

PETER PAN MOAT BRAE TRUST

DATA PROTECTION AND CONFIDENTIALITY



PETER PAN MOAT BRAE TRUST (PPMBT / THE TRUST)

The Trust's aim is to save and restore the 'B listed' Moat Brae House and garden and to develop it as Scotland's first Centre for Children's Literature.

PURPOSE OF POLICY

The purpose of this policy is to provide overall guidance and direction to trustees, committee members, staff and volunteers engaged by the Trust in the delivery of its aims, in the Trust's general approach towards data protection and confidentiality of information and on specific responsibilities for the management and implementation of the policy.

DATA PROTECTION

As a charity engaged in fundraising in support of its objectives, the Trust holds records of its supporters, including their contact details, the reasons for and details of their support. It is a requirement of the 1998 Data Protection Act that anyone storing personal information on a computer database must register their use of that data. The Act allows individuals to have access to the information that is held about them which is stored on the computer system.

The Trust has chosen to register the existence and its use of the personal records of its supporters and abides by the good practice recommended by the Information Commissioner's Office, as follows:

THE EIGHT PRINCIPLES OF DATA PROTECTION

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
 - (a) at least one of the conditions in Schedule 2 is met (consent given), and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met (consent given).
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Source:

http://www.ico.gov.uk/for_organisations/data_protection/the_guide/the_principles.aspx

CONFIDENTIALITY OF INFORMATION

Confidentiality is the keeping of information shared between two parties but intended to go no further. The keeping of such information is often necessary for legal / contractual reasons, due to health and safety considerations, or to assist the legitimate objectives of the organisation, eg. for fundraising purposes, and does not necessarily have a sinister purpose.

The Trust maintains information which falls into any or all of these categories. This includes:

- ❑ personal information for current staff and volunteers as well as former staff and volunteers (eg. salary details, performance records or for references or next of kin);
- ❑ contact details and records of the Trust-related activity of supporters, including donors and potential donors and financial information relating to them (see 'Data Protection');
- ❑ potentially sensitive information concerning strategy, draft policies or financial scenarios which are still in development or discussion.

GUIDANCE

Such information is confidential to the organisation, must be kept in a secure manner and/or disposed of securely (eg. by deletion of electronic records or shredding of papers) and must not be divulged to anyone else without good grounds. Confidentiality may be broken, for example, when there is a serious risk to a person's safety, or there is risk of a crime being committed or – see 'Data Protection', above – if a formal request is made by individuals for access to records held about them.

Information shared between staff and volunteers is otherwise confidential to them, the project and the organisation as appropriate. This includes staff and volunteer details, private addresses and phone numbers which should not be given out or shared except by agreement.

Overall and final responsibility for ensuring that the Trust abides by these principles is that of the Board of Trustees. The requirement to observe confidentiality is included in staff contracts and in the volunteer policy made available to new volunteers when they first join the Trust.

These guidelines cover breaches of confidentiality that are legitimate, inadvertent or deliberate. Every breach of confidentiality will be investigated, the circumstances addressed and appropriate action taken, including help and support for the individuals affected, as appropriate.

PPMBT Board of Trustees

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