



## HR Data Protection Policy (compliant with the GDPR)

### Purpose

Childhood First is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This policy sets out our commitment to data protection, and individual rights and obligations in relation to personal data.

This policy applies to the personal data of job applicants, employees, workers, contractors, volunteers, interns, apprentices and former employees, referred to as HR-related personal data. This policy does not apply to the personal data of clients or other personal data processed for business purposes.

The Charity has appointed Stephen Blunden as its data protection officer. His role is to inform and advise the Charity on its data protection obligations. Any HR data-related questions can be directed to [hr@childhoodfirst.org.uk](mailto:hr@childhoodfirst.org.uk).

Questions about this policy, or requests for further information, should be directed to the data protection officer.

### Definitions

**"Personal data"** is any information that relates to an individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

**"Special categories of personal data"** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

**"Criminal records data"** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

### Data protection principles

Childhood First processes HR-related personal data in accordance with the following data protection principles:

- The Charity processes personal data lawfully, fairly and in a transparent manner;
- The Charity collects personal data only for specified, explicit and legitimate purposes;
- The Charity processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing;
- The Charity keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
- The Charity keeps personal data only for the period necessary for processing.

Childhood First adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The Charity tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons.

Where Childhood First processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with a policy on special categories of data and criminal records data.

We will update HR-related personal data promptly if an individual advises that his/her information has changed or is inaccurate.

Personal data gathered during the [employment, worker, contractor or volunteer relationship, or apprenticeship or internship] is held in the individual's personnel file (in hard copy or electronic format, or both), and on HR systems. The periods for which the Charity holds HR-related personal data are contained in its privacy notices to individuals.

Childhood First keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

## **Individual rights**

As a data subject, individuals have a number of rights in relation to their personal data.

### *Subject access requests*

Individuals have the right to make a subject access request. If an individual makes a subject access request, the Charity will tell him/her:

- whether or not his/her data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
- to whom his/her data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long his/her personal data is stored (or how that period is decided);
- his/her rights to rectification or erasure of data, or to restrict or object to processing;
- his/her right to complain to the Information Commissioner if he/she thinks the Charity has failed to comply with his/her data protection rights; and
- whether or not the Charity carries out automated decision-making and the logic involved in any such decision-making.

Childhood First will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless he/she agrees otherwise.

If the individual wants additional copies, the Charity will charge a fee, which will be based on the administrative cost to the Charity of providing the additional copies.

To make a subject access request, the individual should send the request to [HR@childhoodfirst.org.uk](mailto:HR@childhoodfirst.org.uk). In some cases, the Charity may need to ask for proof of identification before the request can be processed. The Charity will inform the individual if it needs to verify his/her identity and the documents it requires.

Childhood First will normally respond to a request within a period of one month from the date it is received. In some cases, such as where the Charity processes large amounts of the individual's data, it may respond within three months of the date the request is received. The Charity will write to the individual within one month of receiving the original request to tell him/her if this is the case.

If a subject access request is manifestly unfounded or excessive, the Charity is not obliged to comply with it. Alternatively, the Charity can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Charity has already responded. If an individual submits a request that is unfounded or excessive, the Charity will notify him/her that this is the case and whether or not it will respond to it.

#### *Other rights*

Individuals have a number of other rights in relation to their personal data. They can require the Charity to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override the Charity's legitimate grounds for processing data (where the Charity relies on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override the Charity's legitimate grounds for processing data.

To ask the Charity to take any of these steps, the individual should send the request to [Hr@childhoodfirst.org.uk](mailto:Hr@childhoodfirst.org.uk).

#### **Data security**

Childhood First takes the security of HR-related personal data seriously. The Charity has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the Charity engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

#### **Individual responsibilities**

Individuals are responsible for helping the Charity keep their personal data up to date. Individuals should let the Charity know if data provided to the Charity changes, for example if an individual moves house or changes his/her bank details.

Individuals may have access to the personal data of other individuals and of our customers and clients in the course of their employment, contract, volunteer period, internship or apprenticeship. Where this is the case, the Charity relies on individuals to help meet its data protection obligations to staff and to customers and clients.

Individuals who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Charity) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the Charity's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the charity's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or children's/ young people's data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

## **Training**

Childhood First will provide training to all individuals about their data protection responsibilities as part of the induction process.

Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

## **Key Legislation**

General Data Protection Regulation (2016/679 EU)  
Data Protection Bill

The General Data Protection Regulation (GDPR) requires employers to:

- process personal data lawfully, fairly and in a transparent manner;
- collect data for specified and legitimate purposes and not process data in a manner that is incompatible with those purposes;
- collect data that is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- ensure that data is accurate and kept up to date, and take every reasonable step to rectify or erase data that is inaccurate without delay;
- keep data only for the period necessary for the purposes of processing;
- ensure that appropriate security is in place to protect data against unauthorised or unlawful processing, accidental loss, destruction or damage;
- process data in accordance with the rights of data subjects; and
- transfer data outside the European Economic Area (EEA) only if there is an adequate level of protection for the rights and freedoms of data subjects.

## **Other Relevant Policies / Documents**

- Employee Privacy Notice
- Job Applicant Privacy Notice

- Retention Period for Records Charity
- Employee Reference Policy
- Subject Access Request Form

*Reviewed March 2020*