

Scottish autism

WHERE AUTISTIC PEOPLE
ARE VALUED

Data Protection & Freedom of Information Policy

Director Responsible

Chief Executive

Author

David Harkins, Risk & Compliance Manager

Approved by

Board

Version

7

Issue Date

October 2020

Review Date

September 2023

DOCUMENT HISTORY

Date	Author/Editor	Summary of Changes	Version No
Sep 2009	Data Protection Group		1
Jun 2014	M Turner/ L McCairn	Policy Review – no major changes as legislation remains current	2
Aug 2016	M Turner	Update policy to include Freedom of Information legislation	3
Jun 2017	M Turner	Revision to SAR process inc reference to GDPR & PECR information	4
Apr 2018	M Turner	Updated for GDPR compliance	5
Dec 2019	M Turner	Review	6
Jul 2020	David Harkins	Revamp	7

Please note that the only valid version of the policy is the most recent one. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of this document are not controlled. As a controlled document, this document should not be saved onto local or network drives but should always be accessed from the intranet.

CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
Board of Trustees	6 th October 2020
Senior Leadership Team (SLT)	14 th August 2020
Policy Group	10 th July 2020

CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:	Detail
Policy 1	Records Management Policy
Policy 2	Information Security Policy
Policy 3	IT and Systems Usage Policy
Policy 4	Risk Management Policy
Legislation & Guidance	Data Protection Act (2018) General Data Protection Regulations (2018) Freedom of Information Scotland Act (2002) Environment information Scotland Regulations (2004) Privacy & Electronic Communications Regulations (2003)
SA GDPR Checklist	Data Protection Awareness checklist

EQUALITY & PRIVACY IMPACT ASSESSMENTS

Log Number: 2020/21	Date completed: 16 th July 2020
----------------------------	---

KEYWORDS

Data Protection, Freedom of Information, FOI, ICO, Subject Access Request, SAR, Environmental Information Regulations, EIR, Personal Data, Data Storage

CONTENTS

1	INTRODUCTION	1
2	SCOPE	1
3	RESPONSIBILITIES.....	1
4	POLICY REVIEW	2

Appendix 1 Guidance

1 INTRODUCTION

Scottish Autism is committed to preserving the privacy and safeguarding of all personal data and ensuring all appropriate measures are taken to comply with the General Data Protection Regulations (GDPR) that became enforced on the 25th May 2018 and The Data Protection Act (2018).

The Data Protection Act (DPA), Freedom of Information (FOI) General Data Protection Regulations (GDPR), Environment information Scotland (EIS) and the Privacy & Electronic Communications Regulations (PECR) are all designed to work in parallel with one another to protect information and ensure individual's rights are respected. They set out a framework of rights and responsibilities for organisations and individuals regarding information they hold about either a person or the environment.

Scottish Autism will endeavour to be transparent with individuals whose data is processed and to provide training and support to staff who are handling data so that consistency is achieved. This will enable us to comply with law and good practice, whilst respecting individuals' rights, as well as ensuring that the public's right to access information under FOISA legislation is met.

New Struan School is a public authority and is therefore subject to The Freedom of Information (Scotland) Act 2002 (FOISA). The FOISA legislation applies to information we hold and publish about the School and its educational activities but does not apply to New Struan residence or the wider organisation. Alongside the FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to environmental information we hold.

The purpose of this policy is to enable Scottish Autism to:

- Preserve privacy in relation to personal data and treat information with respect
- Comply with UK/EU legislation and regulations
- Follow best practice guidelines
- Appropriately respond to GDPR, DPA, FOISA and EIR requests
- Mitigate risks of data breaches and their potential consequences

2 SCOPE

This policy aims to ensure Scottish Autism complies with Data Protection legislation.

As well as the people we support, the Board of Trustees, Senior Leadership Team, permanent staff, part-time staff, casual staff, agency staff, secondees, volunteers and suppliers/contractors are within the scope of this policy.

3 RESPONSIBILITIES

Scottish Autism is a Data Controller and has the responsibility for ensuring the necessary steps are taken to ensure legal compliance with Data Protection, GDPR, FOI, EIS and PECR.

The Board of Trustees and Senior Leadership Team has overall responsibility for ensuring Scottish Autism complies with data protection legislation and regulations.

The Risk & Compliance Manager has the responsibility for ensuring Scottish Autism maintains day-to-day compliance with the legislation and regulations and to report any breaches, deal with any subject access requests, supply quarterly statistics for FOISA/EIR requests to the Scottish Information Commissioner's Office.

The Information Systems Manager has responsibility for ensuring that all electronic systems are maintained in line with the legislation and regulations.

All staff and volunteers will be made aware of their responsibilities relating to data protection and freedom of information as part of their induction training and continued professional development via SA iLearn. This includes their responsibility to report any data breaches and comply with legislation and regulations for safeguarding personal data.

4 POLICY REVIEW

This policy will be reviewed on a three yearly basis or as required to comply with any legislative changes”

* (Brexit) If the UK leaves the EU with no agreement in place regarding future arrangements for data protection, there would be no immediate change in the UK's own data protection standards. This is because the Data Protection Act 2018 would remain in place and the EU withdrawal Act would incorporate the GDPR into UK law to sit alongside it.