

# DATA PROTECTION NOTICE

# Notice Statement

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ELIFAR Foundation Ltd (the Charity) aims to fulfil its obligations under the Data Protection Act 1998 to the fullest extent. The Charity is required to process relevant personal data regarding applications as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

# Data Protection Controller

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The Charity has appointed a Data Protection Controller ("DPC") who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. For the purposes of the Data Protection Act 1998 ("the DPA"), the Charity is the "data controller" of personal data about applicants and their parents and/or guardians ("your personal data"). It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

# The Principles

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The Charity shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed;
- Processed for a specified and lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Protected by appropriate technical and organisational measures;
- Not transferred to other countries without adequate protection.

## Personal Data

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Personal data covers both facts and opinions about an individual. It includes information necessary for processing applications such as the applicant/beneficiary's name, date of birth, address, financial information, details of medical conditions or disabilities, physical or mental health and SEN assessments. It applies to data which is held, or intended to be held, within paper and online filing systems, static, mobile and portable IT devices. It applies to data that is collected by completing an application form or from subsequent telephone or email communication.

## Processing Personal Data

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An applicant/beneficiary's consent may be required for the processing of personal data unless processing is necessary for the progression of the application. Any information which falls under the definition of personal data and is not otherwise exempt will remain confidential and will only be disclosed to third parties with the consent of the applicant.

## Sensitive Personal Data

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The Charity may, from time to time, be required to process sensitive personal data regarding the applicant/beneficiary. Sensitive personal data includes data relating to religious beliefs, ethnicity, race, political opinions, sexuality and criminal records and proceedings. Where sensitive personal data is processed by the Charity, the explicit consent of the applicant/beneficiary will generally be required in writing.

## What information do we collect from third parties and why

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To help us decide if the applicant/beneficiary is eligible for assistance we may also ask for reports and/or further information relating to the applicant/beneficiary's disability and its effect on their family's life from professionals linked to the applicant/beneficiary's:

- Health care – e.g. GP, Hospital consultant, paediatrician, physiotherapist, psychiatrist, psychologist and or health visitor
- Education – e.g. teacher, educational psychologist, nursery staff and/or support staff
- Social Care – e.g. social worker and/or occupational therapist

## Purposes for which your data may be processed

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The applicant/beneficiary's personal data (including sensitive personal data, where appropriate) is processed by the Charity strictly in accordance with the Data Protection Act in order to:

- consider applications
- monitor and report on their progress;
- publish application details as separately notified to applicant/beneficiary;
- assess how well the Charity as a whole is doing;
- communicate with former applicants;
- where appropriate, promote the Charity to other applicants or fundraisers (including through the Charity's documental and website); and
- other reasonable purposes relating to the operation of the Charity.

## Procedures

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- All application forms whether current or past, successful or unsuccessful to be stored behind two locks at all times
- All supporting documents are to be checked against declarations within the application form and disposed of appropriately or returned to the applicant/beneficiary immediately
- All Finance records to be stored behind two locks at all times
- All application forms to be kept in secure storage behind two locks for 6 years.
- All information shared between Trustees will be shared in a secure manner ensuring access to only the required parties via drop box

- Any documents or files relating to the Charity which are stored on laptops or static PCs will be backed-up on a regular basis.

## Rights of Access to Information

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Applicant/beneficiary's, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. If you wish to access your personal data, or that of the beneficiary, then please contact the Charity by email who will inform you of your rights under the Data Protection Act. The Charity will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request.

## Exemptions

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Certain data is exempted from the provisions of the Data Protection Act which includes the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the Charity.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

## Accuracy

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The Charity will endeavour to ensure that all personal data held in relation to applicants/beneficiaries is accurate. An applicant/beneficiary has the right to request that inaccurate information about them is erased.

## Enforcement

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If an applicant/beneficiary believes that the Charity has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, the applicant/beneficiary should utilise the Charity's grievance procedure and should also notify the DPC.

## Disposing of Records

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The Data Protection Act 1998 states that personal data must not be kept for any longer than is "*reasonably necessary for its particular purpose*".

For any document or written record that the Charity are considering disposing of, the following points will be considered:

- particular use
- content
- importance
- health and safety

Whilst there are statutory limitation periods, the Charity will use the following minimum retention periods:

- personal documents - kept for a minimum of **six** years from the successful processing of application.
- health and safety records – permanently.

## Other Relevant Policies

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ICT Acceptable Usage Policy  
Elifar Foundation Equality Policy  
Elifar Complaints Foundation Policy