



## DATA PROTECTION AND RETENTION POLICY

### SEPTEMBER 2023

### Data protection policy

#### 1. Data protection principles

Sound Minds is committed to processing data in accordance with its responsibilities under the General Data Protection Regulation (GDPR).

Article 5 of the GDPR requires that personal data shall be:

- a. Processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. 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;
- c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. 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;
- e. 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 appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- f. 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.

## 2. General provisions

- a. This policy applies to all personal data processed by Sound Minds.
- b. The Data Controller (**Chas de Swiet, CEO**) shall take responsibility for Sound Minds' ongoing compliance with this policy.
- c. This policy shall be reviewed at least annually.
- d. Sound Minds shall register with the Information Commissioner's Office as an organisation that processes personal data.
- e. For any advice, guidance or concerns relating to GDPR, please speak to the Data Protector (**Lindsey Cross, Administration Coordinator**).

## 3. Monitoring

- a. A full audit which monitors organisational compliance must be carried out annually.

## 4. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, Sound Minds shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to Sound Minds shall be dealt with in a timely manner.

## 5. Lawful purposes

- a. All data processed by Sound Minds 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).
- b. Sound Minds shall note the relevant 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 Sound Minds' systems.

## 6. Data minimisation

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

## 7. Accuracy

- a. Sound Minds 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.

## 8. Archiving and removal

- a. To ensure that personal data is kept for no longer than necessary, Sound Minds shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why.

## 9. Security

- a. Sound Minds shall ensure 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.
- e. In the unusual circumstances that personal data needs to be transferred outside the organisation, staff and volunteers must ensure that data is appropriately encrypted as advised by the Data Protector.

## 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, Sound Minds 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](#)).

# Document retention policy

## 1. Introduction

It is Sound Minds' policy to maintain complete, accurate and high-quality records.

Records are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual, legal or regulatory requirements or for other purposes as may be set forth below. Records that are no longer required, or have satisfied their required periods of retention, shall be destroyed.

No officer, trustee, director, employee, contractor or volunteer of Sound Minds shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case.

This policy covers all records and documents of Sound Minds including all electronic documentation.

## 2. Responsibility for Administration

All staff of Sound Minds shall be responsible for administering this policy.

## 3. Statement of Policy

It is the policy of this organisation:

- To comply with applicable legal and regulatory duties to retain documents.
- To possess all documents needed for our normal business purposes, including administration of our ongoing business relationships.

Therefore, the organisation directs and expects all officers, trustees, directors, employees, contractors and volunteers to follow the rules and procedures set forth herein. Please be aware that "documents" includes not only documents in paper form, but e-mail messages and all other forms of electronically stored information.

Also be aware that the rules and procedures apply to all computers and other electronic devices provided to you by the organisation for use in the business of the organisation, regardless of whether those computers or devices are used on the organisation's premises or elsewhere.

#### 4. Rules and Procedures

From time to time, the trustees may issue a “legal hold,” suspending the destruction of any records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings. If you are informed of this by the CEO, do not discard any documents relevant to the subject matter of the lawsuit, investigation or proceeding. You will be informed of the specific types of documents that are relevant and must be retained for these purposes by the trustees. Until that point in time, do not discard any document that may be relevant without the written approval of the trustees; if in doubt, save the document.

In all other circumstances, you must retain the documents listed in the schedule below for the periods of time set forth on that schedule. The schedule reflects our legal obligations for document retention. Please note that the information listed in the schedule below is intended as a guideline and may not contain all the records Sound Minds may be required to keep in the future. Questions regarding the retention of documents not listed in this schedule should be directed to the CEO.

Please note that failure to follow this policy can result in possible civil and criminal sanctions against Sound Minds and its officers, trustees, directors and employees, and possible disciplinary action against responsible individuals, up to and including termination of employment.

#### 5. Correct disposal of confidential information

##### **Hard copy information**

Any hard-copy written documentation which may contain confidential beneficiary information or information which may identify a beneficiary must be disposed of using a cross-cut shredder after the period listed below.

Any hard-copy written documentation which may contain confidential staff, volunteer, financial or any other sensitive information regarding the activities of the charity must be disposed of using a cross-cut shredder after the period listed below.

##### **Electronic information**

Any electronic information / documentation must be disposed of correctly.

All information stored on ICT related equipment such as desktop computers, laptops and USB drives must be removed by a suitably experienced staff member under the supervision of the organisation’s external ICT contractors after the period listed below.

## 6. Minimum retention requirements

Accounts payable ledgers and schedules	7 years
Bank statements	7 years
Cheques (for important payments and purchases)	7 years
Contracts and leases (expired)	7 years
Gift Aid correspondence	7 years
Contracts and leases (still in effect)	Permanently
Correspondence (general)	2 years
Correspondence (legal and important matters)	Permanently
Correspondence (with customers and vendors)	2 years
Employment applications	3 years
Insurance policies (expired)	40 years
Insurance records, current accident reports, claims, policies, and the like	40 years
Invoices (to customers, from suppliers)	7 years
Minutes of trustee meetings	Permanently for the existence of the charity
Payroll records and summaries	7 years
Personnel files (terminated employees)	7 years after last contact
Successful grant applications	Refer to specifics outlined by awarding body
Beneficiary records	7 years after last contact (or longer if required by a grant awarding body or by a statutory authority – e.g. due to statutory guidance for another purpose such as statutory safeguarding records)
Safeguarding records (personnel and/or beneficiary)	As indicated above or longer in line with statutory guidance or established best practice such as <u>NSPCC learning</u> .