

Totnes Rural Area Youth Engagement Project

www.traye.org

**TRAYE Privacy Policy**

Updated: 8th April 2022

Version: 4

TRAYE is the data controller of the personal information you provide to us. This means we determine the purposes for which, and the manner in which, any personal data relating to young people and their families is to be processed.

In some cases, your data will be outsourced to a third party, however, this will only be done with your consent, unless the law requires us to share your data. Where we outsource data to a third-party processor, the same data protection standards that TRAYE.

Kerry McCabe and Jacqi Hodgson are the Chief Privacy Officers. Their role is to oversee and monitor the projects data protection procedures, and to ensure they are compliant with the GDPR. The Chief Privacy Officers can be contacted via email;

* Kmccabe.traye@gmail.com
* jacqihodgson@gmail.com

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| **What this Privacy Notice is for** |

This policy is intended to provide information about how we will use (or “process”) personal data about individuals including but not limited to: its current, past and prospective young people; and their parents, carers or guardians.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Privacy Notice is published to outline our obligations to its entire community.

This Privacy Notice applies alongside any other information we may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition TRAYE’s other relevant terms and conditions and policies, including:

* any contract between TRAYE and the parents and carers of young people;
* our policy on taking, storing and using images of children;
* our retention of records policy;
* our safeguarding and health and safety policies, including as to how concerns or incidents are recorded; and
* our IT policies, including its Acceptable Use policy & Esafety policy
* Anyone who works for, or acts on behalf of, TRAYE should also be aware of and comply with this data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

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| **Responsibility for Data Protection** |

TRAYE’s Chief Privacy Officers are Kerry McCabe and Jacqi Hodgson, they are available to deal with your requests and enquiries concerning uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. They can be contacted via the email addresses listed above.

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| **Why we Need to Process Personal Data** |

In order to carry out its ordinary duties, we need to process a wide range of personal data about individuals as part of its daily operation as below:

* To provide youth services
* To safeguard children and young people

In addition, TRAYE will, on occasion need to process special category personal data (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

* To safeguard young people’s welfare (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual’s medical condition or other relevant information where it is in the individual’s interests to do so.
* As part of any internal or external complaints, disciplinary or investigation process that involves such data; or
* For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

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| **Types of Personal Data Processed by TRAYE** |

This will include by way of example:

* names, addresses, telephone numbers, e-mail addresses and other contact details;
* past and present attendance records (including information about any special needs);
* where appropriate, information about individuals’ health and welfare, and contact details for their next of kin;
* information provided by previous establishments and/or other professionals or organisations working with young people;
* correspondence with and concerning young people and parents past and present; and
* images of young people engaging in activities.

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| **How TRAYE Collects Data** |

In general, we receive personal data from young people and their parent/ carers directly. This may be via a form, or simply in the ordinary course of interaction or communication (such as email or telephone calls).

However, in some cases personal data will be supplied by third parties (for example from a school, or other professionals or authorities working with that individual).

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| **Who has Access to Personal Data and Who we Share it With** |

Occasionally, TRAYE will need to share personal information relating to its community with third parties, such as:

* professional advisers;
* government authorities; and other health authorities including CAMHS

For the most part, personal data collected by us will remain within the project and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a ‘need to know’ basis). Particularly strict rules of access apply in the context of safeguarding files.

However, a certain amount of any young person’s relevant information will need to be provided to staff more widely in the context of providing the necessary care that the young person requires.

Staff, young people and parents are reminded that TRAYE is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education 2018 & the Children’s Act 2004) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or the police. For further information about this, please view our Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the business’ processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with Inspire Interventions’ specific directions.

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| **How Long we Keep Personal Data** |

TRAYE will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about how our retention policy is applied or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact The Chief Privacy Officer. However, please bear in mind that we will often have lawful and necessary reasons to hold on to some personal data even following such request.

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| **Keeping in Touch** |

TRAYE will use the contact details given in referrals to keep them updated about the activities and events of interest, including by sending updates and newsletters, by email and by post.

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| **Your Rights** |

**Rights of access;**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by us, and in some cases ask for it to be erased or amended or have it transferred to others, or for us to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Chief Privacy Officer.

We will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

We will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, we may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

**Requests that cannot be fulfilled;**

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought, or documents prepared in connection with a legal action).

**Young people requests;**

Young people can make subject access requests for their own personal data, provided that, in the reasonable opinion of TRAYE, they have sufficient maturity to understand the request they are making. A young person of any age may ask a parent or other representative to make a subject access request on their behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger people, the law still considers the information in question to be the child’s: for older young people, the parent making the request may need to evidence their child’s authority for the specific request.

Young People aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

**Parental requests;**

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about young people without their consent. We may consider there are lawful grounds for sharing with or without reference to that young person.

Where parents are separated, we will, in most cases aim to provide the same information to each person with parental responsibility but may need to factor in all the circumstances including the express wishes of the child.

All information requests from, on behalf of, or concerning young people – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

**Consent;**

Where TRAYE is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that we may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

**Whose rights?**

The rights under Data Protection Law belong to the individual to whom the data relates. However, TRAYE will often rely on parental authority or notice for the necessary ways it processes personal data relating to young people. Parents and young people should be aware that this is not necessarily the same as us relying on strict consent.

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the young person’s age and understanding – to seek the young person’s consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents’ rights at law or under their contract, and all the circumstances.

In general, we will assume that young people’s consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about their activities, progress and behaviour, and in the interests of their welfare. That is unless, in our opinion, there is a good reason to do otherwise.

However, where a young person seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, we may be under an obligation to maintain confidentiality unless, in our opinion, there is a good reason to do otherwise; for example where we believe disclosure will be in the best interests of the young person or other young people, or if required by law.

Young people are required to respect the personal data and privacy of others, and to comply with TRAYE E Safety/ Computer Acceptable Use Policy and rules.

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| **Data Accuracy and Security** |

TRAYE will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify TRAYE of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why we may need to process your data and who you may contact if you disagree.

TRAYE will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to computer systems.

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| **Updates** |

TRAYE will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

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| **Queries and Complaints** |

Any comments or queries on this policy should be directed to the Chief Privacy Officers using the following contact details provided at the beginning of this policy.

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| **Document Versions and Review Control** |

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| **DATE WRITTEN/REVIEWED** | **WRITTEN BY** | **APPROVED BY MANAGER** |
| 10/04/19 | Kerry McCabe | Jacqi Hodgson |
| 08/04/20 | Kerry McCabe | Jacqi Hodgson |
| 08/04/21 | Kerry McCabe | Jacqi Hodgson |
| 08/04/22 | Kerry McCabe | Jacqi Hodgson |

**Document to be reviewed in April 2023**