

109. Data Protection Policy

Policy statement

Flying Futures expects the utmost confidentiality of all records relating to its safeguarding work with children and adults at risk. Flying Futures staff members will come into contact with personal and sensitive details about the lives of the children and adults at risk with whom they will work. None of this information - or information about a child's parents/carers, or adult's family etc. - should ever be the subject of gossip, or be passed on to anyone else without good cause or reason.

Great care should be taken to ensure that when cases do have to be discussed with colleagues, that the details cannot be overheard by anyone else. For the avoidance of doubt, information of a confidential nature should only be communicated on a need-to-know basis and - in most circumstances - with the consent of the child or adult at risk and/or their parents and carers.

However, notwithstanding the above, Flying Futures staff should always be clear that in circumstances where there are concerns about an individual's safety and welfare - or the safety of others - they will always be required to pass on information that may have been received in confidence. In these circumstances, any information should be passed by Flying Futures DSO.

Flying Futures Data Protection Policy

The under-pinning principles of Flying Futures responsibility in relation to the gathering, storage, usage and sharing of personal information is in line with the requirements of the [Data Protection Act 2018](#).

Introduction

In the course of a staff members work with Flying Futures, they will come into contact with, or use, confidential information relating to children and adults at risk. **The Data Protection Act 2018 (the Act)** contains principles affecting their information and personal records. Information protected by the Act includes not only personal data held on computer, but also certain manual records containing personal data e.g. children or adults at risk's information files that form part of a structured filing system. The purpose of these rules is to ensure that no Flying Futures staff member breaches the Act.

If a staff member is in any doubt about what can or cannot be disclosed and to whom, then the default position is not to disclose any personal information until advice has been provided by Flying Futures DPM/DCO.

Under the Act, all Flying Futures staff members are personally accountable for their actions and can be held criminally liable if they knowingly, or recklessly, breach it. Any serious breach of data protection legislation will also be regarded as misconduct and will be dealt with under the Company's disciplinary procedures. Any access of a child or adults at risk's records - without authority - constitutes a gross misconduct offence and could lead to summary dismissal or termination of a volunteering agreement.

The data protection principles

There are 8 data protection principles that are central to the Act. Flying Futures and all its staff members must comply with these principles at all times in its information-handling practices. In brief, the principles say that personal data must be:

1. Processed fairly and lawfully and must not be processed unless certain conditions are met in relation to personal data - and additional conditions are met in relation to sensitive personal data.

The conditions are either that the individual has given consent to the processing, or the processing is necessary for the various purposes set out in the Act.

2. Obtained only for one or more specified and lawful purposes, and not processed in a manner incompatible with those purposes.

3. Adequate, relevant and not excessive.

Data Protection Policy continued...

Flying Futures will only collect essential personal details of children for whom it provides services or activities to. Essential joining information will include:

- The name, address and contact number of all children and adults at risk - and where appropriate their parent, families, carers, advocates or next of kin
- Any medical and health issues or particular requirements
- Contact with other professionals or agencies, if any.

Flying Futures will also keep records which reflect the child or adult at risk's ongoing engagement with the organisation. This will include records on attendance, activities participated in and any incidents, accidents and/or near misses that occur.

4. Accurate and kept up-to-date.

Where personal information relating to a child or adult at risk changes, Flying Futures will need to be informed promptly by so that appropriate records can be updated. Flying Futures cannot be held responsible for any errors unless they organisation has been notified of the relevant change.

5. Not kept for longer than is necessary.

Flying Futures will dispose of children or adult at risk's information within the timescales that are in keeping with the requirements of the Data Protection Act.

6. Processed in accordance with the rights of children and adults at risk under the Act.

The uses that Flying Futures anticipates that collected personal data will be used for can include such things as:

- To better manage, plan and improve the services and/or activities provided
- To help train and teach Flying Futures staff members
- To help with research, but only with the child or adult at risk's agreement
- To provide statistics about Flying Futures services and activities delivered by the organisation - whilst ensuring that personal information will not be disclosed or used in this way and will never be shared with anyone, other than in the circumstances set out below.

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

All written records will be stored in a secure location and accessed by authorised personnel only. Electronic records held on computers will also be appropriately secured by way of password protection and restricted access.

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

Not transferred to a country or territory outside the European Economic Area unless that country ensures an adequate level of protection for the processing of personal data.

Flying Futures staff member's obligations in relation to personal information

Any staff member - who as part of their job duties and responsibilities - are required to collect personal information about children or adults at risk, must comply with this policy. This includes ensuring the information is:

- Processed in accordance with the Act
- Only processed for the purposes for which it is held
- Kept secure
- Not kept for longer than necessary.

110. Sharing of Information Policy

Policy statement

When reaching a decision about the sharing of personal information the following three core ethical principles will be upheld:	
1.	All individuals have a fundamental right to the confidentiality and privacy of information related to their health and social care.
2.	All individuals have a right to control access to and the disclosure of their own health and social care information by giving, withholding or withdrawing consent.
3.	For any disclosure of confidential information, those involved should always have regard to its necessity, proportionality and any risks attached to it.

Flying Futures 7 golden rules of information sharing

Flying Futures policy relating to the sharing of information and working with other organisations will be underpinned by the following seven golden rules of information sharing:	
1.	The Data Protection Act 2018 is not a barrier to sharing information, but provides a framework to ensure that personal information about living persons is shared appropriately.
2.	Flying Futures will always be open and honest with the child or adult at risk - and/or their parents, family and carers where appropriate - from the outset about why, what, how and with whom information will (or could be shared) and seek their agreement to share, unless doing so would be either unsafe and/or inappropriate.
3.	Flying Futures will seek advice from appropriate sources if there is ever any doubt about sharing information - and will do so without disclosing the identity of the person, where possible.
4.	Flying Futures objective is to always share with consent where appropriate and, whenever possible, respect the wishes of those who do not consent to share confidential information. Please note: Flying Futures will still share information without consent (and in line with Flying Futures Confidentiality Policy) when in Flying Futures DSO's professional judgement, that lack of consent can be overridden in the public interest. Professional judgement will always be based upon the facts of the case and in strict adherence to the Data Protection Act, the Mental Capacity Act and the Care Act.
5.	Flying Futures will always base information sharing decisions on considerations of the safety and well-being of the person concerned and any others who may be affected by that decision.
6.	In line with data protection principles, Flying Futures will only share information that is necessary, proportionate, relevant, accurate, timely and secure. This means that any information shared by Flying Futures is necessary for the purpose for which it is being shared; only shared with those people who need to have it; that shared information is accurate and up-to-date; shared in a timely fashion; and is always shared securely.
7.	When a decision is made about sharing information, Flying Futures will ensure that a record is kept of the decision and the reasons for it - whether the decision was to share information or not. When the decision is to share information, the record will detail what has been shared; with whom; and for what purpose.

When sharing confidential information and other appropriate management records, Flying Futures will adhere to the following standards and procedures:

Sharing confidential information within the organisation

Information will be shared within Flying Futures on a need to know basis only.