



# Data Protection and Information Technology

## Data Protection Policy

### Oxfordshire Motor Project (TRAX)

**2022/2023**

#### Review Management

Initiated	Who	Action
05/10/2022	Trustees, CEO, COO and DSL Leads	Signed off and load onto ARBOR
08/10/2022 ongoing, planned completion 21/11/2022	COO and DSL Leads	Load onto ARBOR
The first week in November 2022	COO and DSL Leads	Staff refresh training first week of November
Throughout November planned completion	Lead Trustee CEO, COO and DSL	Review and validate- test for information and access
Early December OCC Visit		Invite OC to test and review Sign off as lead charity compliance process ( Replace activity section)
April 2023	Trustees, CEO, COO and DSL Leads	Review and update policy

## **This Policy runs alongside our GDPR statement – Appendix A**

1.0 OXFORDSHIRE MOTOR PROJECT (TRAX) fully understands its obligations to ensure that personal information is treated fairly, lawfully, and correctly, and is committed to achieving compliance with the laws of the Data Protection Act (DPA) 1998.

2.0 OXFORDSHIRE MOTOR PROJECT (TRAX) needs to collect and process personal data about people, including staff and individuals with whom it deals, to operate its daily business and for the organisation to operate effectively.

3.0 OXFORDSHIRE MOTOR PROJECT (TRAX) is committed to ensuring that staff is appropriately trained and supported to achieve compliance with the DPA. This is regarded by OXFORDSHIRE MOTOR PROJECT (TRAX) as being very important in maintaining the confidence between them and with those whose personal data they hold.

4.0 OXFORDSHIRE MOTOR PROJECT (TRAX) fully endorses and adheres to the Data Protection Principles given below.

### The Eight Principles of the Data Protection Act

P1: Personal data must be fairly and lawfully processed, and in particular, shall not be processed unless specific conditions are met

P2: Personal data shall be obtained and used for one or more specified and lawful purposes and shall not be processed in any manner incompatible with that purpose or purposes.

P3: Personal data shall be adequate, relevant, and not excessive about the purpose or purposes for which they are processed.

P4: Personal data shall be accurate and kept up to date.

P5: Personal data shall not be kept for longer than is necessary for the purpose or purposes it was collected for.

P6: Personal data shall be processed in line with the individuals' rights

P7: Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and accidental loss or destruction of, or damage to, personal data.

P8: Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects about the processing of their data.

### **Policy Scope**

6.0 This policy has been written within the guidelines of relevant authoritative bodies and related documentation

7.0 Definitions and terms used throughout this policy are defined

8.0 This policy applies to all personal data and sensitive personal data collected and processed by OXFORDSHIRE MOTOR PROJECT (TRAX) in the conduct of its business, in electronic format in any medium, and within structured paper filing systems.

9.0 This policy applies to all OXFORDSHIRE MOTOR PROJECT (TRAX) Oxford Office employees, whether permanent, temporary, contractors, consultants, or seconders (hereafter referred to as 'staff').

10.0 This policy applies to all OXFORDSHIRE MOTOR PROJECT (TRAX) staff and visiting personnel accessing OXFORDSHIRE MOTOR PROJECT (TRAX) IT infrastructure

11.0 Disciplinary action may be taken against staff failing to comply with this policy.

12.0 OXFORDSHIRE MOTOR PROJECT (TRAX) is the Data Controller of, and registered with the Charity Director for collecting and using personal data about:

- individuals who have applied for, or been awarded, funding or related activities including events, seminars, and workshops
- members of (OXFORDSHIRE MOTOR PROJECT (TRAX) trustees, boards, committee members, or groups
- past, current, and prospective employees
- suppliers, consultants, external business partners, and other third parties with whom OXFORDSHIRE MOTOR PROJECT (TRAX) communicates
- other persons as required by law

13.0 OXFORDSHIRE MOTOR PROJECT (TRAX) places a duty of responsibility on members of the OXFORDSHIRE MOTOR PROJECT (TRAX) community, such as committee members and reviewers, to respect the requirement for confidentiality on receipt of confidential papers or correspondence containing OXFORDSHIRE MOTOR PROJECT (TRAX) personal data. Members are provided with terms and conditions in compliance with this policy, relative to their official capacity with OXFORDSHIRE MOTOR PROJECT (TRAX) membership.

### **Policy Objectives**

- 18.0 The objectives of this policy are to ensure that:
- proper procedures are in place for the processing and management of personal data
- There is someone within the organisation who has specific responsibility and knowledge about data protection compliance.
- a better and supportive environment and culture of best practice processing of personal data is provided for staff
- all staff understand their responsibilities when processing personal data, and the method of handling that information is clearly understood
- Subject Access Requests are dealt with promptly and courteously
- individuals are assured that their data is processed by the data protection principles, that their data is secure at all times and safe from unauthorised access, alteration, use, or loss
- other organisations with whom OXFORDSHIRE MOTOR PROJECT (TRAX) data needs to be shared or transferred, meet compliance requirements
- any new systems being implemented are assessed on whether they will hold personal data, whether the system presents any risks, damage, or impact to individuals' data and that it meets this policy

### **Policy Principles**

19.0 To meet the requirements of the 8 principles of the DPA, OXFORDSHIRE MOTOR PROJECT (TRAX) adheres to the following values when processing personal data:

19.1 Fair Collection and Processing

- Individuals will be made aware that their information has been collected, and the intended use of the data specified either on collection or at the earliest opportunity following collection. This may be verbal, written, or through electronic direction to the OXFORDSHIRE MOTOR PROJECT (TRAX) Privacy Notice.
- Personal data will be collected and processed only to the extent that it is needed to fulfil business needs or legal requirements.
- Personal data held will be kept up to date and accurate.
- Retention of personal data will be appraised, and risk assessed to determine and meet business needs and legal requirements, with the appropriate retention schedules applied to that data.
- Personal data will be processed by the rights of the individuals about whom the personal data are held.
- Individuals whose personal information is held on an (OXFORDSHIRE MOTOR PROJECT (TRAX)Contacts Database will be provided with the option to 'opt-out of receiving event invitations and future communications.
- A 'cease processing request' from an individual will be acknowledged within 3 working days, with the final response within 21 days. The final response will state whether (OXFORDSHIRE MOTOR PROJECT (TRAX) intends to comply with the request and to what extent or will state the reasons why it is felt the requestor's notice is unjustified.
- Staff will advise the Data Protection Officer in the event of any intended new purposes for processing personal data. No new purpose for processing data will take place until the ICO has been notified of the relevant new purpose and the
- data subjects have been informed, or in the case of sensitive data, their consent has been obtained.

## **19.2 Security**

- Appropriate technical, organisational, and administrative security measures to safeguard personal data will be in place.
- Staff will report any actual, near miss, or suspected data breaches to the (OXFORDSHIRE MOTOR PROJECT (TRAX)Data Protection Officer for investigation. Lessons learned during the investigation of breaches will be relayed to that processing information to enable necessary improvements to be made.

- Any unauthorised use of corporate email by staff, including sending of sensitive or personal data to unauthorised persons, or use that brings (OXFORDSHIRE MOTOR PROJECT (TRAX)) into disrepute will be regarded as a breach of this policy.
- Staff will use appropriate protective markings to protect and secure any document containing personal information. In this way informing recipients of the document of the measures that need to be employed for its appropriate handling.
- An Information Asset Register will be maintained identifying personal data held at Oxford Office, where it is held, how it is processed, and who has access to it.
- Annual Data Protection Awareness Training will be provided to staff to keep them better informed of relevant legislation and guidance regarding the processing of personal information.
- There is a member of staff within (the OXFORDSHIRE MOTOR PROJECT (TRAX)) the Office who has specific responsibility for data protection, covering all aspects within the scope of this policy.

### **19.3 Data Sharing**

- Personal data will not be transferred outside the European Economic Area unless that country or territory can ensure a suitable level of protection for the rights and freedoms of the data subjects about the processing of their data.
- Personal data in any format will not be shared with a third-party organisation without a valid business reason, a Data Sharing Agreement in place, or without the data subjects' consent.

### **19.4 Privacy Impact Assessments**

- The Information Management and Information Services Teams will work collaboratively to carry out Privacy Impact Assessments on all new systems intended for implementation in (the OXFORDSHIRE MOTOR PROJECT (TRAX)) to determine the risks and impacts to the personal data of the individuals those systems are intended to hold.
- Personal data will not be used to test any systems unless it is proven to be satisfactory and safe that such use is the only practical method to test that system.

## **19.5 Access**

- Members of staff will have access to personal data only where it is required as part of their functional remit.
- Staff is made aware that in the event of a Subject Access Request being received in OXFORDSHIRE MOTOR PROJECT (OXFORDSHIRE MOTOR PROJECT (TRAX)), their emails may be searched, and relevant content disclosed, whether marked as personal or not.
- The OXFORDSHIRE MOTOR PROJECT (TRAX) Privacy Notice will include a contact address for data subjects to use should they wish to submit a Subject Access Request, make a comment or complaint about how OXFORDSHIRE MOTOR PROJECT (TRAX) is processing their data, or about OXFORDSHIRE MOTOR PROJECT (TRAX)'s handling of their request for information
- A data subject's personal information will not be disclosed to them until their identity has been verified.
- Third-party personal data will not be released by OXFORDSHIRE MOTOR PROJECT (TRAX) when responding to a Subject Access Request or Freedom of Information Request (unless consent is specifically obtained, obliged to be released by law, or necessary in the substantial public interest).
- All data subjects have the right access to their data; (OXFORDSHIRE MOTOR PROJECT (TRAX)) will provide advice to data subjects on how to request or access their data held by OXFORDSHIRE MOTOR PROJECT (TRAX).

## **19.6 Links with the Freedom of Information Act 2000**

- The Freedom of Information Act 2000 enables greater public access to information processed by public bodies such as the OXFORDSHIRE MOTOR PROJECT (TRAX). However, personal data continues to be protected by the Data Protection Act 1998 and is therefore exempt from disclosure under the Freedom of Information Act (Section 40).

## **20.0 IT infrastructure**

- All IT software is Microsoft cloud based. As such it is covered by Microsoft Data cloud protection and DPA regulation
- Locally held information on the local server is encrypted and password protected before being saved to the Microsoft cloud

- Data is backed up in the cloud with a 24 hr IPO and RPO
- All desktops, palm tops, laptops, and any other variable terminal device is password protected



## **Appendix A:**

### **DATA PROTECTION AND GDPR STATEMENT**

At (OXFORDSHIRE MOTOR PROJECT (TRAX) we take the utmost care to prevent the unauthorised use or disclosure of information our partners, parents and students, employees, and partners provide. Our Board of Trustees works closely with our Partners, Human Resources, and Services Development groups to develop, maintain and enforce robust privacy and information security policies and practices at OXFORDSHIRE MOTOR PROJECT (TRAX)

Our success depends directly on the confidence our partners have in the capability, performance, and security of our services. To ensure this, we have policies and controls in place to provide privacy protection for personally identifiable information maintained by OXFORDSHIRE MOTOR PROJECT (TRAX) Our policies follow industry best practices, including the use of encryption technology and data loss protection software.

GDPR REGULATION of 27 April 2016 on the protection of natural persons regarding the processing of personal data and the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) follows practices outlined in data protection procedures. OXFORDSHIRE MOTOR PROJECT TRAX has identified policies and procedures that support GDPR in addition to its data protection policy. We have ensured all decision makers and key people in OXFORDSHIRE MOTOR PROJECT TRAX are aware that the law is changing to the GDPR. OXFORDSHIRE MOTOR PROJECT TRAX has documented what personal data we hold, where it came from, and whom we share it with, and identified processing activities related to the data. We have reviewed our current privacy notices and put a plan in place which will be completed before 25<sup>th</sup> May 2018. When we collect personal data we currently give people certain information, such as your identity and how you intend to use their information. This is usually done through a privacy notice. Under the GDPR there are some additional things we will tell people. For example, we will explain the lawful basis for processing the data, the data retention periods, and that individuals have a right to complain and how to do this in the first instance writing to the Finance Director setting out your complaint. This does not dilute, reduce or affect the rights of partners, parents or students.

GDPR and how it impacts individual rights

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

The right to restrict data portability and automated decision-making including profiling are new as part of GDPR and in addition to (OXFORDSHIRE MOTOR PROJECT (TRAX)) data protection policy. (OXFORDSHIRE MOTOR PROJECT (TRAX)) has implemented a policy internally to ensure any private data held for reasonable reasons is defined and justified. Data is not transferred but held in an encrypted format and is not externally portable. Information held by (OXFORDSHIRE MOTOR PROJECT (TRAX)) has always been treated with respect and has never been transferred outside the boundary of reasonable internal use. (OXFORDSHIRE MOTOR PROJECT (TRAX)) has in addition introduced a single instance use of data which is managed on a need-to-know basis. (OXFORDSHIRE MOTOR PROJECT (TRAX)) personal data is restricted to partners and student's data that is held to enable (OXFORDSHIRE MOTOR PROJECT (TRAX)) to deliver its services. This data is encrypted and is only used to carry out its duties to deliver services to its partners, parents, and students. (OXFORDSHIRE MOTOR PROJECT (TRAX)) also retains a database. This is a list of individuals and partners that have opted in by 25<sup>th</sup> May 2018. As part of the consent to opt-in to receive information our partners, parents, and students will in each instance receive an unambiguous message to opt out. Our communication data is; clear, specific, granular, prominent, opt-in only, properly documented, and easily withdrawn.

The charity has a specific requirement for data protection related to those under the age of 18 and with sensitive information. The policy set out in the statement has high relevance to the work the charity does, specifically the need to know and retention of data. In addition, the duty of care related to holding information is held by the partner or parent under 18 as well as the young person.

The Article 29 Working Party has produced guidance for organisations on the designation, position, and tasks of DPOs. Preparing for the General Data Protection Regulation (GDPR) (OXFORDSHIRE MOTOR PROJECT (TRAX)) takes its duties to protect individual data seriously. The Finance Director of the charity holds the ultimate responsibility to ensure all elements of the (OXFORDSHIRE MOTOR

PROJECT (TRAX) data protection policy and new elements introduced by GDPR are implemented in the UK.