



# **Data Protection**



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## **Context**

- 1.1 In recent years there has been increasing concern about data held on individuals as part of employment activities. There is an underlying common law rule that provides limited protection for confidential information. This was reinforced in the 1980s through the Data Protection Act 1974 that introduced a registration system and degree of transparency in relation to computer held data. The Data Protection Act 1998 extended the protection to paper-based systems for personal information, giving greater rights of access and limiting the information that can be collected.
- 1.2 The Data Protection Agency is issuing a Code of Practice on Data Protection covering the employee / employer relationship. This policy and associated procedures are based upon guidance within that Code.
- 1.3 This policy applies to all employees and volunteers of Fusion Health & Well Being and its beneficiaries.

## **2. Confidentiality**

### **2.1**

Fusion Health & Well Being policy on confidentiality provides that

- all personal information should be treated as confidential unless the organisation is legally required to make it available to third parties and, in such case, the person to whom the confidentiality is owed will be informed that disclosure will be made.
- individuals must give their informed consent before other information is shared or disclosed outside the organisation; and
- information will only be held for periods required by law

## **3. Access to Personal Records**

- 3.1 Fusion Health & Well Being will ensure that employees, volunteers and participants know what information is kept about them and know that the confidentiality of this information is respected and that it is only disclosed in limited circumstances.
- 3.2 Fusion Health & Well Being will respond to requests to provide information held on them within 7 days.
- 3.3 Fusion Health & Well Being will ensure that information is provided only to the data subject and will ensure check the identity of any data subject prior to passing on any information.

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- 3.4 Where information held is likely to disclose information about a third party as much information as possible will be disclosed without enabling the third party to be identified, and the permission of the third party sought to release all information that is held.

#### **4. Recruitment**

- 4.1 Fusion Health & Well Being will ensure that its recruitment and selection policies and procedures support the principles within the data protection legislation. In particular it will

- ensure that job adverts provide appropriate information to enable potential applicants to know whom they are providing their information to and ensure that any recruitment agency used complies fully with data protection legislation
- not seek information from applicants unless it can be justified as being necessary to enable a recruitment decision to be made or for a related purpose such as equal opportunities monitoring. No such information will be sought without the potential applicant being advised that the information will be used for the purposes for which it is being sought
- information will only be sought from all applicants if it is needed from those who progress further in the recruitment process or from the person appointed.
- shortlisting will only be carried out in a way that is fair to individuals.
- no applicant will be vetted prior to appointment other than where Standard or Enhanced Disclosure through the Criminal Records Bureau is required for the job
- interviews will be conducted in accordance with accepted good practice to ensure it is relevant to the recruitment decision or necessary to be able to demonstrate that the decision was properly taken
- seek medical information about an applicant only where it is relevant to determine their fitness for the job or eligibility to join a pension scheme and with the consent of the prospective employee
- allow access to confidential references and will only withhold information that if given to the employee would be likely to:-

~ result in harm to the author of the reference or some other person;



~ reveal information provided by a person other than a supervisor or manager of the employee who would not have expected it to be revealed.

- allow access to references received in so far as the identity of a third party, such as the author of the reference, is not revealed
- provide confidential references only where employees have given consent to our disclosure either directly or to a third party

## **5. Medical Testing**

- 5.1 Fusion Health & Well Being will not seek medical information about an employee other than to determine their continued fitness for the job, nor will it screen for drugs or alcohol abuse other than part of a voluntary programme for the detection and treatment of drug / alcohol abuse.

## **6. Monitoring of Information**

- 6.1 As part of the Terms and Conditions of Employment Fusion Health & Well Being will seek authorisation from employees to collect information about age, gender and ethnic origin. Any such information obtained will only be used to monitor compliance with the law and best practice in terms of equality of opportunity and non-discrimination.
- 6.2 No information obtained during employment will be used for purposes other than the employee / employer relationship or monitoring purposes, other than with the person's consent.
- 6.3 Information collected will not be used for any other purpose for which it was collected unless the information is such that it cannot be ignored i.e. it reveals criminal activity or gross misconduct

## **7. Partner Organisations**

- 7.1 Partner Agencies will be expected to comply with the provisions of the Data Protection legislation and provide access to information held by them on clients on request from the appropriate staff member.

## **8. Record Keeping**

- 8.1 Fusion Health & Well Being will not retain any records longer than the statutory required period of time, unless there is a justified business reason for doing so. Where manual records are disposed of it will be done securely and where computerised records are deleted it will ensure that back up records are disposed of.