



Data Protection Policy

Our Organisation

The United Kingdom is at the forefront of change in supporting children, young people and adults with undiagnosed & diagnosed Fetal Alcohol Spectrum, we strive alongside our FASD Alliance to work across England and Wales to challenge attitudes, improve services and provide information and advice.

The [Data Protection Act 2018](#) controls how personal information is used by organisations, businesses or the government.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

FASD Friends UK are responsible for using personal data has to follow strict rules called 'data protection principles'. We will make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as:

- race

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- ethnic background
- political opinions
- religious beliefs
- trade union membership
- genetics
- biometrics (where used for identification)
- health
- sex life or orientation

There are separate safeguards for personal data relating to criminal convictions and offences.

Your rights

Under the Data Protection Act 2018, you have the right to find out what information the government and other organisations store about you. These include the right to:

- be informed about how your data is being used
- access personal data
- have incorrect data updated
- have data erased
- stop or restrict the processing of your data
- data portability (allowing you to get and reuse your data for different services)
- object to how your data is processed in certain circumstances

You also have rights when an organisation is using your personal data for:

- automated decision-making processes (without human involvement)
- profiling, for example to predict your behaviour or interests

Data Controller

FASD Friends UK is the Data Controller under the Data Protection Act, which means that it determines what purposes personal information held, will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

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Disclosure

FASD Friends UK may share data with other agencies such as the local authority, funding bodies and other voluntary agencies but only with permission of the parent. The Individual will be made aware in all circumstances how and with whom their information will be shared. There are circumstances where the law allows the organisation to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an Individual/Service User or other person
- c) The Individual/Service User has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Individual/Service User's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Service Users to provide consent signatures.

FASD Friends UK regards the lawful and correct treatment of personal information as vitally important to protect the families and organisations we support, and uphold this duty to maintain the confidence of those with whom we support.

FASD Friends UK intends to ensure that personal information is treated lawfully and correctly.

To this end, FASD Friends UK will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998. Specifically, the Principles require that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction

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of, or damage to, personal information,

h) 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 Individuals/Service Users in relation to the processing of personal information.

FASD Friends UK will, through appropriate management and strict application of criteria and controls:

- a) Observe fully conditions regarding the fair collection and use of information
- b) Meet its legal obligations to specify the purposes for which information is used
- c) Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- d) Ensure the quality of information used
- e) Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:

- ✓ The right to be informed that processing is being undertaken,
- ✓ The right of access to one's personal information
- ✓ The right to prevent processing in certain circumstances and
- ✓ The right to correct, rectify, block or erase information which is regarded as
- ✓ wrong information)

- f) Take appropriate technical and organisational security measures to safeguard personal information
- g) Ensure that personal information is not transferred abroad without suitable safeguards
- h) Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- i) Set out clear procedures for responding to requests for information

Data Collection

Informed consent is when

- a) An Individual/Service User clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- b) And then gives their consent.

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FASD Friends UK will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, the organisation will ensure that the Individual/Service User:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is the organisation's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data Access and Accuracy

All Individuals/Service Users have the right to access the information FASD Friends UK holds about them. The Organisation will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, FASD Friends UK will ensure that:

- a) It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- b) Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- c) Everyone processing personal information is appropriately trained to do so
- d) Everyone processing personal information is appropriately supervised

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- e) Anybody wanting to make enquiries about handling personal information knows what to do
- f) It deals promptly and courteously with any enquiries about handling personal information
- g) It describes clearly how it handles personal information
- h) It will regularly review and audit the ways it hold, manage and use personal information
- i) It regularly assesses and evaluates its methods and performance in relation to handling personal information
- j) All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and

control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact FASD Friends UK Data Protection Officer.

Glossary of Terms

Data Controller - The person who along with the Directors of FASD Friends decides what personal information FASD Friends UK will hold and how it will be held or used.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person(s) responsible for ensuring that FASD Friends UK follows its data protection policy and complies with the Data Protection Act 1998.

Individual/Service User – The person whose personal information is being held or processed by the FASD Friends UK for example: a client, an employee, or supporter.

Explicit consent – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of FASD Friends UK, as certain activities may be exempt from notification.

Information Commissioner – the UK Information Commissioners responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information.

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Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees.

Sensitive data:

- a) Racial or ethnic origin
- b) Political affiliations
- c) Religion or similar beliefs
- d) Trade union membership
- e) Physical or mental health
- f) Sexuality
- g) Criminal record or proceedings