



## Data Protection Policy



### 1.0 General Statement

This policy is designed to ensure that the records of individuals and organisations are handled appropriately in accordance with the General Data Protection Regulation 2018 (GDPR) by those working for or with Children in Wales.

### 2.0 Principles

- 2.1 In the course of their daily work, staff and others may come into contact with and use personal or confidential information about people, such as names and addresses or even information about colleagues, young people and their families including health and other private matters. This policy will help ensure compliance with the GDPR.
- 2.2 Children in Wales will only collect information that is essential to carry out its business and will not keep that information for any longer than is necessary.
- 2.3 Children in Wales will process, store and when necessary delete this information with care and in accordance with the law to ensure that the privacy and wishes of individuals is maintained.
- 2.4 Where Children in Wales is required to collect personal or Special Category Data relating to an individual, this will be kept securely and confidentially and access to it will be restricted to only those who need to see that information.
- 2.5 Children in Wales will strive to ensure that any information stored is up to date, accurate and relevant.
- 2.6 If a breach or loss of data occurs or is believed to have occurred, Children in Wales will follow its procedures to ensure a speedy containment is achieved and will report any such breaches as required by law to the Information Commissioner's Office.

### 3.0 Scope of Policy

This Policy applies to:

- Staff, volunteers and Trustees of Children in Wales

- Assessors/Tutors/Trainers, including Associates of Children in Wales involved in delivering accredited and other training
- Learners, taking part in accredited and other training
- Quality Assurance Managers of awarding bodies

## **4.0 Related Policies**

- Accredited Training Policy Series
- Complaints, Compliments & Suggestions Policy
- Induction, Training & Development Policy
- IT Policy
- Safeguarding Adults at Risk Policy
- Safeguarding Children Policy
- Vetting and Barring Policy

## **5.0 Guidance**

### **5.1 Introduction**

- 5.1.1 Children in Wales requires all those affected within the scope of this policy to comply with the GDPR. All staff, Trustees and associates of Children in Wales will be offered training and guidance as part of their induction and those specifically responsible for handling data as part of their duties will receive further and on-going training. However, it is the responsibility of individual employees to acquaint themselves with the requirements of the GDPR.
- 5.1.6 This policy is not part of the contract of employment that employees are issued when they join Children in Wales, and Children in Wales may amend it at any time. However, it is a condition of employment that employees and others who obtain, handle, process, transport and store personal data will adhere to the rules of the policy. Any breach of the policy will be treated as gross misconduct and may be a criminal offence.
- 5.1.2 Children in Wales has appointed a Data Protection Lead, who will help steer compliance with the GDPR and with this policy. The Data Protection Lead is Nigel Oanea-Cram.
- 5.1.3 If there is any doubt about the disclosure of personal information, seek advice from the Data Protection Lead, a line manager or, if they are not available speak to, a member of the Senior Management Team. If this is not possible, then do not disclose the information concerned.
- 5.1.4 Personal data, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the GDPR and other regulations. The GDPR imposes restrictions on how Children in Wales may process personal data and expects the organisation to ensure the security and confidentiality of data. A breach of the GDPR could give rise to criminal

sanctions, possible fines for either the individual using the data or the organisation, and negative publicity for the organisation.

- 5.1.5 This policy sets out Children in Wales' rules on data protection and the data protection principles contained in the GDPR. These principles specify the legal conditions that must be satisfied in relation to the obtaining, handling, processing, transportation and storage of personal data. The policy provides guidance to staff on the procedures to use in relation to processing data and in the event of a breach of data.
- 5.1.6 Any employee who considers that the policy has not been followed in respect of personal data about themselves or others should raise the matter with their line manager and with the Data Protection Lead in the first instance.
- 5.1.7 Each project or department where personal data is handled is responsible for drawing up its own operational procedures (including induction and training), to ensure that good data protection practice is established and followed. There may be project specific guidelines that will be additional to this policy.
- 5.1.8 Data Protection Impact Assessments will be undertaken for new projects or when using new technology where these carry a high risk to data protection. The Data Protection Lead will advise and further information can be found at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/>

## 5.2 Definition of Data Protection Terms

**'Criminal offence data'** - includes data about criminal allegations, proceedings or convictions relating to an individual.

**'Data'** - is recorded information, including photographs, whether stored electronically, on a computer, or in certain paper-based filing systems.

**'Data Access Request'** – refers to a request received from a data subject to view, amend, delete or destroy data held by the data controller.

**'Data Breach'** – A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**'Data controllers'** - these are the people or organisations who determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the GDPR. Children in Wales is the data controller of all personal data used in its business.

**'Data processors'** - include any person who processes personal data on behalf of a data controller. This could include other organisations which handle personal data on Children in Wales's behalf.

**'Data subjects'** - for the purpose of this policy 'data subjects' include all living individuals about whom Children in Wales holds personal data. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.

**'Data users'** - these include employees, Trustees, Associates, casual workers and volunteers whose work involves using personal data. Data users have a duty to protect the information they handle by following Children in Wales's data protection and security policies at all times.

**'Personal data'** - means data relating to a living individual who can be identified from that data (or from that data and other information in possession of Children in Wales). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal). It can even include a simple e-mail address. It is important that the information has the data subject as its focus and affects the individual's privacy in some way. Mere mention of someone's name in a document does not constitute personal data, but personal details such as someone's contact details or salary would fall within the scope of the GDPR.

**'Processing'** - this refers to any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

**'Special Category Data'** - is personal data which includes information relating to an individual's race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.

### 5.3 Data Protection Principles

5.3.1 Anyone processing personal data must comply with the seven enforceable principles of good practice that are set out in the GDPR. These are:

- (a) **Lawfulness, fairness and transparency** (Data must be collected and processed fairly and lawfully, and must be obtained and processed for one or more specified purposes)
- (b) **Purpose limitation** (The purpose for collecting information must be set out clearly from the outset and stated in the organisation's Privacy Notice)
- (c) **Data minimisation** (Data collected should be adequate, relevant and limited to what is necessary)
- (d) **Accuracy** (Steps must be taken to ensure that data collected and stored is not inaccurate or misleading)
- (e) **Storage limitation** (Data must not be kept for longer than it is needed)

(f) **Integrity and confidentiality (security)** (There must be appropriate security measures in place to protect the data that is held)

(g) **Accountability** (Children in Wales is responsible for the data it holds and can demonstrate compliance with the other principles)

More detail is provided on these principles below.

#### **5.4 Lawfulness, fairness and transparency**

- 5.4.1 The GDPR is intended not to prevent the processing of personal data, but to ensure that it is done fairly and in a way that does not adversely affect the rights of the data subject. The data subject must be told who the data controller is (in this case Children in Wales), who the data controller's representative is (in this case the Data Protection Lead), the purpose for which the data is to be processed by Children in Wales, and the identities of anyone to whom the data may be disclosed or transferred.
- 5.4.2 For personal data to be processed lawfully, certain specific conditions have to be met. These include, among other things, a requirement that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed. When sensitive personal data is being processed, additional conditions must be met. In most cases the data subject's explicit consent to the processing of such data will be required. Children in Wales has set out its legal bases for the processing of data under its Privacy Policy, which can be found at Appendix 2.
- 5.4.3 Children in Wales has developed a set of consent forms and standard phrases that should be used when collecting data or obtaining consent to use that data. The Data Protection Lead will advise.

#### **5.5 Purpose Limitation**

- 5.5.1 Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected, or for any other purposes specifically permitted by the GDPR. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.
- 5.5.2 There are separate Privacy Notices for Children in Wales, Young Wales and the Independent Review Mechanism (IRM) which should be made public via the websites and on request. These Privacy Notices set out the lawful bases for the collection and use of all types of data processed by Children in Wales. The Privacy Notices are set out at Appendix 2 and will be reviewed with this policy and more regularly if circumstances change between review cycles.

#### **5.6 Data minimisation**

5.6.1 Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

## **5.7 Accuracy**

5.7.1 Personal data must be accurate and kept up to date. Inaccurate data should be updated to ensure it is accurate. Out of date data that is not needed should be deleted or destroyed.

5.7.2 Children in Wales will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- a. Information and Communication Technology systems will be designed, where possible, to encourage and facilitate the entry of accurate data.
- b. Data on any individual will be held in as few places as necessary, and the establishment of unnecessary additional data sets will be discouraged.
- c. Effective procedures will be in place so that all relevant systems are updated when information about any individual changes.
- d. Staff or volunteers who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.

5.7.3 Individuals have a right to challenge the accuracy of the data the organisation holds about them, which includes asking to view that data and to request that it is updated.

## **5.8 Storage limitation**

5.8.1 Personal data should not be kept longer than is necessary for the purpose. This means that data should be destroyed or erased from Children in Wales's systems when it is no longer required.

5.8.2 Individuals have a right to object to processing and ask Children in Wales to stop processing their data.

5.8.3 Children in Wales has set out its retention policy, which can be found at Item 5.18 and at Appendix 3 in this document.

## **5.9 Integrity and Confidentiality (Security)**

5.9.1 Through its IT policies and practice, Children in Wales will put into place appropriate security measures such as encryption to ensure, as far as possible, that data is not lost or corrupted.

5.9.2 Staff, Trustees, Associates and other data processors that use data held by Children in Wales will receive training and instruction in maintaining confidentiality.

## **5.10 Accountability**

5.10.1 Children in Wales, as a Data Controller, is responsible for the personal data it processes. Children in Wales is also responsible for the information that it passes to processors who carry out work on its behalf.

5.10.2 Children in Wales will ensure that:

- this policy and the appendices are regularly reviewed and updated
- written contracts are in place with any external processors engaged to process data on its behalf
- any data breaches are reported in line with our data breach procedures and the law.

## **5.11 Data Subjects' Rights**

5.11.1 Data subjects have a right to:

- a. Be informed (about the collection and use of their personal data)
- b. Request access to any data held about them by a data controller (a data access request, see item 5.19 below);
- c. Rectification (data subjects can ask to have inaccurate data amended)
- d. Erasure of their record (see item 5.8.2)
- e. Restrict processing (in that the data can be held but not used)
- f. Data Portability
- g. Object
- h. Other rights around automated decision making and profiling

5.11.2 Data subjects will be informed of these rights through Privacy Notices available on the website and in the following ways:

- a. Employees: in the staff handbook
- b. Volunteers and casual workers: in the relevant support information pack
- c. Trustees: during induction
- d. Supporters and service users: when they sign up or enrol (on paper, via website forms, emails or verbally)
- e. Job applicants: in the application pack

5.11.3 Information about Children in Wales' supporters and service users will only be made public with their consent (this includes photographs.)

5.11.4 Children in Wales may receive information from an external organisation which contains personal information about members of that organisation who are not members or supporters of Children in Wales. For example, grant applicant/recipient organisations may supply Children in Wales with personal information on beneficiaries of organisations, perhaps in case studies or reports. Children in Wales will only process such data where the organisation supplying this information confirms in writing that the data subject has consented to the use and storage of that information by Children in Wales.

## **5.12 Collecting data from children and parental consent**

- 5.12.1 In UK, there is no set age for a 'child' when gathering data but it is important to assess *understanding* as well as age when collecting and using data about a child fairly. However, parental consent is usually required to collect data from children under age of 12, and from those over 12 where there is a greater risk. Appropriate explanatory language should be used.
- 5.12.2 It is good practice to seek parental consent if collection / use of information about a child is likely to result in:
- Disclosure of a child's name and address to a third party
  - The use of a child's contact details for marketing purposes
  - The publication of a child's image on a website that anyone can see
  - Making a child's contact details publicly available
  - The collection of personal data about third parties

#### **5.13    Sending emails and transmitting confidential documents**

- 5.13.1 When sending emails to groups, the BCC box must be used. This is particularly important if any of the email addresses are personal. Care should be taken to check that the correct recipient has been addressed, especially when automatic completion software is used. In preference, recipients should be directed to a secure 'file-path' to view a document, rather than an attachment.
- 5.13.2 Pay particular attention to the risks of transmitting confidential employee information by email or fax:
- Transmit information between locations only if a secure network or comparable arrangements are in place or if, in the case of email, encryption is used.
  - Ensure that all copies of email and fax messages received by managers are held securely.
  - The organisation provides a means by which managers can effectively expunge confidential emails that they receive or send from the system and that they are responsible for doing so.

#### **5.14    Transferring Data outside the EU**

- 5.14.1 Do not transfer data to countries outside the EU unless all the provisions set out in chapter V of the GDPR have been met. Further information should be sought from the Information Commissioner's Office and can be found on their website at ico.org.uk. Please contact the Data Protection Lead for further information.

#### **5.15    TUPE**

- 5.15.1 Children in Wales will transfer personal data to new employers in situations involving the transfer of staff from the organisation as defined by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and as amended by the "Collective Redundancies and Transfer of Undertakings

(Protection of Employment) (Amendment) Regulations 2014". This information will be disclosed to new employers following the ratification of the transfer agreement by Children in Wales and all relevant parties. Any such transfer will comply with the GDPR and this policy.

## 5.16 Data Security

- 5.16.1 Children in Wales must ensure that appropriate security measures are in place to protect the personal data that it holds. This is the 'integrity and confidentiality' principle of the GDPR, also known as the security principle.
- 5.16.2 Children in Wales will ensure that measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may apply to the courts for compensation if they have suffered damage from such a loss.
- 5.16.3 The GDPR requires Children in Wales to put in place procedures and technologies to maintain the security of all personal data, from the point of collection to the point of destruction.
- 5.16.4 Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:
  - a. 'Confidentiality' means that only people who are authorised to use the data can access it.
  - b. 'Integrity' means that personal data should be accurate and suitable for the purpose for which it is processed.
  - c. 'Availability' means that authorised users should be able to access the data if they need it for authorised purposes.
- 5.16.5 Security procedures include:
  - a. Entry controls: Any stranger seen in entry-controlled areas should be reported.
  - b. Secure lockable desks and cupboards: Desks and cupboards should be kept locked if they hold confidential information of any kind (personal information is always considered confidential).
  - c. Methods of storage: Archived paper records containing confidential information are stored securely on or off site.
  - d. Methods of disposal: Confidential paper documents should be shredded and disposed of by an approved waste disposal provider. CD-ROMs and DVDs should be physically destroyed when they are no longer required.
  - e. Equipment: Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off (manually or automatically) from their PC when it is left unattended for any period. See the IT policy for further guidance.
  - f. Passwords and Encryption: Passwords/encryption/software packages must be used to safeguard databases, removable media, laptops and mobile phones. See the IT policy for further guidance.

- g. Steps must be taken to ensure the confidentiality of information gathered off site on paper. Such papers must not be left out at conferences, training courses or events.

## **5.17 Data Breaches**

- 5.17.1 A data breach is any loss or theft of data or a mis-directed email or letter containing personal information. It could also refer to receiving confidential information via email or letter by mistake. There is a limited time in law in which a data breach must be dealt with and so every suspected data breach must be treated with urgency. The procedure which must be followed in all cases if there has been or it is suspected that there may have been a data breach can be found in Appendix 1.

## **5.18 Retention of Records**

- 5.18.1 In relation to the retention of records, the organisation follows the retention guidelines recommended by the Information Commissioner in its Employment Practices Code, the Charity Commission and those in the Companies Act in relation to accounts records. Children in Wales has set retention periods and data deletion guidelines which can be found in Appendix 3.

## **5.19 Dealing with Data Subject Access Requests**

- 5.19.1 A formal request from a data subject for information that Children in Wales holds about them must be made in writing, unless the data subject has a disability or other reason within the scope of the Equality Act (2010) which prevents them from doing so. Employees who receive a written request should forward it to the Data Protection Lead immediately. Such a request must be answered within 28 days. This time limit can be extended by up to two months with the agreement of all parties.
- 5.19.2 Steps should be taken to ensure the identity of the person making the request for information before Special Category Data is released.
- 5.19.3 Data should not be altered between the time of the request and the release of the information, unless changes are routine.
- 5.19.4 When receiving telephone enquiries, employees should be careful about disclosing any personal information held on Children in Wales's systems. In particular they should:
  - a. Check the caller's identity to make sure that information is only given to a person who is entitled to it;
  - b. Suggest that the caller put their request in writing where the employee is not sure about the caller's identity and where their identity cannot be checked;
  - c. Refer to their line manager or the Data Protection Lead for assistance in difficult situations. Employees should not feel pressured into disclosing personal information.

## **5.20 Using Children in Wales' Database of Contacts**

- 5.20.1 Children in Wales uses a computerised database to keep records of various individuals and organisations. These individuals can be: members; non-members; voluntary sector workers; local and national government departments; professionals such as solicitors; paediatricians and others.
- 5.20.2 The database may be used for mailing these individuals and organisations about, but not exclusively:
  - a. Conferences/Events/Training
  - b. Publications
  - c. Consultations and subject specific e-briefings
  - d. Policy and research
  - e. Membership information
- 5.20.3 Children in Wales ensures compliance with the GDPR when collecting, processing and deleting data held on its database. To do this the following must be ensured:
  - a. Registration with the office of the Information Commissioner will be reviewed annually by the Data Protection Lead.
  - b. Membership, conference and other booking forms must include a Data Protection Statement that allows the individual the opportunity to opt out of being added to the database
  - c. Any individual who requests to opt out of being on the database at any time will be removed from it.
  - d. Any individuals who are mailed and who have not previously received a Data Protection Statement from Children in Wales must be sent one. This must give them the opportunity to opt out of being on the database.
  - e. Information held by Children in Wales about individuals is never passed onto any other organisation or persons, unless this is required by Law.

## **6.0 Appendices**

Appendix 1: Data Breach Procedures

Appendix 2: Privacy Policies for Children in Wales, Young Wales and IRM.

Appendix 3: Retention Periods

## **Appendix 1**

### **Data Breach Procedures**

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### **Data Breach Procedures**

#### **1.0 Introduction**

- 1.1 Children in Wales collects, holds and processes a large amount of personal data, a valuable asset that needs to be suitably protected.
- 1.2 Every care is taken to protect personal data from incidents (either accidentally or deliberately) to avoid a data protection breach that could compromise security.
- 1.3 Compromise of information, confidentiality, integrity, or availability may result in harm to individual(s), reputational damage, detrimental effect on service provision, legislative noncompliance, and/or financial costs.

#### **2.0 Purpose**

- 2.1 These procedures comply with legislation under the GDPR 2018 and provide a framework designed to ensure the security of all personal data processed by Children in Wales, including clear lines of responsibility.
- 2.2 These procedures form part of Children in Wales' Data Protection Policy and fall under the principles and scope of that policy.
- 2.3 This document sets out the procedure to be followed to ensure a consistent and effective approach in the event of a data breach or information security incident across the organisation.

#### **3.0 Definition / Types of Breach**

- 3.1 For the purpose of this Policy, data security breaches include both confirmed and suspected incidents.
- 3.2 An 'incident' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes, where the incident has caused or has the potential to adversely affect individuals' rights and freedoms, and/or to cause damage to Children in Wales' information assets and reputation.
- 3.3 An incident includes but is not restricted to, the following:
  - Loss or theft of confidential or sensitive data or equipment on which such data is stored (e.g. loss of laptop, removable storage, iPad/tablet device, or paper record)
  - Unauthorised use of, access to or modification of data or information systems
  - Attempts (failed or successful) to gain unauthorised access to information or IT system(s)

- Unauthorised disclosure of sensitive / confidential data
  - Website defacement
  - Hacking attack
  - Unforeseen circumstances such as a fire or flood
  - Human error, for example an email sent revealing personal data of other contacts, or information sent to the wrong contacts.
- 3.4 If a breach that originates from another organisation is discovered, steps at 4.4 below should be followed.
- 4.0 Reporting an incident**
- 4.1 Any individual who accesses, uses or manages Children in Wales information is responsible for reporting data breach and information security incidents immediately to the Data Protection Lead or their line manager.
- 4.2 If the breach occurs or is discovered outside normal working hours, it must be reported as soon as is practicable.
- 4.3 The report will include full and accurate details of the incident, when the breach occurred (dates and times), who is reporting it, if the data relates to people, the nature of the information, and how many individuals are involved. A Data Breach Report Form should be completed as part of the reporting process. See page 20.
- 4.4 If a breach is discovered that has originated from another organisation, that organisation (as the data controller) should be notified immediately so that they can deal with the breach through their own policies. If the breach appears serious, it should be reported to the Children in Wales DPL and a decision made as to whether the ICO or, if there is a safeguarding issue, the relevant authorities be informed.
- 4.5 All staff should be aware that any breach of the GDPR may result in Disciplinary Procedures being instigated.
- 5.0 Containment and Recovery**
- 5.1 The Data Protection Lead DPL, or line manager in the DPL's absence, will firstly determine if the breach is still occurring. If so, the appropriate steps will be taken immediately to minimise the effect of the breach.
- 5.2 An initial assessment will be made by the DPL or line manager in liaison to establish the severity of the breach. The DPL or line manager will take the lead and assign tasks to investigate the breach.
- 5.3 The Lead Investigation Officer (LIO) will be the Data Protection Lead or relevant line manager in their absence. They will establish whether there is anything that can be done to recover any losses and limit the damage to the organisations and the rights and freedoms of the Data Subjects.

- 5.4 The LIO will establish who may need to be notified as part of the initial containment as detailed at item 7 below. The Data Protection Lead will be the first point of contact with the ICO.
- 5.5 Advice from experts outside of Children in Wales may be sought in resolving the incident promptly.
- 5.6 The LIO, in liaison with the DPL and senior management, will determine course of action to be taken to ensure a resolution to the incident.

## **6.0 Investigation and Risk Assessment**

- 6.1 An investigation will be undertaken by the LIO immediately and wherever possible within 24 hours of the breach being discovered / reported.
- 6.2 The LIO will investigate the breach and assess the risks associated with it, for example, the potential adverse consequences for individuals, how serious or substantial those are and how likely they are to occur.
- 6.3 The investigation will need to take into account the following:
  - the type of data involved
  - its sensitivity
  - the protections that are in place (e.g. encryptions)
  - what's happened to the data, has it been lost or stolen
  - whether the data could be put to any illegal or inappropriate use
  - who the individuals are, the number of individuals involved and the potential effects on those data subject(s)
  - whether there are wider consequences to the breach

## **7.0 Notification**

- 7.1 When a personal data breach has occurred, Children in Wales in accordance with the guidance in 7.2 below will establish the likelihood and severity of the resulting risk to people's rights and freedoms, and the LIO and / or the DPL, in consultation with the Senior Management Team, will determine who needs to be notified of the breach. If the breach is likely to result in a high risk of adversely affecting an individual's rights and freedoms, Children in Wales will inform that individual without delay. In this instance, the DPL will notify the ICO without undue delay and within 72 hours.

All breaches, decisions and actions will be documented on the Data Breach Form, whether reported or not.

- 7.2 Every incident will be assessed on a case by case basis; however, the following will need to be considered:
  - Whether there are any legal/contractual notification requirements;
  - Whether notification would assist the individual/s affected – could they act on the information to mitigate risks?
  - Whether notification would help prevent the unauthorised or unlawful use of personal data?

- Would notification help Children in Wales meet its obligations under the GDPR
  - The ICO will only be notified if personal data is involved. Guidance on when and how to notify ICO is available from their website at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/>
  - The dangers of over notifying. Not every incident warrants notification and over notification may cause disproportionate enquiries and work.
- 7.3 Notification to the data subjects will include a description of how and when the breach occurred and the data involved. Specific and clear advice will be given on what they can do to protect themselves, and include what action has already been taken to mitigate the risks. Individuals will also be provided with a way in which they can contact Children in Wales for further information or to ask questions on what has occurred.
- 7.4 The LIO and or the DPL must consider notifying third parties such as the police, insurers, bank or credit card companies, and trade unions. This would be appropriate where illegal activity is known or is believed to have occurred, or where there is a risk that illegal activity might occur in the future.
- 7.5 The LIO and/or the DPL will consider whether the Communications Team should be informed regarding a press release and to be ready to handle any incoming press enquiries.
- 7.6 All actions will be recorded by the DPL.
- 8.0 Evaluation and response**
- 8.1 Once the initial incident is contained, the DPL will carry out a full review of the causes of the breach; the effectiveness of the response(s) and whether any changes to systems, policies and procedures should be undertaken.
- 8.2 Existing controls will be reviewed to determine their adequacy, and whether any corrective action should be taken to minimise the risk of similar incidents occurring.
- 8.3 The review will consider:
- Where and how personal data is held and where and how it is stored
  - Where the biggest risks lie, and will identify any further potential weak points within its existing measures
  - Whether methods of transmission are secure; sharing minimum amount of data necessary
  - Identifying weak points within existing security measures
  - Staff awareness

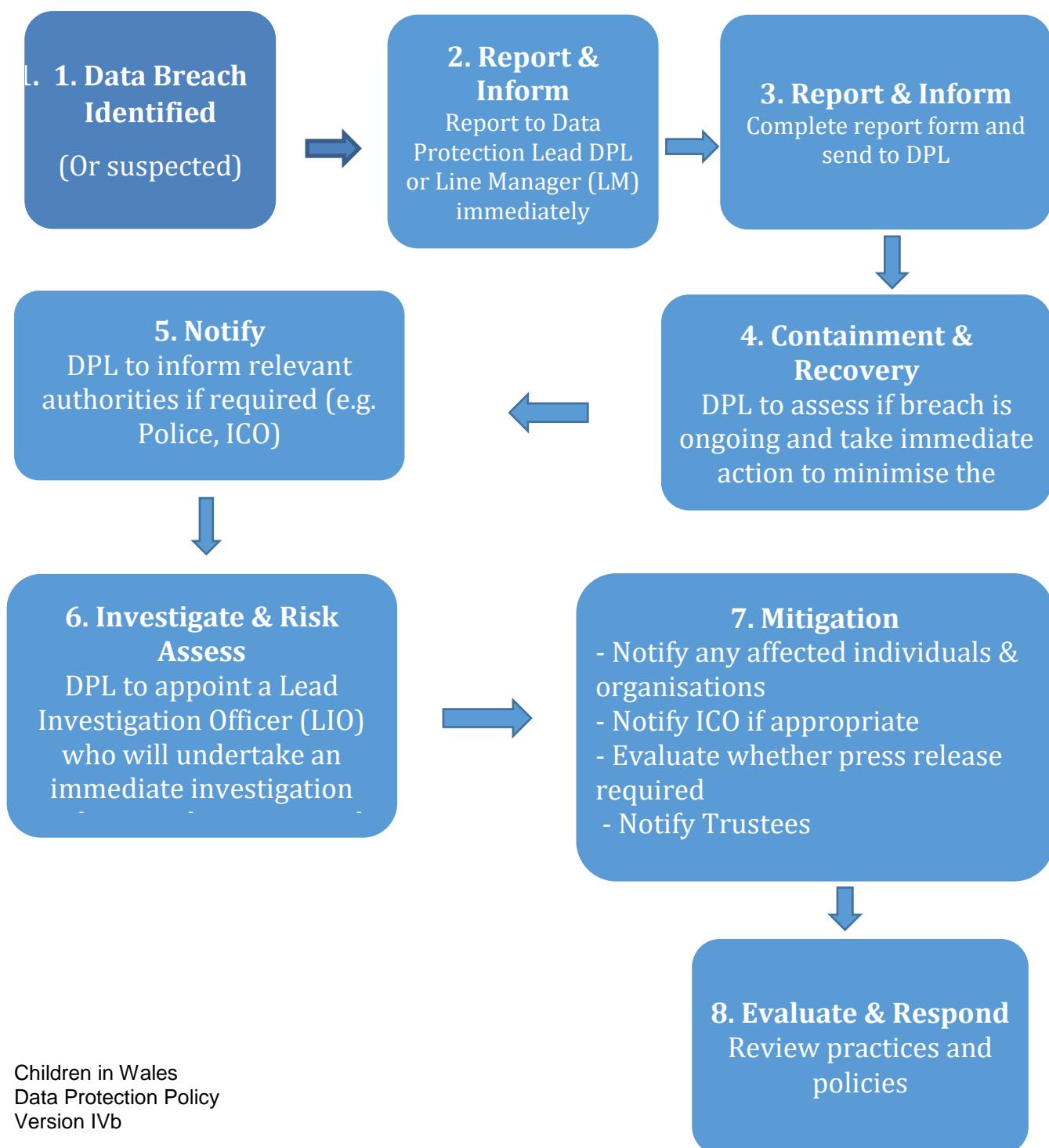
- Implementing a data breach plan and identifying a group of individuals responsible for reacting to reported breaches of security
- 8.4 If deemed necessary a report recommending any changes to systems, policies and procedures will be considered by the Chief Executive and Board of Trustees.

# Data Breach Process

GDPR defines a personal data breach as: “...a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”.

This includes breaches that are the result of accidental or deliberate causes. It also means that a breach is more than just about losing personal data.

A data breach must be reported, investigated, mitigated and, when applicable, reported to the ICO. The flowchart below provides an overview of the Children in Wales data breach process.



## DATA BREACH REPORT FORM: Stage 1

A data breach must be reported, investigated, mitigated and when applicable, reported to the Information Commissioner's Office. All of this must be done within 72 hours of the breach occurring. It is therefore crucial that you report any data breaches as soon as possible.

**If you discover a data breach, please notify Fiona Probert and Caroline Taylor immediately and complete this form. This form should then be emailed to [fiona.probert@childreninwales.org.uk](mailto:fiona.probert@childreninwales.org.uk) and [caroline.taylor@childreninwales.org.uk](mailto:caroline.taylor@childreninwales.org.uk). The breach will be investigated, risk assessed and appropriate action taken.**

### To be completed by the person reporting incident

| <b>Section 1: Notification of Data Breach</b>                                      |  |
|--|--|
| Date incident was discovered and brief description of how incident was discovered: |  |
| Date(s) of incident:   |  |
| Place of incident:   |  |
| Name of person reporting incident:   |  |
| Contact details of person reporting incident (email address, telephone number):    |  |
| Brief description of incident or details of the information lost:                  |  |
| Number of Data Subjects affected, if known:  |  |
| Has any personal data been placed at risk? If, so please provide details:          |  |
| Brief description of any action taken at the time of discovery:                    |  |

### For use by Investigating Officers

Received by:

On (date):

Further action required? Yes / No

By Whom?

## DATA BREACH REPORT FORM: Stages 2 & 3

**To be completed by the Data Protection Lead DPL in consultation with the Line Manager. All boxes must be completed.**

This information will be used by the DPL to activate recovery and containment procedures, identify who needs to be notified and to investigate and assess the impact of the breach. All of this must be done **within 72 hours** of the breach occurring. It is therefore crucial that this form is completed without delay.

|  |
|--|
| <b>Reporting and informing</b>   |
| Contact details for Data Protection Lead:  |
| Provide details of the formats involved in the data breach; e.g. paper, IT systems, equipment, mobile phone, devices, etc:   |
| Details of the information lost or breached ( <i>e.g. folder lost at a train station, laptop stolen at a conference</i> ), please include information on whether the data was encrypted, or went to a trusted organisation   |
| Does the data contain any Special Category Data? Please tick all that apply:<br><input type="checkbox"/> Racial or ethnic origin<br><input type="checkbox"/> Political opinions or religious or philosophical beliefs<br><input type="checkbox"/> Membership of a trade union<br><input type="checkbox"/> Physical or mental health or condition or sexual life or sexual orientation<br><input type="checkbox"/> Information on offences (alleged or committed), including court proceedings or sentencing<br><input type="checkbox"/> Personal bank account and other financial information<br><input type="checkbox"/> National identifiers, such as National Insurance Number<br><input type="checkbox"/> Copies of passports and visas<br><input type="checkbox"/> Personal information relating to vulnerable adults and children<br><input type="checkbox"/> Detailed profiles of individuals including information about work performance, salaries or personal life that would cause significant damage or distress to that person if disclosed<br><input type="checkbox"/> Information about individual cases of discipline or sensitive negotiations which could adversely affect individuals<br><input type="checkbox"/> Security information that would compromise the safety of individuals if disclosed |
| What is the nature of the information lost? Is it sensitive? Could it lead to distress, financial or physical harm?  |

|   |
|---|
| How much data has been lost? <i>E.g. how much information was in the folder or on the laptop, how much information was shared via email?</i>  |
| Is the information unique? Will its loss have adverse operational, research, financial or legal liability or reputational consequences for CiW, funders or other third parties?                       |
| How many data subjects are affected? Please specify if this is 1 individual or 1 organisation   |
| Is CiW able to identify exactly which data subjects have had their information breached?  |
| Is the data bound by any contractual security arrangements? ( <i>e.g Agored Centre Agreement</i> )  |
| Do we need to inform our external IT agencies and why? ( <i>Teamworks for CiW website / Youth Friendly for YW website / Amitech for server and computers</i> ). What actions do we want them to take? |
| Are any of the affected data subjects under the age of 18 years, if so, how many?   |

What actions have been taken to date to address or mitigate the risk to date? Please list everything that has been done and where possible, include dates, times and names.

**Please list all CIW parties involved and their role to date:**

- Who caused or experienced the data breach?
- Who reported the breach? (*This may not be the same person as above*)
- Who was the breach initially reported to?

**Considering the information gathered to date, does this breach need to be escalated to the Chief Executive Officer?**

**Yes or No** (*Please note this judgement is based on information you currently have and may change following further investigations.*)

**Completed by :**

**Date:**

**This form is confidential and should be stored securely during and after the breach process. On completion of each stage of the process, please send a copy to Fiona Probert (scanned copies are acceptable)**

## DATA BREACH REPORT FORM: Stages 4, 5 & 6

**To be completed by the Data Protection Lead. All boxes must be completed.**

This information will be used to contain the breach if possible, recover the information, identify who needs to be notified and to investigate and assess the impact of the breach.

Breaches need to be reported to the ICO within **within 72 hours** of the breach occurring unless it is unlikely that there is a risk to the rights and freedoms of natural persons. It is therefore crucial that this form is completed without delay.

**To be completed by the Data Protection Lead and signed off by Line Manager or Chief Executive**

| Action taken   |               |
|--|---------------|
| Incident number (e.g. year, month, date & letter: 21 June 2018 will be: 20180621A. Letter represents the number of data breaches on that day. If two occur, the incident number will be 20180621B)   |               |
| Stage 1 Report received by:  |               |
| On (date):   |               |
| Based on the information given in the Stage 1 report, is this a data breach? Yes or No   |               |
| What is the likely impact and risk to all of those involved (e.g. <i>what could happen because of this breach, how could the information be used and what is the likelihood of this happening?</i> ). Consider all of those involved, including external organisations, groups and individuals. It should also include the impact and risk to Children in Wales. |               |
| Is the breach ongoing? Please provide details  |               |
| Has any action been taken up to this point?  |               |
| Was incident reported to Police? Yes/No<br>If YES, notified on (date):   | Crime Number? |

**Do the following need to be notified of the breach? Please tick all that apply:**

- CEO
- Trustees
- Staff
- ICO (*Please use the ICO reporting form*)
- Communications team
- Individuals (*Please use the Individuals reporting and guidance form*)
- Organisations (*Please use the Organisations reporting and guidance form*)

Follow up action required/recommended. Please provide action dates and times and what actions, if any, we are advising individuals and organisations to take (e.g changing passwords etc):

**Completed by:**

**Date:**

**This form is confidential and should be stored securely during and after the breach process. On completion of each stage of the process, please send a copy of completed forms to Fiona Probert/ (scanned copies are acceptable).**

## DATA BREACH REPORT FORM: Stages 7 & 8

**To be completed by the Lead Investigating Officer (LIO). All boxes must be completed.**

This information will show who has been notified of the breach, when and how. It should also show any actions identified by the ICO, if applicable and how we have learned from the breach in terms of evaluating and reviewing our practices and policies.

**To be completed by the Lead Investigation Officer and signed off by Line Manager or CEO**

**Who has been notified, when and how?**

**Appropriate bodies and organisations** (*please list who you have contacted, this may include our IT company, ICO etc). Please provide name and contact details, date and method of contact.*

**Data subjects and those affected by the breach** (*please list those you have contacted, date and method of contact). Should the list be large, please provide separate information and also ensure this is stored securely.*

**Are there any actions following the notifications? Describe these actions**

**ICO recommendations, if applicable**

|  |
|--|
| <p><b>Could we have stopped the breach? Please describe</b></p>  |
| <p><b>Do we need to review our policies and practices? If so, which ones and by whom?</b></p>                                |
| <p><b>Please provide a date for the above to be actioned and implemented</b></p>   |
| <p><b>Do staff need re-training? If so, is this for the individual member of staff or for all staff</b></p>                  |
| <p><b>Are there any further actions or comments?</b></p>   |
| <p><b>What status is this breach incident now at? (e.g. controlled, breach stopped, ongoing, no further action, etc)</b></p> |
| <p><b>Next steps. Please provide details of what is needed to close all actions resulting from this breach.</b></p>          |
| <p><b>Data Breach log updated. Please provide date this updated.</b></p>   |

**Completed by:**

**Date:**

**This form is confidential and should be stored securely during and after the breach process. On completion of each stage of the process, please send a copy to Fiona Probert (scanned copies are acceptable)**

**DATA BREACH INCIDENT CLOSED AND SIGNED OFF:**

**Date:**

**LIO Signature**

**Line Manager or Chief Executive signature**



# Children in Wales

## Plant yng Nghymru

### Privacy Policy

**Children in Wales is committed to protecting your personal data. We will only send you information if we have your consent and we will never sell or share your information to marketing companies. Children in Wales will always process all personal data lawfully and be fair and transparent in how we do this.**

**This Privacy Policy tells you how, as a data controller, we collect and store your data, why we need it and what we do with it.**

If you have any questions regarding our Privacy Policy, the information you receive or the information we process and store, please contact:

Data Protection Lead  
Children in Wales  
25 Windsor Place  
Cardiff  
CF10 3 BZ

Email: [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)  
Phone: 029 2034 2434

#### Who are we?

Children in Wales is the national umbrella body for organisations and individuals who work with children, young people and their families. Children in Wales is a registered charity (1020313) and a company limited by guarantee (2805996).

#### What information do we need?

Under the *Data Protection Act 1998* and the *General Data Protection Regulation 2018*, Children in Wales is the 'data controller' in respect of the personal information that we hold about you. This means that Children in Wales is responsible for keeping your personal information secure at all times and where applicable, only use it in a way that you have agreed to.

We will only normally collect basic personal data, which may include your name, address, phone number, email, organisation or areas of work. This information ensures that we can fulfil our role as a national umbrella organisation, keeping you informed and sharing relevant information.

Occasionally, we may state that general photographs are taken at our event or we may ask for your permission to take or use a specific photograph of you in order to promote our work or initiatives.

If you have enrolled on one of our accredited training courses, we will also need your date of birth, gender and notification of any additional needs. This information identifies you as the learner and makes sure that we can meet your learning needs. We use this information to register you for accreditation. This is done through a secure website hosted by Agored Cymru, the accreditation body. For accreditation purposes, Agored Cymru requires Children in Wales to securely process and store this information. For more information on how Agored Cymru process your information, please visit their website [www.agored.cymru](http://www.agored.cymru).

If you are under 18 years old, sometimes we may need to ask for your date of birth. We do this to make sure that we have the right permissions to work with you and that you attend the right young people's events. In some circumstances we may ask for other information, such as your gender and if you have any disabilities. This is to ensure that we provide our services and information in a way that is right for your needs, for example for access arrangements, residential events or for the provision of event materials.

In these circumstances, this information is classed as 'Special Category' and we will only process this information when you have provided your explicit consent for us to do so. We will always process this information securely.

### **Why is Children in Wales allowed to process your personal information?**

Under the Data Protection Act 1998 and the General Data Protection Regulation 2018, Children in Wales is a data controller because we collect and process personal information. We are allowed to do this as long as we have a valid, lawful reason for doing so.

The following indicates which legal bases we are relying on to process your personal information:

### ***When you attend a conference, seminar, workshop, event or training course we will process your personal data to:***

- Provide you with confirmation of your booking, venue details, access arrangements and where payment has been made, to process and record this payment. This processing is necessary for the performance of the contract between us.
- Send you an evaluation or feedback form to complete and return. This is in our legitimate interests to assess the effectiveness and suitability of our events and to improve our services.
- Promote our events using photographs. At our conferences, seminars, workshops and training courses, photographs may be taken. These photos will only be used to report on and share previous events and to promote similar, future events. This processing is in our legitimate interests to share information about events and promote future events within relevant professional sectors.

- Provide you with information on similar events that we may run in the future. We will only do this where you have previously told us that you wish to receive information. In this case, we will rely on your consent to legally process your personal data.
- Enrol you on accredited training courses where applicable. We will only enrol you on our accredited training courses with your consent. To do so, we will ask you to provide your name, address, date of birth, gender, ability and in some cases, your national insurance number. This information is used to securely register you with [Agored](#), the accreditation body. This is a requirement for [Agored](#) enrolment and without this information, we cannot register you for accreditation. This information is necessary for the performance of the contract, in this case, the accreditation process.

***If you receive direct marketing on training courses, conferences, seminars, workshops and other Children in Wales events, we will process your personal data to:***

- Provide you with information about future events. We aim to ensure that the information we send to you is of interest and relevant to your work. We will only send you direct marketing when you have previously consented to receive it. You can withdraw your consent at anytime (the **What are your rights** section below provides details on how to withdraw your consent). We will rely on your consent to legally process your personal data.

***As a member of Children in Wales, we will process your personal data to:***

- Provide you information on membership events, benefits, resources and information about our AGM (Annual General Meeting). This data processing is necessary for the performance of the membership contract between us.
- Provide you with information on membership renewal fees and dates of renewal. This data processing is for the purposes of legitimate interests to assist with membership retention and engagement with Children in Wales.

***When you receive consultations, surveys, e-briefings, e-bulletins and newsletters, we will process your personal data to:***

- Provide you with topic and sector specific information. We will only send you this information if you have previously consented to receive it. We will rely on your consent to legally process your personal data. You can withdraw your consent at any time.
- Collate results from a survey. All comments and findings that are collated from surveys will remain anonymous. The findings of surveys may be shared nationally or published in reports. When we do publish findings or use a direct quote, we will never identify the source unless you have given your explicit permission to allow us to do so. This data is processed for the purposes of legitimate interests to ensure that children, young people, families and professionals have their voices heard at a national level; inform national policy; and improve the services provided by Children in Wales.

***When you commission Children in Wales for training, consultancy, project management, project delivery and other short term pieces of work, we will process your personal data to:***

- Allow us to perform the commission and provide you with further specific details regarding the commissioned work, including reports, updates, statistics and for the purpose of processing payments. This will be necessary for the performance of the commissioned contract between us.

***When you engage or work with Children in Wales, we will process your personal data to:***

- Identify the different sectors and organisations we work with. This information is used for reporting purposes, such as our annual and funders' reports and is anonymised before publication. It is in our legitimate interests to assess and report on the reach of our work. We will not send you direct marketing as a result of your engagement with us unless you have specifically given your consent for us to do so.
- Identify language choice, access requirements and additional needs. This information is used to ensure that our engagement is in accordance with identified needs. It is in our legitimate interests to identify the needs of those we work with to enable us to engage appropriately.
- Identify language choice, access requirements and additional needs for the purpose of reporting to our funders. All information is anonymised and presented in statistical format. It is in our legitimate interests to collate this information as a requirement of our funders who use this to identify organisational reach and need.

***When you join one of our networks or a network facilitated by Children in Wales, we will process your personal data to:***

- Provide you with information regarding arrangements for meetings, agendas, papers and other relevant information relating to the network. It is in our legitimate interests to ensure that members of the network receive relevant information to pursue the aims of the network.

***When you apply for a position (paid or voluntary) at Children in Wales, we will process your personal data to:***

- Provide you with information relating to the position, assess your suitability for the position and where applicable, inform you of the next stages of the selection process. This information will be held securely by Children in Wales. Our application packs contain more detailed information on what information we process and how long we keep this information for. It is in our legitimate interests to process this data as part of our recruitment process.

**How do we get your personal information?**

We only collect personal information that you have specifically given to us. This may happen when you ask to receive information, sit on one of our networks, attend or register for training and events or become a member of Children in Wales.

**What do we do with your information?**

Your information is processed at Children in Wales' offices in Cardiff and Bangor. We will only use your information in the way that you have agreed to. For example, if you have asked to receive information about events, we will only send you information about events.

We make sure that your information is handled and stored securely, and we regularly review our procedures. We will not use your information to carry out automated decision making in relation to you.

In order to perform the service you are expecting, for example, to send you information on events, we sometimes need to send your personal contact information to third parties. These third parties do not sell or share your information for marketing purposes.

. We may transfer information to the following organisations for the following purposes.

1. **Microsoft:** We use cloud computing software to do our work, provided by Microsoft. The data is processed in the UK. You can click [here](#) to see at which data centres.
2. **Constant Contact:** We use Constant Contact to send you our information and direct marketing. This includes our policy news briefing, training, events information and consultations and surveys. Constant Contact is headquartered in the US, and that is where the data is processed. Constant Contact is certified under the EU-US Privacy shield, which is designed to protect your data if you live in the EU and your data is sent to the US. Constant Contact's privacy policy is [here](#). Information on the EU-US Privacy Shield can be found on the [European Commission's website](#).
3. **Survey Monkey / SnapSurveys:** Sometimes Children in Wales may ask you to take a survey. We might ask to find out what you think of our services or a specific policy issue. When we do so, we may use SnapSurveys or Survey Monkey to collect your responses. These providers process their data in the EU and in the US. You can read Survey Monkey's privacy policy [here](#) and SnapSurvey's policy [here](#). Information on the EU-US Privacy Shield can be found on the [European Commission's website](#).

### **What type of information do we send out?**

Children in Wales offers a wide variety of services and information and as long as we have your consent, we may provide information on:

- Membership
- Conferences
- Events
- Networks
- Consultations
- Surveys
- Policies
- Legislation changes
- Research

- E-Briefings
- Topic specific areas of work
- Consultation Services
- Tools and Resources

### **How long do we keep your information?**

If you have asked to receive any ebriefings or publications from Children in Wales, then we will keep your personal details until you tell us that you no longer wish to receive information. Every ebriefing and marketing email contains an ‘unsubscribe’ link and you can unsubscribe or change your preferences at any time by clicking on the link in the email, or by contacting our Information Team directly.

If you have paid for services or paid to attend training or an event, we have to keep your details for financial audit purposes for a period of 12 months after your booking. After this time, all financial and personal details will be securely destroyed. However, if you have given your consent to receiving marketing and other information, only your financial details will be destroyed and you will still receive information about our services. In these circumstances, we will keep your information until you ask us not to or our purpose for keeping this information changes.

If we need to gain permission to take and use specific photos of you, we will only keep the photographs 2 years. After this time, they will be securely destroyed. All other general group photos taken at our events may be used for a period of 2 years. After this time, we will no longer use them and they will be securely destroyed.

### **Will we share your information with anyone else?**

We never sell or share your information to external marketing companies.

If you have enrolled for one of our accredited training courses, we will need to register you for accreditation with Agored Cymru. This is done through a secure portal hosted by Agored Cymru and is necessary for the accreditation process. If you would like further information on how Agored Cymru’s process your information, please visit their website [www.agored.cymru](http://www.agored.cymru).

Children in Wales is committed to keeping your personal information secure. Should we need to destroy confidential, personal printed information, we do this securely through an external confidential shredding company, Taclus Confidential. If you would like further information on how they securely dispose of your information, click [here](#)

If a disclosure of child abuse is made, Children in Wales will pass on personal information to the appropriate organisation, which may include the Police or Social Services.

### **Website**

When you use our website, the following information is automatically collected:

- Date and time of visit
- IP address
- The type of browser used
- The pages visited
- Which items are downloaded

Your visit to our website will still remain anonymous as none of the data collected is linked to any personal information. We will only store and process personal data if you voluntarily provide personal details via an online form or enquiry. If you do this, we will only use your personal data for the purposes that you provided it.

The website information collected is only used to assess popular pages and downloads and fix any problems with our server. This helps us to continually improve our website and your experience.

Our website may contain links to other websites. We have no control over other websites and are, therefore, not responsible for their content or their Privacy Policies. We advise that you read the Privacy Policies of other websites before you use them.

### **Cookie Policy**

Cookies are small text files that are put onto your device when you visit a website. They usually collect and store the information that you provide. For example, your password or your address may already be typed in as the cookies on that website are remembering them.

Children in Wales uses cookies on our website. Click [here](#) to view our cookie policy

### **Social Media**

Children in Wales does not collect, store or match handles to personal data unless you have given your consent. For example, you may have opted to receive information via social media, included a twitter handle with your personal details or chosen to follow us. If agreed beforehand, we will sometimes promote twitter handles of speakers at our events, so that delegates can tag or message them during the day.

Any social media posts or comments you send to us may be shared or re-tweeted publicly (eg, via Facebook/Twitter).

Children in Wales is not responsible for the Terms & Conditions of Use and the Privacy Policies of these platforms and we advise that you read the Privacy Policies of social media platforms before using them. Here are a few of the common platforms:

Click [here](#) to view Twitter Privacy Policy

Click [here](#) to view Facebook Privacy Policy

[Click here to view Instagram Privacy Policy](#)

### **Online ‘virtual’ meetings & events**

Some of Children in Wales’ events and meetings may be held online using platforms such as Zoom, Skype or Microsoft Teams. Children in Wales is not responsible for the Terms & Conditions of Use and the Privacy Policies of these platforms and we

advise that you read the Privacy Policies of these companies before using them. Here are a few of the common platforms:

Click [here](#) to view Zoom Privacy Policy  
Click [here](#) to view Microsoft Teams Privacy Policy

### **Financial transactions**

As payments for training courses and conferences are made to Children in Wales via Paypal or BACS (Bankers' Automated Clearing Services), we do not collect or store card details.

Click [here](#) to view Paypal Privacy Policy  
Click [here](#) to view BACS Privacy Policy

### **Donations**

If you make a financial donation to Children in Wales, we will only process your personal information in order to administer your donation. We will not contact you unless you have asked us to and we will never share or sell your personal or donation information.

For audit purposes, we will keep your donation information for 12 months. If, after this time, you have no further involvement with Children in Wales, we will safely delete your personal information.

### **What are your rights?**

Under data protection law, you have a number of different rights relating to our use of your personal information. The law relating to when these rights apply, the exceptions to your rights and our obligations are complicated. As a result, we have only set out below a brief summary of your rights and our obligations. To view additional information about your rights, please visit the [Information Commissioners Office](#) (ICO)

#### ***Your right of access to your personal data***

- You have the right to ask Children in Wales whether we are processing your information
- You have the right to see the personal information we hold about you. There is no charge for this and when requested, we will provide you with a copy of your personal data as soon as possible, but always within 28 days.

#### ***Your right to have personal data rectified***

- You have the right to ask Children in Wales to rectify your personal data if it is inaccurate or incomplete.

#### ***Your right to be forgotten***

- You have the right to have your personal data erased as long as:
  - We no longer need this data in relation to the purpose for which it was obtainedOr;
  - Our legal ground for processing your personal information was consent and you are now withdrawing your consent.

If the above does apply, Children in Wales must delete the personal information.

#### ***Your right to data portability***

- In some circumstances, you may have the right to ask us to provide you with an electronic copy of your personal information either for your own use or so that you can share it with a service provider. Where this right applies, you can ask us to transmit your personal data directly to your service provider.

#### ***Your right to object***

- You have the right to object to us processing your personal data where:
  - The basis for our processing is that we have a legitimate interest to do so, but you are adversely affected by us doing this
  - Or,
  - We are using your personal information for the purposes of direct marketing.

Where this applies, you have the right to ask us to stop processing your personal information. Remember, you can stop receiving information from Children in Wales at any time. Just click the UNSUBSCRIBE link on any electronic information you have received, or contact our information team at [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk).

Please note, if you unsubscribe via the email link, you will be unsubscribing to everything. Alternatively, you can change your preferences at any time. This means that you can choose which information you wish to receive. Click [here](#) or contact Children in Wales to change your preferences.

#### ***You have the right to restrict processing***

- You have the right to block processing of your personal information. If Children in Wales are required to restrict our processing of your information, we will be able to store it, but not use it. We can only retain enough information about you to ensure that the restriction is respected in the future.

#### ***You have the right to withdraw consent***

Where our use of your personal data is based on your consent, you have the right to withdraw consent.

You can withdraw your consent in the following ways:

- Unsubscribe to the marketing email that you no longer wish to receive by clicking on the link on the bottom of that email
- Change your preferences to reduce the type of information you receive. Click [here](#)
- Email, phone or post your withdrawal of consent request to our information team at **Children in Wales**

**Email:** [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

**Phone:** 029 2034 2434 (Monday – Friday, 9am – 5pm)

**Post:** Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

Once we have received notification that you wish to withdraw your consent, we will no longer process your information for the purposes that you originally agreed to. Please note, depending on our legal bases for processing your information, we may still process your data for different purposes.

### **General points about your rights**

- You can make a request to us to exercise any of the rights summarised above. You can do this by phone, post or email. Please see contact details at the top of the page.
- We will respond to your request within 28 days.
- Children in Wales may have the right to refuse to comply with your request. If this is the case, we will contact you within 28 days and explain our reasons.
- Children in Wales will not charge you for exercising your rights.

### **Children in Wales contact details**

**Email:** [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

**Phone:** 029 2034 2434 (Monday – Friday, 9am – 5pm)

**Post:** Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

If you wish to raise a complaint about how we have handled your personal data, our Complaints Procedure can be found on our website. [Click here to view](#)

If you are not happy with our response or believe we are not processing your personal data within the law, you can complain to the [Information Commissioner's Office \(ICO\)](#).

### **Notification of Changes**

If we make substantial changes to our Privacy Policy, we will post these on the homepage of our website. If any of these changes are significant or we decide to use your personal information in a different manner, we will contact you directly so that you can choose whether or not we can use your information in this new manner. You will always have an informed choice about how we use your personal information. Our Privacy Policy is reviewed regularly. Last reviewed June 2020



## Privacy Policy

**At Young Wales we are committed to keeping your personal information safe. We will only send you information if you ask us to and we will never share your information with marketing companies.**

**Young Wales will always handle your personal information in a way that is fair, easy to understand and lawful. At any time, you can ask us and we'll show you the personal information we keep for you.**

**This Privacy Policy tells you how we collect and store your information, why we need it and what we do with it. Please read it so that you know what we do with your personal information**

**It's our job to tell you why we need your personal information and what we will do with it. If you're not sure about anything, just ask a Young Wales staff member, or phone us and we'll go through it with you. You can also ask your local leader, parent or carer to speak to us and we'll go through it with them.**

**We recommend that you read the main Children in Wales Privacy Policy by clicking [here](#).**

Please contact:

The Information Team  
Children in Wales  
25 Windsor Place  
Cardiff  
CF10 3 BZ

Email: [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)  
Phone: 029 2034 2434

### **Who are we?**

Young Wales is a project run by Children in Wales. All Young Wales staff work for Children in Wales. The Young Wales project is about listening to you and we help young people to share their voices and get their opinions heard.

Children in Wales is a charity who work with organisations, children, young people and their families. Click [here](#) to visit the main Children in Wales website.

Children in Wales are responsible for making sure your personal information is stored safely and follow the rules of the law. Because of this, Children in Wales are known as the Data Controllers.

### **What information do we need?**

So that we can collect and store your personal information, Children in Wales must always follow the rules within 2 different laws. The 1<sup>st</sup> law is called the *Data Protection Act 1998* and the 2<sup>nd</sup> law is called the *General Data Protection Regulations 2018*.

The rules of these laws means that Children in Wales must be the 'data controller'. This just means that Children in Wales is responsible for always keeping your personal information safe and that we can only use your information in a way that you have agreed to or that you know about.

If you come to an event with your local group, then the leader of this group will already have collected and stored your information, so we don't need it. Your local leader will just need to tell us how many people are coming, but not your names.

When you come to an event with your leader, we want to make sure that your needs are met. So, if you have a disability or need any special food, your leader will let us know.

For example, your leader may say:

*"We have 10 young people coming to the event and 1 of these needs wheelchair access".*

In this case, we need to know about the disability to make sure that we can provide access, but we don't ask for your name as we don't need it. This information is kept anonymously, meaning that we don't link your name to your disability.

If you come to an event on your own, we will need to know more information about you. This is so that we can work with you and contact you directly and let you know about where the event will be and what time it will start.

If you are under 18 years of age, we will ask your parent, guardian or carer to sign a consent form so you can attend an event that may include an overnight stay or travel.

We will normally ask you for:

- Your name
- Address
- Phone number
- How you want to be contacted (e.g. phone, text, email or another way you choose)
- Emergency contact details of your parent or carer

Sometimes we need to ask you for other information. This information is called *Special Category* information. We need to collect and store this information to make sure we are allowed to work directly with you and to make sure that we can provide our services in a way that meets your needs:

We might ask you for:

- Your date of birth
- Your gender
- If you have any disabilities

We will need to know this information:

- If you are attending without your local group leader
- If our staff are responsible for your safety when you are travelling to an event
- If you are attending any residential meetings

We will only process your *Special Category* information if you have agreed to this. We will always keep this information safe.

If we have asked for your parent or carer's contact details in case of an emergency, we will always keep their information safe too.

### **Why are Young Wales and Children in Wales allowed to collect and store your personal information?**

There are 2 laws that allow Children in Wales to collect and store your personal information. These are called *The Data Protection Act 1998* and the *General Data Protection Regulation 2018*.

We are only allowed to collect and store your information as long as we follow all of the rules of these laws. There are many rules within these laws, so we've only listed the ones that are likely to affect you and our work with you. If you want more information on the other rules, then click here to read the full Children in Wales Privacy Policy.

### ***We are allowed to process your information when you take part in a Young Wales event***

- This is so that we can send you information before the event to let you know where it is and what time.
- We may also send you information about how to travel to the event
- We take photos at all of our events and we use them to show everyone what we do and to promote future Young Wales events. We also use the photos to tell our funders about our work. Our funders are Welsh Government. Of course, we won't take or use your photo if you don't want us to. Just let a Young Wales staff member know on the day.
- If you are coming to the event on your own, we might ask for your parent or carer's contact details. This is just in case we need to contact them in an emergency during the event.
- We may ask you if you have a disability, or need any special food or what your preferred language is. This is all so that we can meet your needs and keep you safe.
- After the event, we may send you information about the discussions or photos of the event.
- Some of our events may be held online by Zoom, Teams, or Skype etc. If we plan to record one of these events we will let you know in advance and you can ask us not to.

The law says that we are allowed to do this as we have a *legitimate interest*.

**We are allowed to process your information if you take part in a survey:**

- We may ask for your age in a survey. This helps us to know what's important to different age groups. We use this information to let Welsh Government know about important issues. So, we might say "*15 year olds would like votes at age 16*".
- When we report to Welsh Government, we let them know everyone's opinions. For example, we might say "*30 out of 50 young people were concerned about Brexit*". But we would never tell them the names of the young people.
- If we do ask for your name on a survey, we will always tell you why we need your name before you fill it in. You will always know what we will do with your information.

The law says that we are allowed to do this as we have a *legitimate interest*.

**When you take part in Young Wales events**

- We may need to know where you live in Wales or if you have any disabilities or what language you prefer to speak. We need this information to let our funders know about the different types of young people we work with. We don't give our funders your name, we just let them know how many young people we have worked with. We might say "*5 of the 20 young people were from West Wales*".

The law says that we are allowed to do this as we have a *legitimate interest*.

**How do we get your personal information?**

We will only collect and store your personal information if you or your parent/carer have given it to us directly. This may happen if you ask to receive information or attend an event.

**What we do with your information?**

Your information is stored and kept at Children in Wales' offices in Cardiff and Bangor. We will only use your information if you have said we can and only in a way that you know about. For example, if you have asked to receive information about national Young Wales events, then we will only send you information about national events and nothing else.

We make sure that your information is kept safe and we regularly check to make sure we are doing this right.

We never share or sell your information to marketing companies, but we do sometimes use outside services to send you electronic information. The companies who we use to do this are Microsoft, Constant Contact, Survey Monkey and SnapSurveys.

You can read more about how these companies keep your data safe by following the links.

4. **Microsoft:** We use cloud computing software to do our work, provided by Microsoft. The data is processed in the UK. You can click [here](#) to see at which data centres.
5. **Constant Contact:** We use Constant Contact to send you our information about our events. Constant Contact main office is in the US and that is where the data is processed. Constant Contact have agreed to follow the rules of the EU-US Privacy shield. This Privacy Shield is designed to protect your data if you live in the EU and your data is sent to the US. Constant Contact's privacy policy is [here](#). Information on the EU-US Privacy Shield can be found on the [European Commission's website](#).
6. **Survey Monkey / SnapSurveys:** Sometimes Children in Wales may ask you to take a survey. We might ask to find out what you think of our services or a specific policy issue. When we do so, we may use SnapSurveys or Survey Monkey to collect your responses. These providers process their data in the EU and in the US. You can read Survey Monkey's privacy policy [here](#) and SnapSurvey's policy [here](#). Information on the EU-US Privacy Shield can be found on the [European Commission's website](#).

### **How long do we keep your information?**

If you work with us regularly, we will keep your information for as long as you are involved with us. We need to do this to make sure we can contact you and send you information about the activities and events.

If you attend a one-off event and have given us your information, we will keep this for 1 year after the event. After this, we will safely delete your information.

Any photos that we have taken, we will keep and use for 2 years. After this we will delete them.

At any time, you can ask us to delete your information. You can do this by contacting any Young Wales staff member or you can contact Children in Wales:

**Email:** [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

**Phone:** 029 2034 2434 (Monday – Friday, 9am – 5pm)

**Post:** Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

When you ask us to delete your information, we will let you know if this has any impact on you. For example; if you ask us to delete your information, but you want to attend an event, then you wouldn't be able to attend, because we can't contact you. We can talk this through with you at the time and you can decide what you want to do.

### **Will we share your information with anyone else?**

We never sell or share your information to external marketing companies.

Children in Wales works hard to keep your personal information safe. Sometimes we may need to print off your personal information for our work. We will always keep this safe.

When we have finished with this information, we make sure that it is safely thrown away. We do this by using a shredding company. They act on our behalf to destroy your information. This company is called Taclus and you can read more about what they do by clicking here. (insert link [www.taclusconfidential.co.uk](http://www.taclusconfidential.co.uk) )

For your safety and protection, if you have told us that you are being affected by child abuse then we will have to pass your information onto another organisation. We may need to speak with your local group leader, or Social Services or the Police.

### **Website**

Every time you visit our website, the following information is automatically collected:

- Date and time of your visit
- IP address (short for Internet Protocol). This is a series of numbers that allows your device to communicate over the internet.
- The type of browser used (a browser is a software programme that you use to view our website; e.g. Google)
- The pages that have been visited
- Which items are downloaded

Most organisations collect this information and it is used to see which pages are most popular and fix any problems with our server.

When you visit Young Wales website, we make sure that your visit remains anonymous. We do not link any of the information collected with your personal information. This means that don't know the names of people who use our website.

Remember, if you fill out a form online, or ask us a question through the website, then you are giving us certain information. We will have to store this information so that we can give you the answer or service that you have asked for in the online form. So, if you ask us a question online, we will need your email address and name.

Our website often contains links to other websites. Young Wales has no control over other websites and can't be responsible for their content.

Not all websites will keep your personal information safe, so make sure you read their own Privacy Policies before using their website.

### **Cookie Policy**

Cookies are small text files that are put onto your device when you visit a website. They usually collect and store information that you give them. For example, your password or your address might already be typed in. This is because you've given this information on the website before and the cookie is remembering it.

Young Wales and Children in Wales use cookies on their websites. Click [here](#) to learn more and view our cookie policy

## Social Media

Young Wales doesn't collect, store or match handles to personal information unless you have given your consent. This means that we will never try to match your twitter handle with your personal information, unless you have asked us to store them together.

Any social media posts or comments you send to us may be shared or re-tweeted publicly (eg, via Facebook/Twitter).

Young Wales and Children in Wales are not responsible for how social media platforms use and store your personal information. It's always best to read the Terms & Conditions and the Privacy Policies of all platforms before you use them. By doing this, you know what happens to your personal information.

You can view Twitter and Facebook Policies here

Click to view Twitter Privacy Policy <https://twitter.com/en/privacy>

Click to view Facebook Privacy Policy <https://en-gb.facebook.com/privacy/explanation>

[Click to view Instagram Privacy Policy https://help.instagram.com/519522125107875](https://help.instagram.com/519522125107875)

## What are your rights?

Under the laws that allow us to collect and store your personal information, you have a number of rights. These laws and rights are complicated, so we've only included the ones that are relevant to you.

### ***You have the right to see your personal information***

- You have the right to ask Children in Wales if we are storing your personal information
- If we are storing your information, you have the right to see this. If you ask us, we will give you a copy of your personal information. This is free of charge.

### ***You have the right to correct your personal information***

- If you think the information we store about you is wrong, then you have the right to ask Children in Wales to change it.

### ***You have the right to be forgotten***

- This just means that you can ask us to delete your personal information.
- You can do this if we are not following the rules of the law
- You can do this if you think we no longer need your information
- You can do this if you don't want to take part in Young Wales any more.

If the above does apply, Young Wales must delete your personal information.

### ***Your right to data portability***

- This means that you have the right to ask us to give you a copy of your personal information electronically. We can do this by sending it to your device or sending you an email.

### ***Your right to object***

- You have the right to object to us using your personal information if we are sending you any marketing information.
- You also have the right to object to us using your personal data if it is affecting you in any way.

### ***You have the right to restrict processing***

- This means that you have the right to ask us to stop collecting and storing your personal information. If you do, then we still have to keep your name and address and keep a note that you have asked us to stop collecting information.

### ***You have the right to withdraw consent***

- This means that if we are using your personal information because you have agreed (given your consent) to this, you can withdraw your consent at any time.
- To withdraw your consent, contact us:

#### **Children in Wales**

**Email:** [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

**Phone:** 029 2034 2434 (Monday – Friday, 9am – 5pm)

**Post:** Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

Once you have let us know, we will stop using your information for the reason that you originally agreed to.

If you want to use any of your rights, please contact Children in Wales. You can do this by post, by phone or by speaking to a Young Wales staff member. We will reply to you as soon as possible, but always within 1 month.

To read more information about your rights, visit the Information Commissioners Office (ICO) – [www.ico.org.uk/](http://www.ico.org.uk/). The ICO make sure that Children in Wales follow the rules of the law when we collect and store your information.

#### **Children in Wales contact details**

**Email:** [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

**Phone:** 029 2034 2434 (Monday – Friday, 9am – 5pm)

**Post:** Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

If you want to complain about how we have used your personal information, our Complaints Procedure can be found on our website. Click [here](#) to view. You can also contact the Children in Wales office directly.

If you are not happy with our reply or think we are not using your personal information within the law, you can contact the Information Commissioner's Office (ICO). [www.ico.org.uk](http://www.ico.org.uk)

**If you have any questions about how we use your personal information then just ask us. We are happy to answer any questions. Phone us on 029 2034 2434.**

#### **Notification of Changes**

If we make changes to our Privacy Policy, we will post these on the homepage of our website. If any of these changes are important or we are changing the way we use your personal information, we will contact you. We'll let you know what changes we've made and you can then choose if you want us to use your information in this new way. We will always work to be clear and open with you so that you understand what we will use your personal information for.

Our Privacy Policy is checked regularly. Last checked June 2020.

## Privacy Policy

**IRM Cymru and Children in Wales are committed to protecting your personal data. We will only send you information if we have your consent and we will never sell or share your information to marketing companies.**

**IRM and Children in Wales will always process your personal data lawfully and be fair and transparent in how we do this. This Privacy Policy tells you how, we collect and store your data, why we need it and what we do with it.**

If you have any questions or concerns regarding our Privacy Policy, the information you receive or the information we store, please contact:

The Information Team  
Children in Wales  
25 Windsor Place  
Cardiff  
CF10 3 BZ

Email: [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)  
Phone: 029 2034 2434

### Who are we?

IRM (Independent Review Mechanism) Cymru offers an independent review panel process if your fostering or adoption agency is proposing not to approve you or to terminate your approval, or if you are a foster carer and your agency is proposing to change your terms of approval without your agreement.

IRM is hosted by Children in Wales. Children in Wales is the national umbrella body for organisations and individuals who work with children, young people and their families. Children in Wales is a registered charity (1020313) and a company limited by guarantee (2805996). You can find out more about Children in Wales by visiting their website ([hyperlink http://www.childreninwales.org.uk/](http://www.childreninwales.org.uk/))

We recommend that you also read Children in Wales' Privacy Policy (insert hyperlink)

### What information do we need?

As an independent review mechanism, IRM will only process information that you have provided or have agreed to us obtaining. This will always include your name, address and contact details.

In order for our panel to review your agency's proposed decision, we will also need access to the same information used by your agency. This is likely to include information on your personal circumstances and medical records.

We will only collect and process this information if you have given your consent and will always process it lawfully and securely.

### **Why are IRM and Children in Wales allowed to process your personal information?**

IRM Cymru is hosted and managed by Children in Wales. Under the Data Protection Act 1998 and the General Data Protection Regulation May 2018, Children in Wales acts as the Data Controller for IRM and has overall responsibility for the processing and security of your personal information.

IRM are a Data Processor, which means that they collect and process your information. Both Children in Wales and IRM are allowed to do this as long as we have a valid, lawful reason for doing so.

### **The following indicates which legal bases IRM and Children in Wales are relying on to process your personal information.**

The Independent Review Mechanism is a voluntary process, instigated by you. This means that at all stages of the process, we will need your consent to obtain and process your personal information. You can withdraw your consent at any time during the process. Should you withdraw your consent, the review process will cease as we will no longer have your permission to continue.

#### ***When you send in a request for review of adoption or fostering suitability, we will process your data to:***

- Assess the suitability of your application. This is in our legitimate interests to allow us to assess the suitability of your review request.

#### ***If your application for review is successful, we will process your data to:***

- Review your agency's decision. We will rely on your consent to legally obtain and process your personal data. In order to review your agency's decision, we ask for your consent to obtain all relevant records and personal data held by your agency. You can withdraw your consent at any time (see the **What are your rights** section below). We will rely on your written consent to legally process your personal data.

#### ***If you are acting as an applicant's supporter during the panel hearing, we will process your personal data to:***

- Record your confidentiality agreements. This is in our legitimate interests to ensure that all disclosed information relating to an individual review remain confidential.

**If you are acting as your agency's representative during the review process, we will process your personal data to:**

- Provide you with information regarding the date, venue and time of the panel meeting. This processing is necessary for the performance of the independent review mechanism.
- Provide you with relevant information relating to the applicant's request for an independent review of your agency's decision. This processing is necessary for the performance of the independent review.

**Where communication is by email or phone, a record may be made of these communications. Under these circumstances, we will process your personal data to:**

- Record timelines and communication history. This processing is necessary for the performance of the independent review and ensures that all relevant and up to date information is available to the review panel.

Under the *Data Protection Act 1998* and the *General Data Protection Regulation*, Children in Wales is the 'data controller' in respect of the personal information that we hold about you. This means that Children in Wales is responsible for keeping your personal information secure at all times and only use it in a way that you have agreed to. IRM act as the 'data processor' as they collect, process and use your data.

### **How do we get your personal information?**

As an applicant, you request an independent review. This means that the initial personal information that we process is provided by you. Should your review progress, we will ask you to provide more information and complete a consent form. This consent form will allow IRM to obtain additional, relevant information needed to conduct the review.

As an applicant's supporter, your contact details will be provided to us either directly from you or via the applicant you are supporting. We only process the information provided.

As a panel member, all of the personal information we process is provided by you or you have given your consent to allow IRM to obtain additional information. This may include references and conflicts of interests.

### **What we do with your information?**

Your information is processed by IRM and stored at Children in Wales' offices in Cardiff. We will only use your information if you have said we can and only in a way that you know about. We make sure that your information is kept safe and we regularly check to make sure we are doing this right.

We will not use your information to carry out automated decision making in relation to you and we never share or sell your information to marketing companies.

We do use cloud computing software to do our work, provided by Microsoft. Their data is processed in the UK. You can click [here](#) to see at which data centres.

Your personal information is shared with panel members involved in your review. This is necessary in order to conduct the independent review. All panel members sign a confidentiality agreement.

### **What information do we need?**

We will initially need to obtain basic personal data, which may include your name, address, phone number and email address.

Should your review progress, we will need additional information. This is likely to include medical and legal reports as well as all agency reports and documents relevant to the case. This information will be obtained from you and your agency. We will always gain your consent before requesting information from your agency and if applicable, other third parties.

### **How long do we keep your information?**

We will keep your case files and all relevant documentation for a period of up to 18 months. After this time, all of your information is confidentially destroyed.

Under the Independent Review of Determinations (Adoption and Fostering (Wales)) Regulations 2010, we are required to keep minutes of panel meetings and the reasons for the recommendations. This information will be kept for a period of 5 years.

### **Will we share your information with anyone else?**

We never sell or share your information to marketing companies and we will never market any of our own services directly to you.

In order to conduct the independent review, we share personal information with the panel members, advisors and where applicable, your agency. All personal information is shared and stored securely.

Children in Wales is committed to keeping your personal information secure. When we need to destroy confidential, printed information, we do this securely through an external confidential shredding company, Taclus Confidential. If you would like further information on how they securely dispose of your information, click [here](#)

We are also required to publish an annual report. In this, all information is anonymised and presented as statistical information. This ensures that no individuals or cases are identified.

If a disclosure of child abuse is made, Children in Wales will pass on personal information to the appropriate organisation, which may include the Police or Social Services.

## **Website**

When you use the IRM website, the following information is automatically collected:

- Date and time of visit
- IP address
- The type of browser used
- The pages visited
- Which items are downloaded

Your visit to our website will still remain anonymous as none of the data collected is linked to any personal information. We will only store and process personal data if you voluntarily provide personal details via an online form or enquiry. If you do this, we will only use your personal data for the purposes that you have provided it.

The website information collected is only used to assess popular pages and downloads and fix any problems with our server. This helps us to continually improve our website and your experience.

Our website may contain links to other websites. We have no control over other websites and are, therefore, not responsible for their content or their Privacy Policies. We advise that you read the Privacy Policies of other websites before you use them.

## **Cookie Policy**

Cookies are small text files that are put onto your device when you visit a website. They usually collect and store the information that you provide. For example, your password or your address may already be typed in as the cookies on that website are remembering them.

IRM uses cookies on our website. Click [here](#) to view the IRM cookie policy.

## **Financial transactions**

Where invoices are paid via BACS (Bankers' Automated Clearing Services), we process name, address, bank name, sort code number, account number and payment amount. This information is processed and stored securely by Children in Wales.

Click here to view BACS Privacy Policy  
<https://www.bacs.co.uk/Pages/PrivacyPolicy.aspx>

## **What are your rights?**

Under data protection law, you have a number of different rights relating to our use of your personal information. The law relating to when these rights apply, the exceptions to your rights and our obligations are complicated. As a result, we have only set out below a brief summary of your rights and our obligations. To view additional information about your rights, please visit the [Information Commissioners Office](#) (ICO)

#### ***Your right of access to your personal data***

- You have the right to ask IRM or Children in Wales whether we are processing your information.
- You have the right to see the personal information we hold about you. There is no charge for this and when requested, we will provide you with a copy of your personal data as soon as possible, but always within 28 days.

#### ***Your right to have personal data rectified***

- You have the right to ask IRM or Children in Wales to rectify your personal data if it is inaccurate or incomplete.

#### ***Your right to be forgotten***

- You have the right to have your personal data erased as long as:
  - We no longer need this data in relation to the purpose for which it was obtainedOr;
  - Our legal ground for processing your personal information was consent and you are now withdrawing your consent.

If the above does apply, IRM and Children in Wales must delete the personal information. Please note that you can withdraw your consent at any time, however, this means that IRM may not be able to conduct or progress your independent review.

#### ***Your right to data portability***

- In some circumstances, you may have the right to ask us to provide you with an electronic copy of your personal information either for your own use or so that you can share it with a third party. Where this right applies, you can ask us to transmit your personal data directly to the third party.

#### ***Your right to object***

- You have the right to object to us processing your personal data where:
  - The basis for our processing is that we have a legitimate interest to do so, but you are adversely affected by us doing thisOr,
  - We are using your personal information for the purposes of direct marketing.

Where this applies, you have the right to ask us to stop processing your personal information.

#### ***You have the right to restrict processing***

- You have the right to block processing of your personal information. If IRM or Children in Wales are required to restrict our processing of your information, we

will be able to store it, but not use it. We can only retain enough information about you to ensure that the restriction is respected in the future.

### ***You have the right to withdraw consent***

Where our use of your personal data is based on your consent, you have the right to withdraw consent. Please note that should you wish to withdraw your consent, IRM may not be able to conduct or progress your independent review.

You can withdraw your consent in the following ways:

Email, phone or post your withdrawal of consent request to IRM:

#### **IRM**

Email: [jenny.mcmillan@childreninwales.org.uk](mailto:jenny.mcmillan@childreninwales.org.uk)  
[Fiona.probert@childreninwales.org.uk](mailto:Fiona.probert@childreninwales.org.uk)

Phone: 029 2034 2434 (Monday – Friday, 9am – 5pm)

Post: IRM at Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

Once we have received notification that you wish to withdraw your consent, we will no longer process your information for the purposes that you originally agreed to. Please note, depending on our legal bases for processing your information, we may still process your data for different purposes.

### ***General points about your rights***

- You can make a request to us to exercise any of the rights summarised above. You can do this by phone, post or email. Please see contact details at the top of the page.
- We will respond to your request within 28 days.
- IRM and Children in Wales may have the right to refuse to comply with your request. If this is the case, we will contact you within 28 days and explain our reasons.
- IRM and Children in Wales will not charge you for exercising your rights.

### **IRM / Children in Wales contact details**

Email: [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)

Phone: 029 2034 2434 (Monday – Friday, 9am – 5pm)

Post: IRM at Children in Wales, 25 Windsor Place, Cardiff, CF10 3BZ

If you wish to raise a complaint about how we have handled your personal data, our Complaints Procedure can be found on our website. Click here to view <http://www.childreninwales.org.uk/aboutus/policies/>

If you are not happy with our response or believe we are not processing your personal data within the law, you can complain to the [Information Commissioner's Office \(ICO\)](https://ico.org.uk/concerns/). <https://ico.org.uk/concerns/>

### **Notification of Changes**

If we make substantial changes to our Privacy Policy, we will post these on the homepage of our website. If any of these changes are significant or we decide to use your personal information in a different manner, we will contact you directly so that you can choose whether or not we can use your information in this new manner. You will always have an informed choice about how we use your personal information. Our Privacy Policy is reviewed regularly. Last reviewed June 2020.

## Appendix 3

### Data Retention Periods and Data Deletion Guidelines

#### **Employment Records**

|   |   |
|---|---|
| Maternity leave records   | 4 years after the end of the tax year in which the leave period ends  |
| Payroll and tax information   | 6 years, however, destroy records of bank details held in employee files after final salary payment is made.                    |
| Recruitment records & DBS checks  | 6 months after successful candidate has been informed   |
| Employment records, including contract of employment and contract amendment letters, performance management information, personalised risk assessments, sickness records, PAYE and payroll records, timesheets, expenses claims, holiday records, disciplinary and grievance procedures, accident records | 7 years from end of employment  |
| References given on behalf of employees   | 7 years from reference/end of employment  |
| Immigration checks  | 3 years following termination of employment   |
| Accident Register   | 3 years from end of last entry (or where the accident relates to a child or young adult when that person reaches the age of 21) |

#### **Accounts Records**

| Statutory Retention Periods |         |
|-----------------------------|---------|
| Accounting Records          | 6 years |
| VAT records                 | 6 years |

#### **Governance Records**

| Statutory Retention Periods                                     |  |
|---|--|
| Minutes of AGMs & EGMs  | At least until the dissolution of the charity  |
| Minutes of Trustee Board and Finance & Human Resources Meetings | At least until the dissolution of the charity  |
| Retention Periods   |  |
| Records of Charity Trustees                                     | At least until the dissolution of the charity  |
| Nominations to the Trustee Board & Policy Council               | Records kept for one year after the next AGM and then just the name of the nominee retained. |

## Independent Review Mechanism Records

| Statutory Retention Periods                             |           |
|---|-----------|
| Case files & relevant documentation                     | 18 months |
| Minutes of Panel Meetings & Reasons for Recommendations | 5 years   |

## Operational Information

| Retention Periods  |           |
|--|-----------|
| All booking forms for events, conferences or training      | 12 months |
| Photographs  | 2 years   |
| Donation information                                       | 12 months |
| Membership application forms                               | 12 months |
| Controlled Waste Certificates for disposal of IT equipment | 6 years   |