the possession of an organisation. The definition also includes any expressions of opinion about an individual or any intentions of the data controller i.e. the FOYH towards an individual.

Information will be considered personal data where it relates to, but is not limited to:-

- Surname;
- Forename;
- Initials;
- Addresses and postcodes;
- Date of birth;
- Ethnic group;
- Telephone number;
- National Insurance number;
- NHS number;
- Gender;
- Hospital unit number

### Sensitive data

In accordance with s2 of the DPA sensitive data will be defined as any information that relates to a person's:-

- Physical or mental health or condition;
- Sexual life;
- Racial or ethnic orientation;
- Political opinions;
- Religious beliefs or beliefs of a similar nature;
- Membership to a trade union; and
- The commission of any offences or allegedly committed by the data subject, including the outcome of those proceedings for e.g. court proceedings.

### Anonymised data

Anonymised data will be regarded as data that does not directly identify an individual and which cannot reasonably be used to determine an identity without substantial effort.

In most cases, once all personal identifiers are effectively anonymised the data may be used with relatively few constraints.

**Commercially sensitive data**

Commercially sensitive information will be deemed as any confidential information about the operations of FOYH or its financial arrangements which, if published, would prejudice the commercial interests of the Charity.



## Privacy Statement

Preservation of your privacy is important to the Friends of York Hospitals (FOYH) and we are committed to letting you know how we use your personal information and to making only responsible use of your data. This is central to our values as an organisation. We want everyone who supports us, or who volunteers for us, to feel confident about how any personal information they share will be looked after or used.

The Friends of York Hospitals, is a Registered Charitable Incorporated Organisation in England and Wales, registered charity number: 1183252.

### 1. How we collect personal information about you

We may collect personal information from you when you interact with FOYH. There are many occasions when this could happen, for example: if you enquire about our activities, register with us, make a donation to us, apply for a job or volunteering opportunity, if you chose to provide some optional feedback or otherwise provide us with personal information. This may be when you email or phone us, go onto our website, through the post, or in person.

### 2. What information do we collect?

The personal information we collect might include your contact details such as name, date of birth, email address, postal address, National Insurance number, home and/or mobile telephone numbers and financial information (relating only to donations or subscriptions) as well as information you provide in any correspondence between us.

### 3. How do we use personal information?

We may use your personal information to:

- Provide or administer activities relating to all our services: updating you with important administrative messages, to help us identify you when you contact us, and help us to properly maintain our records in line with the Data Protection Act 1998 and General Data Protection Regulations 2018;
- Your personal information will only be used to process your requests/enquiries about the FOYH and to provide you with information about our work and fundraising activities which we think you may be interested in if you have previously told us that's ok;
- The personal information of **volunteers** will only be used to process applications, manage the volunteer service and provide information we think you may be interested in. This may include sharing your information with the York Teaching Hospital NHS Foundation Trust;
- We may need to disclose your information if required to do so by law (for example, to comply with applicable laws, regulations and codes of practice or in response to a valid request from a competent authority);
- We will **not** share your information with any other individuals or organisations for marketing purposes; and

- We will make it easy for you to tell us how you want us to communicate with you, including how to opt out from future communications - and we promise your request will be respected straight away.

### **3. Security**

You can be confident that:

- We will look after any personal information that you share with us;
- Our office data holdings are secured in line with the York Teaching NHS Foundation Trust security measures and only accessible to the Volunteer Manager & Administrator, Hon. Secretary, Hon Treasurer and on occasion to another identified Trustee/volunteer for a specified reason with approval of the Board of Trustees;
- We take all reasonable care to safeguard your personal information through security policies and secure business processes;
- Communications in connection with the FOYH may be sent by e-mail. For ease of use and compatibility, communications (other than payments where applicable) will not be sent in an encrypted form unless you require it and provide the certification to enable us to communicate with you in that way. E-mail unless encrypted is not a fully secure means of communication. Whilst we endeavour to keep our systems and communications protected against viruses and other harmful effects we cannot bear responsibility for all communications being virus-free;
- The retention period for personal data is 6 years. All personal data is reviewed at that time to ensure that we are not holding unnecessary information; and
- we only keep your personal information for as long as is reasonable and necessary

### **4. Cookies**

We do not use third party tracking cookies on our website.

### **5. Other information**

- If you would like to have a copy of your information holding, for us to correct or update any information, or if you would like information deleted from our records, then please email us at [contact.us@foyh.org.uk](mailto:contact.us@foyh.org.uk). Written applications to be sent to the Volunteer Manager & Administrator, Friends of York Hospitals, York Hospital, Wiggington Road, York. YO31 8HE
- This privacy policy may be updated from time to time, so please check it periodically
- Links within our sites to other websites are not covered by this privacy policy

**Version:** 3

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## Can we keep in touch?

Friends of York Hospitals will only contact you if you have given us your express permission to keep in touch.

This way, you can be sure you'll only hear about our work if you've chosen to. You can also choose how you want to be contacted – whether by post, email, phone or a combination of all three. It's entirely up to you.

Your support helps us to make a stay in hospital more comfortable for patients and their relatives. We provide volunteer services and raise funds for additional equipment and up-gradings which cannot be funded through the NHS budgets for various reasons.

We'd love to keep you posted with our news, activities and appeals. Your details will only be used by Friends of York Hospitals. We will never give your information to other organisations for marketing or other purposes. You are free to change your mind at any time.

Visit [www.foyh.org.uk](http://www.foyh.org.uk) or return this form to let us know you want to hear from us.

**Name:**

**Address:**

**Email address:**

**Phone number:**

I would like to hear about how the money raised is helping patients and future fundraising events and campaigns.

By post                       By email                       By phone

I would like to hear about volunteering opportunities when they arise

By post                       By email                       By phone

You can read our full data protection and information governance policy on our website [www.foyh.org.uk](http://www.foyh.org.uk)

Friends of York Hospitals, York Hospital, Wigginton Road, York, YO31 8HE 01904 726762  
Registered Charitable Incorporated Organisation 1183252

**Leaflet 1**

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