IHSGB Ltd : Records Management Policy (Policy Statement Regarding: Data Protection, Secure Storage, Handling, Use, Retention and Disposal of Disclosure Information)

IHSGB LTD. complies fully with its obligations under the Data Protection Act 1998 and is working towards full compliance with the new GDPR due to be implemented 25th May 2018.

Definitions

Charity	means IHSGB Ltd., a registered charity.
GDPR	means the General Data Protection Regulation.
Responsible Person	IHSGB Ltd is the data controller. The Chairman, David Savage, is the key responsible person/lead Trustee. Other Responsible People are Jemimah Adams, Hilary Ashford/Debbie Ede & Freija Glansdorp

1. Introduction

IHSGB LTD. recognises that its records are an important asset and are a key resource to effective operation and to accountability. The Society also has responsibility for holding member's information and each Officer of the Society has responsibility for any records they hold. Like any asset, records require careful management and this policy sets out the Society's responsibilities and activities in regard to the management of its records.

2. Principles underpinning the Policy

a. The **Records Management Policy** applies equally to paper and electronic records.
b. Data Protection Principle 5 (DP5) applies to all records. This states that: "Personal Data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes".
c. The Lord Chancellor's Code of Practice (2009) under FOIA applies to all records. This states at 12.2: 'Records should only be retained for as long as they are needed by the organisation, for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests'.
d. No record is to be maintained unless there is a legitimate and identifiable reason for doing so.

Additionally re **DATA PROTECTION,** Article 5 of the GDPR also requires that data is:

e. processed lawfully, fairly and in a transparent manner in relation to individuals;
f. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
g. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
h. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
i. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the

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appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

j. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

And re. General Provisions:

k. This policy applies to all personal data processed by the Charity. Please read in conjunction with the Charity's Privacy Policy.
l. The Key Responsible Person shall take responsibility for the Charity's ongoing compliance with this policy.
m. This policy shall be reviewed at least annually.
n. The Charity is registered with the Information Commissioner's Office as an organisation that processes personal data.

3. Scope

This policy aims to ensure that records are managed effectively throughout the organisation, in accordance with professional principles and specified legislation and guidelines. It applies to all the records of the Society. A record is any recorded information regardless of medium (including paper, electronic, audio-visual and record copies of publications), which is created, collected, processed, used, stored and/or disposed of by, employees, as well as those acting as its agents in the course of a Society activity. It applies to all Officers of the Society.

4. Policy Statement

The aim of the policy is to define a framework for managing the Society's records to ensure that the Society:

a. Creates and captures authentic and reliable records to demonstrate evidence, accountability and information about its decisions and activities
b. Facilitates auditing and protects our legal and other rights
c. Maintains records securely and preserves access to them
d. Disposes appropriately of records that are no longer required
e. Protects vital records, which it needs to order to function effectively
f. Maintains records to meet the Society's business needs
g. Addresses the needs of the Society's stakeholders
h. Conforms to any legal and statutory requirements relating to recordkeeping and data protection
i. Complies with government directives.

5. Training and Awareness

Since all Trustees and Officers are involved in creating, maintaining and using records, it is vital that everyone understands their record management responsibilities as set out in this policy. Training can be arranged for Society Officers to ensure that all are aware of their obligations around Data Protection, Freedom of Information and Records Management.

6. Lawful purposes

a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests (see ICO guidance for more information).

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b. The Charity shall note the appropriate lawful basis in the Register of Systems.
c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

7. Data minimisation

The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

8. Accuracy

a. The Charity shall take reasonable steps to ensure personal data is accurate.
b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

9. Records Creation, Keeping & Maintenance - Lawful, fair and transparent processing

- To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain this Policy which shall be reviewed at least annually.
- Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

Record keeping will:

a) Document all activities.
b) Provide for quick and easy retrieval of information.
c) Take into account the legal and regulatory environment specific to the area of work.
d) Link records with any Freedom of Information Scheme.
e) Reference, title, index and version control and security mark records as applicable.
f) Keep the system updated.
g) Provide the ability to cross reference electronic and paper records.
h) Ensure records are properly stored and protected, and can easily be located and retrieved. This will include:
    i. Storage of records will be safe and secure, accessible. Essential data (in emergency) will be backed up once/week and stored off site.
    ii. Monitoring the movement and location of records so that they can be easily retrieved and provide an audit trail.
    iii. Controlling access to the information.
    iv. Identifying vital records and applying the appropriate protection, including a business recovery plan.
i) Record Retention and Disposal (archiving and removal): It is important that disposal of records happens as part of a managed process and is adequately documented. We also have to ensure that personal data is kept for no longer than necessary. The IHSGB Ltd. therefore follows this archiving routine for all personal data and reviews this process annually. This archiving policy considers what data should/must be retained, for how long, and why. We will ensure that:

    - Appropriate records are reviewed and disposed of/transferred to archive storage each year

- Documentation of the disposal/transfer of records is completed and retained (paper records will be shredded, electronic records deleted from systems).
- Records selected for permanent preservation are transferred to archive, as soon as possible.
- An intended disposal/review date must be captured when creating electronic records.
- Records subject to a Freedom of Information request are not destroyed.
- Ensuring non-current records are transferred in a controlled manner to a designated named archivist rather than stored by individuals.

In more detail; paperwork submitted to IHSGB Ltd. plus any associated documents are kept securely in lockable, non-portable cabinets with access strictly limited to IHSGB LTD. Trustees and Officers only.

If any such information is transcribed onto computer, files are protected from unauthorised access by secure user ids and passwords, and by a hardware firewall.

Where other information is received by Email, such emails are secured in a secure electronic folder with access limited to the named individual at the client organisation to whom it was addressed.

9. Security

a. The Charity ensures that personal data is stored securely using modern software that is kept-up-to-date.
b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
c. When personal data is deleted this should be done safely such that the data is irrecoverable.
d. Appropriate back-up and disaster recovery solutions shall be in place.

10. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO **(more information on the ICO website).**

11. Disclosing Confidential Information

Officers may not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- you have the consent of a person authorised to give it;
- you are required by law to do so;
- the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is:
  (a) in the public interest; and
  (b) made in good faith and
  (c) in compliance with the reasonable requirements of the Society;

12. What is 'confidential information'?

Information is a broad term. It includes facts, advice and opinions. It also covers written materials, including tapes, videos, CDs, DVDs and other electronic media.
Information is confidential:

- if it is about something serious and not trivial
- if the nature of the information is sensitive or personal, for example it is a business secret

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- if it is information that you would expect people would want to be private
- if it was divulged in a way which implied it should be kept confidential
- if disclosing the information would be detrimental to the person who wishes to keep it confidential

If the Society, the executive or a committee of the Society has voted to treat the information as exempt, then you should maintain it as confidential.

13. Justification for disclosure in the public interest

Disclosing confidential information in the public interest can only be justified when **all** of the following points are met:

- **the disclosure must be reasonable** – this is a matter of judgment. However, when making this decision, you should consider carefully why you want to disclose the information, whether it is true, how serious the issue is and who to tell
- **the disclosure must be in the public interest** – information is in the public interest if:
    - a criminal offence is committed
    - the authority fails to comply with its legal obligations
    - a miscarriage of justice occurs
    - the health and safety of an individual is in danger
    - the environment is likely to be damaged
    - information about any of the issues above is deliberately concealed
- **the disclosure must be made in good faith** – the disclosure will not be justified if it is being made to promote your interests or is for political gain
- **the disclosure must be made in compliance with any reasonable requirements of your authority** – you must first raise your concerns through the appropriate channels set out in your authority's policies and procedures. For example, policies on whistle-blowing or member-officer relationships should be followed before making a disclosure.

When would a public interest disclosure not be justified?

If the disclosure would amount to a criminal offence or when information is protected by legal professional privilege, it is unlikely that its release could be justified as being in the public interest.

Policy first introduced May 2018
Authors: J Adams/D Ede May 2018

Adopted by IHSGB Ltd. Date 28th April 2018
Revised 23rd May 2018
Review date: 5 years

Associated Policies

- In April 2018, the IHSGB Ltd. completed a data audit. This details all the types of data we hold and how long we keep it for. The Records Management & Data Protection Policy and data audit provide a sound baseline for the Society to move forward and demonstrate compliance with GDPR.
- In May 2018 the IHSGB published its revised Privacy Policy – published on the Society's website.