

## **Magic Club DATA PROTECTION POLICY**

### **15.1 Statement of Commitment**

The Magic Club needs to collect and use information about people with whom it deals in order to operate. This includes current, past and prospective service users; current, past and prospective employees, suppliers, partners, and others with whom it communicates.

The Magic Club is fully committed to compliance with the requirements of the Data Protection Act 1998 which came into force on 1<sup>st</sup> March 2000 and its subsequent amendments. The Club will follow procedures to ensure that all Directors, Management, staff, volunteers, contractors, service users, partners or other individuals having roles on behalf of or involved in the Club who have access to any personal data held by the Club, are fully aware of and abide by their duties and responsibilities under the Act.

The policy should be observed at all times and in all circumstances; breaches of this policy will be regarded as gross misconduct.

### **15.2 Principles**

The Act stipulates that anyone processing personal data must comply with Eight Principles of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. 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. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection

### **15.3 Definitions**

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **“sensitive” personal data**.

**Personal data** is data relating to a living individual who can be identified from:

- That data;

- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

**Sensitive personal** data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

**Consent** to use any information that is provided to the Magic Club by an individual can only be provided by the person who owns the information. It is important that the person giving the consent is aware of,

- the reasons why their consent is sought,
- the uses to which the information will be put,
- the identity of the parties to whom the information is given,
- the possible implications of disclosure for that person and any significant other.

#### 15.4 Our Commitment

The Magic Club is committed to:

- Ensuring compliance with eight data protection principles;
- Meeting our legal obligations as laid down by the [Data Protection Act 1998](#) and amendments
- Ensuring that data is collected and used fairly and lawfully
- Processing personal data only in order to meet our operational needs or fulfill legal requirements,
- Taking steps to ensure that personal data is up to date and accurate
- Establishing appropriate retention periods for personal data
- Ensuring that data subjects' rights can be appropriately exercised.  
This includes:
  - The right to be informed that processing is being undertaken;
  - The right to be informed the ways in which their data will be used;
  - The right of access to one's personal information within the statutory 40 days, the Magic Club reserves the right to a charge a fee for such access.
  - The right to prevent processing in certain circumstances;
  - The right to correct, rectify, block or erase information regarded as wrong information.
- Providing adequate security measures to protect personal data:
  - Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;

- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Ensuring everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Ensuring everyone managing and handling personal information is appropriately trained to do so;
- Ensuring that everyone managing and handling personal information is appropriately supervised;
- Ensuring that everyone handling personal data knows where to find further guidance
- Ensuring that queries about data protection, internal and external to the organisation, is dealt with effectively and promptly
- Regularly reviewing data protection procedures and guidelines within the organisation
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

**All contractors, consultants, partners or other agents of the Magic Club must:**

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Magic Club, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the Magic Club and that individual, company, partner or firm;
- Allow data protection audits by the Magic Club of data held on its behalf (if requested);
- Indemnify the Magic Club against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by the Magic Club will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the Magic Club.

**15.5 Disclosure of information**

Individuals have the right to expect that the Magic Club shall keep personal information confidential; unless specific circumstances apply that determine this would be inappropriate.

Such circumstances include:

- Where there is clear evidence of fraud
- To comply with the law
- In connection with legal proceedings
- Where it is essential and lawful to enable the Magic Club or other agencies with which the Magic Club co-operates to carry out their duties
- If a child is at risk of being harmed or a person's life is at risk.

**15.6 Responsibilities of employees, service users, volunteers, board members and contractors**

It is the responsibility of the Magic Club Management to ensure that the Data Protection Policy is made available to all staff, volunteers, service users, board members, contractors and partners.

It is the responsibility of all team members to inform service users, organisations and partners about the Club's Data Protection Policy and ensure a copy is available.

It is the responsibility of all staff, service users, volunteers, board members or contractors to inform the Management when they are made aware of a breach of data protection, in line with the Whistle Blowing Policy. The senior manager is then responsible for taking appropriate action when they are made aware of such a breach.

The Management Team is ultimately responsible for designating competent staff to complete periodic reviews of the systems and procedures in place to ensure compliance with the Data Protection Act.

A breach of data protection is a serious offence and will be regarded as gross misconduct.