

Data Protection Policy

This Policy applies to all Arts 4 Wellbeing staff, members, supply staff, agency staff service users and volunteers.

RESPONSIBILITIES UNDER THE DATA PROTECTION ACT 2018

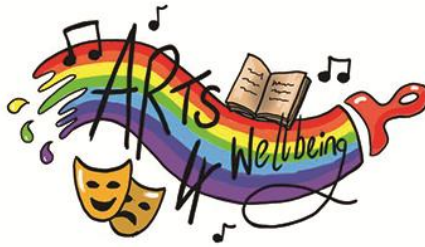
The purpose of this policy is to ensure that we comply with the Data Protection Act 2018 and its 8 principles relating to personal information:

- Fairly and lawfully processed,
- Processed for limited purposes,
- Adequate, relevant and not excessive,
- Accurate and up to date,
- Not kept for longer than is necessary,
- Processed in line with rights,
- Secure,
- Not transferred to other countries without adequate protection.

The responsibility for ensuring employment practices comply with the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR) (UK GDPR), lies with the Manager of Arts 4 Wellbeing hereafter referred to as Arts 4 Wellbeing.

The responsibility for processing employee/client records as regards registration under the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR), lies with the Manager of Arts 4 Wellbeing. The responsibility for maintaining confidentiality as regards 'sensitive' material as defined by the Data Protection Act 2018 lies with Arts 4 Wellbeing and all Arts 4 Wellbeing employees.

Arts 4 Wellbeing will ensure that all employees are made aware of the extent to which they can be criminally liable if they knowingly or recklessly disclose personal



data without the consent of Arts 4 Wellbeing. Such a disclosure will count as Gross Misconduct under the Disciplinary Policy.

Principals

When handling, collecting, processing or storing personal data, Arts 4 Wellbeing will ensure that:

- All personal data is accurate and up-to date
- Errors are corrected effectively and promptly
- The data is securely destroyed (shredded) when it is no longer needed
- The personal data is kept secure at all times
- The Data Protection Act 2018 and UK GDPR is considered when setting up new systems or when considering use of the data for a new purpose (In line with funding requirements)
- Written contracts between Arts 4 Wellbeing and funding bodies who process the data explicitly specifying the requirements with respect to the data.

Arts 4 Wellbeing will ensure that members accessing ICT systems on PC's or standalone devices, are securely protected and monitored for activity on websites and links that are only relevant to their programme.

Arts 4 Wellbeing will also follow regulatory standards for funding and inspection authorities in relation to website and documentation storage and monitoring.

Recruitment and Selection

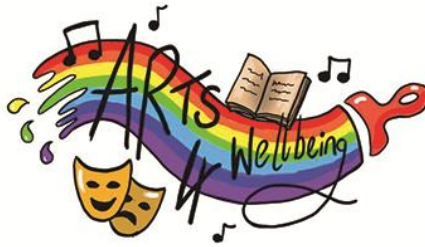
Outlined below is the procedure the storage of data around recruitment and selection: Application forms

Arts 4 Wellbeing will undertake to ensure that all application forms delivered electronically will be secure once they reach Arts 4 Wellbeing and will be received ONLY by employees who work in the Management team.

Arts 4 Wellbeing will use application forms that comply with the standards set by the Code of Practice issued by the Information Commissioner's Office (ICO).
(Information Commissioners)

Arts 4 Wellbeing will keep all application forms for a maximum of 6 months after the post has been filled.

Under its obligations arising from the Race Relations Act 1976, the Sex



Discrimination Act 1975, and Disability Discrimination Act 1975, Arts 4 Wellbeing will record and monitor all information from applicants as regards gender, ethnic group, and disability on a database. This information will be recorded in such a way as to ensure there can be no way of identifying the information with an individual person.

Speculative applications

Arts 4 Wellbeing will acknowledge receipt of any speculative applications/CVs with a letter. However, this information will not be retained any longer than necessary to reply to a letter and in any case for no more than two months.

DBS Checks

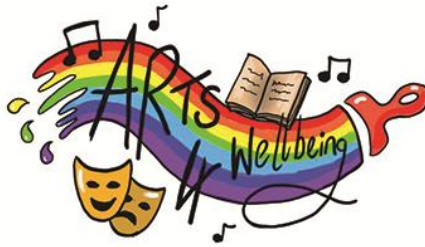
Disclosure information will be kept on personal files (DBS number and issue date only) and on a separate spreadsheet (SCR). Access is strictly controlled and limited to those who have responsibility for DBS Checking or work in the management team. This information is stored in a locked cabinet.

Disclosure information will not be kept for any longer than is generally necessary. This will generally be for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If it is necessary to keep the Disclosure information for longer than six months, Arts 4 Wellbeing will consult with the organisation that has carried out the checks (i.e. the Disclosure and Barring Service) and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time the usual conditions regarding safe storage and strictly controlled access will prevail.

Once the retention period has elapsed, Arts 4 Wellbeing will ensure that any Disclosure information is immediately suitably destroyed by secure means i.e. by shredding, pulping, or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle, i.e. waste bin.

Employment Records

Arts 4 Wellbeing, as an employer clearly needs to hold records that enable it to keep under review the ability of employees to undertake the work they are employed to do. Arts 4 Wellbeing also needs to hold records it might reasonably require defending itself, for example, in an employment tribunal.



Arts 4 Wellbeing request employees to advise the Manager of any changes in their personal information to ensure all information held is accurate (this forms a part of their contractual duties). Amendments will be made accordingly.

Records of sickness will be made available to manager and board members only regarding the staff for whom they have management responsibility.

A log will be kept by the Manager of non-routine access to employment records, for example, by Inland Revenue Inspectors.

Security

Arts 4 Wellbeing will ensure that staff access to employment records is strictly on a “need to know” basis and will take steps to ensure the reliability of staff including staff employed via employment agencies who have access to employment records. Agency staff working as data processors for Arts 4 Wellbeing will be asked to sign a contract tying them to only processing the data in accordance with instructions they are given, and to keeping the data secure (Appendix 1).

Information will only be transmitted between locations if a secure network or comparable arrangements are in place (i.e. email/fax). Copies of emails or faxes received by managers should be held securely and should either be destroyed or returned to the manager to go on an employee record once a matter has been dealt with.

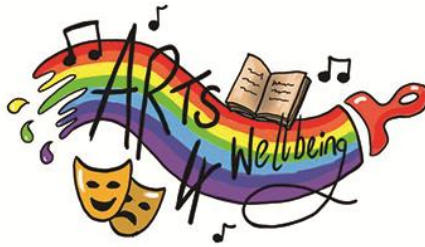
Arts 4 Wellbeing will ensure that the risk of transmitting employee information via email is dealt with by making access to email password protected.

Payroll information

Arts 4 Wellbeing will ensure that any agreement with an external payroll processor will require it only to process personal information to Arts 4 Wellbeing’s instructions and to maintain appropriate security with regards to the personal information processed. Arts 4 Wellbeing will regularly review its arrangement with the external payroll processor to ensure that the security measures are appropriate both in terms of the technology used and how it is managed.

Pension/Benefit schemes

Arts 4 Wellbeing will hold on employee’s records only such data which relates to Arts 4 Wellbeing’s financial relationships to the pension or benefit scheme i.e. payroll



deduction information, how much Arts 4 Wellbeing pays into a scheme etc. Arts 4 Wellbeing will not hold copies of other correspondence relating to schemes i.e. medical reports etc unless requested to do so by an employee in order for Arts 4 Wellbeing to assist the employee.

Occupational Health

Arts 4 Wellbeing will only pass on information to those involved in an occupational health on a “need to know” basis. Arts 4 Wellbeing will ensure that the Occupational Health complies with the ethical guidelines of the Faculty of Occupational Medicine.

Arts 4 Wellbeing will write to any employee subject to an Occupational Health review, clearly stating what information will be passed to the scheme and obtaining their consent to do so.

Employment Agencies

Arts 4 Wellbeing will ensure that any employment agency that it deals with applies the same standards to the collection processing and retention of personal information about agency staff as are applied to Arts 4 Wellbeing employees.

Equal opportunities monitoring

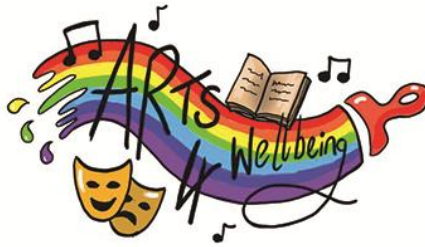
Arts 4 Wellbeing will keep such details as relating to ethnic group etc separately from employee records and in an anonymous way. Arts 4 Wellbeing is required to monitor such information to carry out its duties under the Race Relations Act 1976, the Sex Discrimination Act 1975, and the Disability Discrimination Act 1996.

Probationary period review/appraisal

Arts 4 Wellbeing will ensure that the recording of information at probationary period review and appraisal is limited to that needed to support recent or future employment decisions, and that records kept identify the source of any comments, that opinions are not presented as facts, that information recorded is correct and not misleading, and that if the employee has challenged the accuracy, this is noted.

Former employees

Arts 4 Wellbeing will retain information on former employees for 6 years. Once the retention period has elapsed, Arts 4 Wellbeing will ensure that the information is



immediately suitably destroyed by secure means i.e. by shredding, pulping, or burning.

Arts 4 Wellbeing will keep a summary record of all former employees, which will state only the employee name, position (s) held, and dates of employment. These will be kept for 10 years after the employee has left.

Access to information

Current and past employees and job applicants have a right to know what information is kept about them.

Requests for access must be made in writing (including email and fax). Where necessary Arts 4 Wellbeing will ask for further information to help them locate the record i.e. dates of employment. Arts 4 Wellbeing will not levy the access charge of £10 for current or past employees. However, where a job applicant who has not become an employee makes a request, they will be charged £10.

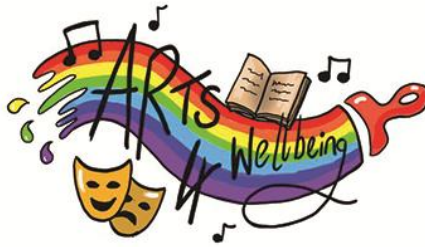
Any information kept for management planning or forecasting will be withheld where supplying it would prejudice Arts 4 Wellbeing's business.

Requests for access will be responded to within one month. Arts 4 Wellbeing will ask for proof of identity when access is requested by an ex-employee or job applicant who has not become an employee.

In responding to an access request Arts 4 Wellbeing will tell the data subject whether any information is kept about him/her and give a description of the type of information kept, purposes it is used for, and any other organisations Arts 4 Wellbeing passes it on to. The data subject will be shown all the information kept about him/her and any codes or other unintelligible terms will be explained. The information will be provided to the data subject in a hard copy and/or on a disk, unless the data subject agrees to receive it another way.

Where there is information relating to a third party on an employee record etc, Arts 4 Wellbeing will decide whether it is reasonable to release it. In doing so Arts 4 Wellbeing will:

1. Obtain the consent of the third party unless it is impractical to do so (e.g. the third party's whereabouts are unknown).



2. If consent has not been given, it will decide on whether it is reasonable to give access by balancing the employee's right of access with the third party's right to respect for his/her private life. In doing so Arts 4 Wellbeing will take into account:

- whether the third party is owed a duty of confidence
- whether the third party has expressly refused consent
- the impact the information has had or is likely to have on actions or decisions affecting employee
- the nature of the third-party information, in particular whether its release will be damaging to the third party or whether it is sensitive
- the extent to which the employee is already likely to be aware of the information
- whether the information includes facts which might be disputed by the employee were he/she aware of them
- whether the third-party information relates to the third party acting in a business or personal capacity.

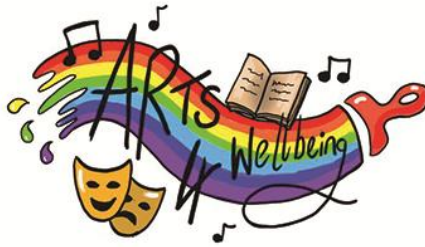
However, there is a special exemption from the right of access to a confidential reference in the hands of the person who gave it. Therefore, an ex-employee of Arts 4 Wellbeing cannot request to see a reference written about them by a member of Arts 4 Wellbeing staff. Current employees can request to see references supplied by other organisations, but Arts 4 Wellbeing will take the steps outlined above with regard to third parties.

DISCLOSURE

Decisions on disclosure of information will only be taken by a senior member of staff.

The identity of the person requesting disclosure will be checked. Requests for disclosure should be made in writing (including faxes on letter headed paper) where possible. The identity of a person making a telephone request will be checked by phoning the number back.

Where those requesting information suggest that Arts 4 Wellbeing has a legal responsibility to disclose, the request **MUST** be made in writing spelling out the basis on which it is asserted there is a legal duty. This assertion will then be checked if necessary by taking legal advice. There is no requirement to disclose even if failure to do so would prejudice crime and taxation purposes.



If a disclosure is to be made, the employee must be informed as soon as possible, and a copy of the disclosure information must be sent to the employee. Where the employee is likely to challenge the accuracy of the information, where practicable, Arts 4 Wellbeing will provide the employee with a copy of the disclosure information and address any concerns the employee might have at that stage, before the disclosure is made.

A record will be kept by Arts 4 Wellbeing's Manager of all non-routine disclosures made. This will record the person who made the disclosure, the person who authorised it, the person requesting it, the reasons, the information disclosed, and the date and time. This will be recorded on the Subject Request form and a log book recording all details of the request and if actioned within the given time scale of one month.

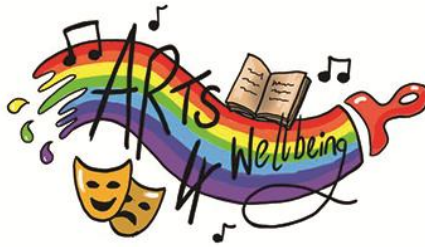
References will not be provided by Arts 4 Wellbeing for employees unless they are sure that the employee has given their consent to the disclosure, either directly to Arts 4 Wellbeing or to a trustworthy third party.

When the security or confidentiality of employee records has been significantly prejudiced because they have been disclosed knowingly or recklessly without the employer's consent and there is a reasonable prospect of obtaining evidence as to who was responsible, Arts 4 Wellbeing will inform the Information Commissioner's Office (ICO).

Personal information will not be passed to trade unions about employees for trade union recruitment purposes unless the trade union is recognised by Arts 4 Wellbeing, the employee has consented to the disclosure and the information disclosed is limited to name, job and work location.

When handling, collecting, processing or storing personal data, Arts 4 Wellbeing will ensure that:

- All personal data is accurate and up-to date
- Errors are corrected effectively and promptly
- The data is securely destroyed (shredded) when it is no longer needed
- The personal data is kept secure at all times



- The Data Protection Act 2018 is considered when setting up new systems or when considering use of the data for a new purpose (in line with funding requirements)
- Written contracts between Arts 4 Wellbeing and funding bodies who process the data explicitly specifying the requirements with respect to the data.

Arts 4 Wellbeing will ensure that members accessing ICT systems on PC's or standalone devices, are securely protected and monitored for activity on websites and links that are only relevant to their programme.

Arts 4 Wellbeing will also follow regulatory standards for funding and inspection authorities in relation to website and documentation storage and monitoring.

YOUR RIGHTS

Under the new General Data Protection Regulations May 2018 all individuals have the following rights: -

- 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
- Rights in relation to automated decision making and profiling.

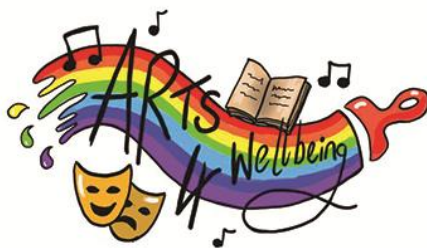
This policy should be read in conjunction with the Privacy Policy notices.

APPENDIX ONE

Data processor agreement form

I hereby agree that in any data processing activity I undertake on behalf of Arts 4 Wellbeing, I will follow the instructions I am given with regard to the processing of the data and keeping the data secure.

Print Name.....



Agency.....

Signature.....

Date.....

Document Retention Schedule

Document	Retention Period	Method of Destruction
Accounting Records	7 years	Shredding
Actuarial Valuation Reports	Permanently	N/A
Inland Revenue Approvals	Permanently	N/A
Pension Scheme Investment Policies	Min 12 years	Shredding
Minutes of Board Meetings	Permanently	N/A
Trust Deeds and Rules	Permanently	N/A
Insurance Certificates and details of insurance claims	40 years	Shredding
SMP Records, calculations, and certificates	6 years (min of 3 years)	Shredding
SSP Records, calculations and Certificates	6 years (min of 3 years)	Shredding
Wages and Salary Information	6 years	Shredding
Application forms and interview notes for unsuccessful candidates	Max of 6 months	Shredding
Application Forms of Successful candidates	6 years	Shredding
Personnel files and any training records (including disciplinary, grievances and redundancy)	6 years	Shredding
Timesheets	Min of 2 years after audit	Shredding
Holiday/Leave Records	Min of 2 years after audit.	Shredding
Unpaid or special leave (including compassionate leave)	Min of 3 years	Shredding
Appraisal and Assessment Records	6 years	Shredding
Accident records and investigations	10 years	Shredding



Records of tests and examinations of COSHH Regulations	Min of 5 years on which the tests were carried out	
--	--	--

Date 31.03.25
Review March 2026

Signed:
Chairman