



1. STATEMENT OF INTENT

1.1 We may need to collect and use certain types of personal data in order to deliver marketing objectives. This may include information on our clients and customers, businesses we support, employees (current, past and prospective), members of the public, suppliers, and others with whom we communicate

1.2 This personal information must be dealt with properly and securely however it is collected, recorded or used – whether electronically in any form, on paper, or recorded via other means or on other materials.

1.3 Frost Creative (and its partner organisations) is committed to effectively discharging its duties with regards to the requirements of the Data Protection Act 1998 (DPA).

2. DEFINITION

2.1 Data protection is about protecting the rights of individuals when their personal data is processed.

2.2 The DPA is concerned with personal data only, not all data.

2.3 Data means any information:

1. Processed by computer; or
2. Recorded by questionnaires; and
3. Recorded as part of a relevant filing system or forms part of an accessible record.

2.4 An accessible record can be summarised as a health record, educational record, local authority housing record or local authority social services record.

2.5 A relevant filing system is defined as:

“Any set of information relating to customers and people that is structured, either by reference to company, individuals or by reference to criteria relating to individuals in such a way that specific information relating to a particular individual is readily available.”

2.6 A relevant filing system does not just refer to electronic records, but also manual records. For manual records the Act applies to files that are organised so that data relating to an individual needs to be “readily available”.

2.7 Personal data is data:

1. Relating to a living individual (therefore death is a relief from the DPA); and
2. From which an individual can be identified for example name, address, job title; reference number.

2.8 Sensitive personal data is information relating to an individual's;

1. Race or ethnic origin;
2. Political opinions;
3. Religious beliefs;
4. Trade union membership;
5. Physical or mental condition;
6. Sexual life;
7. Commission/alleged commission of offence; and
8. Proceedings in respect of an offence.

2.9 Organisations that decide how and why personal data is processed are known as "data controllers".

2.10 Organisations (such as contractors) that provide services (using resident and service user information) on behalf of Frost Creative are known as "data processors".

3. POLICY INTRODUCTION

3.1 The Data Protection Act 1998 came into force in 2000 and covers how information about living identifiable persons is used. It fully replaces the Data Protection Act 1984.

3.2 The DPA is mandatory. All organisations that hold or process personal data must comply.

3.3 The DPA defines how information about individuals is collected, stored and used.

3.4 The principal aim of the DPA is to protect the right of privacy of individuals against the misuse of personal data. It also seeks to restrict the flow of certain information.

3.5 Personal information covers both facts and opinions about an individual.

ETHOS

3.6 We regard the lawful and correct treatment of personal information by Frost Creative as very important to successful operations, and to maintaining confidences between those with whom we deal and ourselves. We will ensure that we treat personal information lawfully and correctly.

3.7 We will work to proactively communicate and embed the principles of Data Protection in everything we do, ensuring all staff are made aware of their responsibilities under the Act and are given access to relevant training and guidance, updated and published on a timely basis and in response to evolving best practice and learning.

3.8 We will carry out a periodic Data Protection risk assessment, and determine actions needed to mitigate the risks identified. We will maintain a library of relevant and practical procedures for staff on issues such as Subject Access, Document Retention, and Data Security. Managers are expected to proactively apply these to their own areas and team responsibilities on an ongoing basis.

3.9 Frost Creative as a Data Controller takes responsibility for ensuring its activities are undertaken in accordance with the DPA. Frost Creative's nominated Data Protection Officer will regularly review our data protection documents and practices to ensure compliance with legislation and best practice;

3.10 The Data Protection Officer, the Head of Governance and Governance Manager will also offer advice and information as appropriate.

3.11 All staff that manage and handle personal information are responsible for following good data protection practices. Job roles that are customer-facing or involve the handling of personal data will be identified on a periodic basis, and a programme of mandatory training made available to staff in these roles, the take up and attendance of which will be monitored. Data Protection training will also be a compulsory element in inductions.

3.12 We will abide by and comply with the eight Data Protection Principles. (Appendix One).

3.13 Data will be: fairly and lawfully processed; processed for limited purposes; adequate, relevant, and not excessive; accurate; not kept longer than necessary; processed in accordance with people's rights; secure; and not transferred to countries without adequate protection.

3.14 We will notify the Information Commissioner of all our data processing and renew our notification annually. Where necessary we will inform the Commissioner of changes in our data processing.

3.15 We will process all data in accordance with the fair processing code. (Appendix Two)

3.16 We will process data in accordance with the rights of the data subject (Appendix Three).

3.17 All individuals who make a subject access request will be treated with courtesy and we will endeavour to understand exactly what information is being sought.

3.18 All requests must be notified to the Data Protection Officer and will be dealt with promptly and effectively by the relevant department.

3.19 All data subject access requests must be in writing and we reserve the right to charge the statutory fee associated with data subject access requests. (Appendix 4 details our decision on fee charging).

3.20 We will work to ensure adequate security of all information held and processed.

3.21 Employees will only access and use data that is necessary to perform their job.

3.22 Where we collect data we will inform the data subject of the reason for the need of the data, for what purposes we will use it, and in what circumstances the data will be shared with others.

3.23 Sensitive personal data will only be processed with the explicit consent of the data subject unless the processing is deemed exempt by the Act.

3.24 Data will not be processed for any purposes other than those notified to the data subject.

3.25 Information will only be kept for as long as it is required (in accordance with the Document Retention Procedure) and will be securely destroyed when no longer required.

3.26 Data will be kept accurate and up to date.

3.27 Where Frost Creative enters into third party contracts we will ensure that where required a data processor contract is established.

3.28 This Data Protection Policy will be operated in conjunction and accordance with our Equality and Diversity and IT Security policies available as a separate document.

3.29 Any individual unhappy with our response to a subject access request will be dealt with in accordance with our Complaints Policy and Procedure. They also have the option of informing the Information Commissioner's Office

3.30 Disclosure of personal information will only be made with the informed consent of the individual concerned, except within the permitted exemptions of the DPA.

3.31 We will adhere to the Information Commissioner's good practice briefings and codes of practice when developing policies, procedures and guidelines.

3.32 We will ensure that any websites operated by Frost Creative contain an appropriate privacy statement and comply with all legal and best practice requirements regarding the use of cookies and similar technologies.

4. LEGAL & REGULATORY FRAMEWORK

- Data Protection Act 1998
- Information Commissioner's Good Practice Briefings

- Information Commissioner’s Codes of Practice

5. RELATED PROCEDURES

5.1 This policy does not cover the actions, advice and assistance to be taken to ensure compliance with the DPA, or when a data subject makes a subject access request. Any such advice, action and assistance will be covered in the relevant Data Protection procedures and other published guidance within Frost Creative

6. RESPONSIBLE OFFICER

Data Protection Officer

7. REVIEW DETAILS

Approved by (including date of approval)	Director of Frost Creative - February 2022
Review cycle	3-yearly
Date of next review	February 2025

8. APPENDICES

Appendix One: Data Protection Principles

Appendix Two: Fair Processing Code

Appendix Three: Data Subject Rights

Appendix Four: Fee Charging

Data Protection Principles

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that/those purpose/s.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that/those purpose/s.
6. Personal data shall be processed in accordance with the rights of the data subjects under this act.
7. Personal data must be kept securely.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of the data subjects in relation to the processing of personal data.

Appendix Two



Fair Processing Code

When collecting personal information we must notify the data subject of:

- The identity of the data controller (i.e. Frost Creative)
- Any representative we have nominated (if applicable)
- The purposes for which the data are intended to be processed (i.e. for the business purposes of Frost Creative)
- Any other information they need to make sharing their information fair (i.e. who it may be shared with, how they can access the information we hold)

Appendix Three



Data Subject Rights

1. The right to subject access
2. The right to prevent processing.
3. The right to prevent processing for direct marketing.
4. Rights in relation to automated decision making.
5. The right to compensation.
6. The right to rectification, blocking, erasure and destruction.
7. The right to ask the Commissioner to assess whether the Act has been contravened.

Appendix Four



Fee Charging

Frost Creative will charge the statutory fee associated with subject access requests for requests made by any party, including current and former residents, staff, and board members (currently £10).