



## **The Garden Pathway – Data Protection Policy**

**Last Updated June 2021**

Under the General Data Protection Regulation (GDPR) 2018 ‘The Garden Pathway’ has a legal responsibility to ensure that data is processed in a fair, lawful and transparent way. We must ensure that personal data we hold is:

- Relevant and limited only to the data that we need
- Collected for specific, clear and legitimate purposes and only used in the ways which were specified when the data was originally collected.
- Accurate as far as is reasonable and kept up to date where required
- Only kept for as long as is necessary and securely destroyed afterwards
- Processed securely

‘The Garden Pathway’ (the data controller) needs to collect, store and use (data processing) information (personal data) about individuals (data subjects) in order to effectively deliver our service to groups and individuals and fulfil legal obligations. Some of this data might be sensitive data for example about an individual’s health status (special category data). This policy sets out how we will do this in a way which ensures we comply with current data protection legislation and protects the rights and privacy of the individual.

The GDPR sets out 6 reasons why data may be processed. These are:

- Consent (when a data subject gives consent)
- Contract (in order to be able to deliver or enter in to a contract)
- Legal obligation (where the law requires it)
- Vital interests (to protect someone’s life)
- Public task (to perform a task in the public interest or for official functions)
- Legitimate interests (necessary for your legitimate interests unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests)

In addition, ‘The Garden Pathway’ collects sensitive data relating to the health status of individuals referred. To do so we must also meet one or more additional criteria to have a reason to process the data. These reasons include:

- The individual whom the sensitive personal data is about has given explicit consent to the processing.
- The processing is necessary so that you can comply with employment law.
- The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.



GDPR compliance will be demonstrated through data protection agreements with all employees and volunteers specifying how data will be kept securely. This will be done at the induction of all staff and volunteers and updated on a yearly basis. Informed, written consent will be sought from all those referred into 'The Garden Pathway' for the collection, storage and processing of their personal data.

'The Garden Pathway' will therefore ensure:

- Participants' data is only processed with their consent
- Participants are aware that consent can be withdrawn at any time
- Participants' data is only shared on a need to know basis e.g. medical information with their specific project worker
- All staff and volunteers are briefed regarding their data protection responsibilities
- Website privacy policy and cookie policy is clear and compliant
- Audits, staff training and briefings are carried out on an annual basis
- IT policies are in place
- IT software and hardware is audited and offers sufficiently robust security
- Procedures are in place for responding to data breaches, subject access requests, data portability and requests for the right to be forgotten
- Unnecessary duplicates of data are not created
- Computers that contain personal data have strong passwords, password protect files, and lock screens

#### Data Storage

Secure data storage will be achieved through the use of:

- Locked filing cabinets or similar where data is stored on paper
- Encrypted memory sticks
- Strong computer log in passwords that are not shared and changed regularly
- Password protected files
- Lock screens on computers
- In addition data will not be saved to mobile 'phones or similar devices.

Where data held is special category data, this should be noted in the annual data review and security measures interrogated to ensure they are sufficient.

#### Data Transfer

Any transfer of secure data must only contain information that is absolutely necessary. All data must be encrypted during electronic sharing. Transfers must not be made outside of the EEA/ or to countries not approved by ICO unless under a contract that complies with the ICO requirements.

## Data Destruction

All sensitive data will only be retained for as long as is operationally and legally necessary. When this requirement has passed all data will be destroyed securely. This will be achieved through:

- Shredding of paper data that is no longer required using a GDPR compliant shredder
- Deletion of all electronic data from storage devices and any 'trash bin' on those devices

## Data Breaches

In the event of a security breach, the Lead Therapist must be informed immediately. Depending on the circumstances of the breach action will include:

- Completing an incident report
- Taking action to address the cause of the breach
- Taking action to minimise the damage that may be caused by this data not being kept securely

If the breach is likely to result in a risk to people's rights and freedoms, for example discrimination, damage to reputation or financial loss, it is mandatory to report a personal data breach to the ICO within 72 hours. The Lead Therapist will make this report.

If a member of 'The Garden Pathway' team realises that they have been processing data in a way not compatible with the Data Protection Policy or with the way in which it was originally collected they must also inform the Lead Therapist as soon as possible so a plan of action can be agreed.

## Individual Rights

Individuals can withdraw their consent to their data being processed at any time. They can also request to restrict processing e.g. that we can use their data to send them information about one type of activity but not another. They should also be able to quickly and easily request that the data we hold about them is updated and any corrections made.

In instances where consent was actively given and used as the legal basis for processing, it must be as easy to withdraw consent and this must be acted on immediately.

Individuals also have the right to be forgotten e.g. all data held about them removed, and the right to data portability e.g. for 'The Garden Pathway' to provide their data in a format which is then suitable to be transferred to another organisation or that we undertake that transfer for them.

If the data is being processed by any other purposes, for example, legal obligation, then 'The Garden Pathway' may reject this request but this should be referred to the Lead Therapist.



Individuals can also submit a subject access request, whereby ‘The Garden Pathway’ would provide all the data we hold on that individual. This must be done free of charge and within one month of the request. ‘The Garden Pathway’ can extend the period of compliance by a further two months where requests are complex or numerous and we will inform the individual within one month of this and explain the reasons why.

If a request is excessive or clearly without relevant purpose we can choose to charge a reasonable fee, proportionate to the administration incurred or refuse the request. In the event that a request is refused we will respond within one month to explain the reasons for this decision and inform the individual of their right to complain to a supervisory authority or take legal action.

**Dr Clare Tangye, Lead Therapist**

**I have read this Data Protection Policy and agree to adhere to the guidelines set out within the document.**

**Name:**

**Signature:**

**Date:**