Millennium Farm Trust

HR14 Depden Care Farm

Data Protection and Privacy Policy V03

Charity Number: 1070145

Company Number: 03567659

Version Control

Version number	Date of changes	Who	Review summary
02	Jun 21		Policy review, no changes made
	Dec 25		Review following Suffolk CC audit.
03	June 26		Redraft following best practice review and creating stand alone records retention policy and Appropriate Policy Document. Combined with Data protection policy

1. Purpose

Millennium Farm Trust, operating as Depden Care Farm (DCF), is committed to respecting people's privacy and keeping personal information safe.

We need to collect and use personal information in order to run the Farm, provide safe and effective services, employ and support staff and volunteers, meet our safeguarding responsibilities, work with commissioners and other professionals, and fulfil our legal and charitable responsibilities.

This policy explains:

- what personal information we collect;
- why we collect and use it;
- where we obtain it from;
- how we keep it safe;
- who we may share it with;
- how long we keep it; and
- the rights people have in relation to their information.

We aim to handle personal information lawfully, fairly, transparently and proportionately.

This policy applies to personal data held in any format, including paper records, email and electronic documents, photographs and video, and information held in third-party systems used by DCF.

This policy should be read alongside our safeguarding, confidentiality, records management, information security and other relevant policies and procedures.

2. Who is responsible for your information?

Depden Care Farm is the trading name of **Millennium Farm Trust**, a registered charity and company limited by guarantee.

Millennium Farm Trust is the **data controller** for the personal information covered by this policy. This means that the Trust is responsible for deciding how and why personal information is collected and used.

Day-to-day responsibility for data protection is delegated to the Director, who acts as the Farm's **Data Protection Lead**.

Questions, concerns or requests relating to personal information should be directed to:

Data Protection Lead
Depden Care Farm
Rookery Farm
Depden
Suffolk

Contact details are available from the Farm or on our website.

All staff, trustees and volunteers who have access to personal information have a responsibility to handle it appropriately and confidentially.

3. Who do we hold information about?

We may hold personal information about:

- Farm Helpers and prospective Farm Helpers;
- children and young people attending or being considered for a placement;
- parents, carers, family members and representatives;
- employees and prospective employees;
- volunteers and prospective volunteers;
- trustees;
- commissioners, schools, colleges and other professionals;
- contractors and suppliers;
- donors, supporters and people who participate in our events; and
- other people who contact or engage with the Farm.

The amount and type of information we hold will depend upon the person's relationship with DCF.

4. What information do we collect?

Depending upon the circumstances, we may collect and hold information including:

- name, address and contact details;
- date of birth and age;
- emergency contact and next-of-kin details;
- details of parents, carers, representatives or others involved in a person's support;
- funding and commissioning information;
- attendance and placement information;
- education, learning and progression information;
- goals, aspirations and agreed outcomes;
- records of activities, achievements and participation;
- employment, recruitment, training and volunteer records;
- payroll, pension and relevant financial information;
- accident, incident and health and safety records;
- complaints, compliments, concerns and feedback;
- safeguarding information;
- photographs and video recordings where appropriate; and
- correspondence and other records relating to our relationship with the individual.

We only seek to collect information which is relevant and reasonably necessary for the purpose for which it is required.

5. Special category and sensitive information

Some of the information we need to hold is particularly sensitive.

This may include information about a person's:

- physical or mental health;
- disability or additional needs;
- racial or ethnic origin;
- religious or philosophical beliefs;
- sexual orientation;
- support and care needs; and
- other information relevant to safeguarding or the safe provision of our services.

We may also need to process information relating to criminal convictions or offences, particularly in connection with safer recruitment or safeguarding.

We recognise that this information requires additional protection. We will only collect and use it where it is necessary and where there is an appropriate lawful basis and, where required, an additional legal condition for doing so.

Further information is contained in **HR9.2 Appropriate Policy Document**.

6. Where does the information come from?

We collect information directly from individuals wherever possible.

However, because of the nature of our work, information may also be provided to us by others, including:

- parents, carers and family members;
- schools, colleges and education providers;
- local authorities and commissioners;
- social workers and other social care professionals;
- health professionals;
- employers or previous employers;
- referees;
- other organisations involved in supporting an individual; and
- statutory or safeguarding agencies.

Where information is provided to us by another organisation or professional, we will still handle it in accordance with this policy and data protection law.

7. Why do we use personal information?

We use personal information where it is necessary to:

- assess whether DCF can safely and appropriately meet someone's needs;
- plan and provide placements, activities, learning and support;
- monitor attendance, participation, progress and outcomes;
- communicate with individuals, families, carers and representatives;
- work with commissioners, education providers and other professionals;
- safeguard children, young people and adults at risk;
- respond to accidents, incidents and medical emergencies;
- recruit, employ, pay, manage and support staff;
- recruit and support volunteers and trustees;
- undertake safer recruitment and appropriate background checks;

- manage contracts, payments and invoicing;
- administer the charity and comply with our legal and regulatory responsibilities;
- maintain appropriate insurance and financial records;
- investigate complaints, concerns or incidents;
- evaluate and improve our services;
- communicate important information about DCF activities and events; and
- promote and support the charitable work of Millennium Farm Trust where it is lawful and appropriate to do so.

We will not use personal information for purposes which are incompatible with the reason for which it was collected without considering whether there is a lawful basis for doing so and, where appropriate, informing the individual concerned.

8. Our lawful basis for using information

Data protection law requires us to have a lawful basis for processing personal information.

Depending upon the particular information and why we need it, we may rely upon one or more of the following:

Contract – where processing is necessary to provide a placement or service, employ someone, or fulfil another contractual arrangement.

Legal obligation – where we need to process information in order to comply with the law, including employment, health and safety, safeguarding, financial and regulatory requirements.

Legitimate interests – where processing is necessary for the legitimate operation and administration of DCF or Millennium Farm Trust and those interests are not overridden by the rights and interests of the individual.

Vital interests – where processing is necessary to protect someone's life or physical safety, for example in a medical emergency.

Consent – where consent is the appropriate lawful basis, for example for some optional uses of photographs or publicity material. Where we rely upon consent, it can normally be withdrawn at any time.

Where we process **special category information**, such as health or disability information, we will also identify an appropriate additional condition under data protection law. Depending upon the circumstances, this may include processing necessary for employment and social protection obligations, health or social care, safeguarding children or individuals at risk, supporting people with disabilities or medical conditions, protecting vital interests, or where explicit consent has been given.

We maintain appropriate records of the lawful bases upon which we rely.

9. Safeguarding and information sharing

The welfare and safety of the people who attend DCF are extremely important to us.

Information will normally be treated confidentially. However, confidentiality does not prevent us from sharing relevant information where this is necessary to safeguard a child, young person or adult at risk.

Where we have a safeguarding concern, we may share relevant information with organisations or professionals including:

- local authority safeguarding teams;
- children's or adult social care;
- schools and education providers;
- health professionals;
- the police; and
- other agencies with a legitimate safeguarding role.

We will seek consent to share information where this is appropriate, but we do not need consent where there is another lawful basis for sharing information and doing so is necessary to protect an individual or others.

Information sharing will be necessary, proportionate and limited to information relevant to the purpose.

10. Who else might we share information with?

We do not sell personal information.

Where necessary and lawful, we may share relevant information with:

- local authorities and other organisations commissioning or funding placements;
- schools, colleges and education providers;
- health and social care professionals;
- parents, carers and authorised representatives;
- payroll, pension, accounting and financial service providers;
- insurers and professional advisers;
- IT, software and data-storage providers;
- regulators, auditors and inspection bodies;
- HMRC and other public authorities where required;
- safeguarding and law-enforcement agencies; and
- contractors providing services on our behalf.

Where another organisation processes information on our behalf, we take reasonable steps to ensure that appropriate data-protection arrangements are in place.

We will only disclose information where there is a legitimate reason and lawful basis for doing so.

11. Photographs, video and publicity

Photographs and video can be an important way of celebrating people's achievements and explaining the work of DCF.

We will use photographs or identifiable video recordings for publicity, promotional or similar purposes only where we have an appropriate lawful basis and, where required, suitable consent or permission.

Where consent is relied upon, participation is voluntary and consent can be withdrawn for future use.

We will take particular care when publishing information about children, young people and adults who may be vulnerable, and will consider safeguarding and privacy risks before publication.

Retention of photographs and video is covered by **HR9.1 Records Retention Schedule**.

12. Keeping information safe

We take reasonable organisational and technical measures to protect personal information against:

- unauthorised access;
- accidental loss;
- inappropriate disclosure;
- alteration or destruction; and
- other unlawful use.

Measures may include password protection, access controls, secure storage, secure disposal, appropriate security of devices and systems, and staff training.

Access to personal information is restricted to people who need it for their role. Access permissions will be reviewed periodically and removed promptly when staff or volunteers leave DCF or change roles.

Personal information must not be stored on personal devices unless this has been authorised and the information is appropriately secured.

Staff and volunteers must not access, use or disclose personal information unless they are authorised to do so and need the information for their role.

Suspected loss, disclosure or misuse of personal information must be reported promptly to the Data Protection Lead so that appropriate action can be taken.

Where a personal data breach presents a risk to individuals, DCF will assess whether it must be reported to the Information Commissioner's Office and/or the individuals affected.

13. How long do we keep information?

We will not keep personal information for longer than is reasonably necessary.

Different types of information need to be retained for different periods because of legal, contractual, safeguarding, insurance or operational requirements.

Our normal retention periods are set out in **HR9.1 Records Retention Schedule**.

Information should not automatically be retained for the maximum period. Where it is no longer required for the purpose for which it was collected and there is no legal, safeguarding or other justified reason to retain it, it should be securely deleted or destroyed.

Where there is a safeguarding, legal, insurance or other compelling reason to retain particular information for longer than the normal period, we may do so and should record the reason where appropriate.

14. Keeping information accurate

We take reasonable steps to ensure that personal information is accurate and kept up to date where necessary.

Individuals, parents, carers and representatives are encouraged to tell us if important information changes, particularly contact details, health information, medication, support needs or emergency contacts.

15. Your rights

Data protection law gives individuals a number of rights in relation to their personal information. Depending upon the circumstances and the lawful basis on which information is being processed, these may include the right to:

- be informed about how personal information is used;
- ask for access to personal information held about them;
- have inaccurate information corrected;
- ask for information to be erased in certain circumstances;
- ask us to restrict how information is used in certain circumstances;
- object to certain types of processing;
- receive certain information in a portable format; and
- have safeguards in relation to certain automated decisions.

Where processing is based upon consent, individuals may withdraw that consent.

These rights are not absolute and there are circumstances in which we may lawfully continue to hold or use information.

A request does not have to use particular wording, be made on a particular form or be made in writing. Anyone wishing to exercise their data-protection rights should contact the Data Protection Lead.

Where a request is made on behalf of another person, we may need evidence that the person making the request has authority to act on their behalf.

We will respond to requests in accordance with the timescales required by law.

16. Children, young people and people who need support to understand this policy

Some of the people using DCF may need information to be provided in a different or more accessible way.

We will make reasonable efforts to explain how we use personal information in a way which is appropriate to the individual's age, understanding and communication needs.

Where appropriate, we will involve parents, carers or authorised representatives, while recognising the individual's own rights and wishes.

An accessible or Easy Read explanation of how DCF uses personal information can be provided where required.

17. Automated decision-making

DCF does not currently use solely automated decision-making or profiling to make decisions about Farm Helpers, children or young people, employees or volunteers which have legal or similarly significant effects.

If this changes, we will review our data-protection arrangements and provide appropriate information to the people affected.

18. Fundraising and communications

As a charity, Millennium Farm Trust may communicate with supporters, donors and others about our work, fundraising and events.

We will only use personal information for fundraising or promotional communications where we have an appropriate lawful basis and will comply with applicable data-protection and electronic-marketing requirements.

People may ask us to stop sending them fundraising or promotional communications at any time.

Routine communications necessary for the administration of a placement, employment, volunteering role, donation or other relationship with DCF are not marketing communications.

19. Data breaches and incidents

A personal data breach may include the loss, theft, unauthorised access, accidental disclosure, alteration or destruction of personal information.

All actual or suspected personal data breaches must be reported promptly to the Director/Data Protection Lead.

DCF will:

- take reasonable steps to contain and investigate the breach;
- assess the potential risk to individuals;
- keep an appropriate record of the breach and action taken;
- report the breach to the Information Commissioner's Office where legally required; and
- inform affected individuals where required.

Staff and volunteers should report concerns promptly rather than attempting to determine for themselves whether an incident is sufficiently serious to constitute a reportable breach.

20. Training and awareness

Data protection and confidentiality responsibilities will form part of the induction of relevant staff and volunteers.

Appropriate refresher training or guidance will be provided periodically and when necessary, including where significant changes are made to systems, processes or legal requirements.

Staff, trustees and volunteers are expected to understand the data-protection responsibilities relevant to their role and to seek advice if they are unsure.

21. Complaints

Anyone who has concerns about the way DCF has collected, used, stored or shared their personal information should contact the Data Protection Lead in the first instance.

We will take concerns seriously and seek to resolve them promptly.

Individuals also have the right to complain to the **Information Commissioner's Office (ICO)**, the UK's independent regulator for data protection.

Information about making a complaint is available from the ICO.

22. Responsibilities

The **Board of Trustees** has overall responsibility for ensuring that Millennium Farm Trust meets its data-protection obligations.

The **Director/Data Protection Lead** is responsible for overseeing day-to-day compliance, providing advice, responding to data-protection requests and concerns, coordinating the response to personal data breaches, and ensuring appropriate policies, procedures and training are in place.

Managers and staff are responsible for ensuring that personal information within their areas of work is handled appropriately and securely.

All staff, trustees and volunteers must:

- respect confidentiality;
- only access information they need for their role;
- keep information secure;

- follow DCF policies and procedures;
- report suspected data breaches promptly; and
- complete data-protection training appropriate to their role.

23. Review

This policy will be reviewed at least every two years and sooner where there are significant changes to:

- data-protection legislation or regulatory guidance;
- the services provided by DCF;
- the types of information we collect;
- the systems we use to process information; or
- the way in which personal information is used or shared.

Significant changes affecting individuals will be communicated appropriately.