

Polish Abroad Data Protection and Confidentiality Policy

Date adopted: 25/05/18

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1. Introduction

The safety and well-being of our beneficiaries are the paramount considerations in all decisions Polish Abroad make around Confidentiality. We recognise that any data sharing should be within the law and upon the consent of any parties involved.

In any handling of personal data, sensitive data and information given to us in confidentiality, we follow the General Data Protection Regulation (GDPR) 2018.

In setting out the rules around data sharing and confidentiality we ensure that beneficiaries are aware of how their data is used and know boundaries of confidentiality. We also endeavour to keep the users informed about any situations where we may have a duty to breach confidentiality agreement.

2. Data protection principles

Polish Abroad is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. processed in a manner that ensures appropriate security of the personal data, including

protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

3. General provisions

- a. This policy applies to all personal data processed by Polish Abroad.
- b. The Responsible Person shall take responsibility for the Polish Abroad ongoing compliance with this policy.
- c. This policy shall be reviewed at least bi-annually.
- d. Polish Abroad shall keep under review the need to register with the Information Commissioner’s Office as an organisation that processes personal data.
- e. individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

4. Lawful purposes

- a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).
- b. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- c. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available.

5. Data minimisation

- a. Polish Abroad shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

6. Accuracy

- a. Polish Abroad shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

7. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary, Polish Abroad adopts a general rule of 7 years from the end of a given financial year unless stated otherwise.

8. Security

- a. Polish Abroad shall ensure that personal data is stored securely to the best of technical and storage possibilities.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place if required.

9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Polish Abroad shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

10. Meaning of Confidentiality

To speak about something confidentially, is to speak "in private". In practice there are few situations where absolute confidentiality is offered. We have to strike a balance between confidentiality and well-being of minors and vulnerable adults, ensuring that child protection procedures are followed in considering any boundaries to confidentiality.

In situations related to Child Safeguarding issues, Staff will use the Child Protection Policy for guidance of how to deal with the disclosure of abuse.

11. The legal position

Polish Abroad Board members, the Coordinator, facilitators and volunteers should not promise confidentiality where Child Protection issues are considered. Beneficiaries who are minors do not have the right to expect that incidents will not be reported to parents/carers. The safety, well-being and protection of the child is the paramount consideration in all decisions about confidentiality.

12. Visitors

We expect all visitors to report any disclosures by minors or parents/carers, of a concerning personal nature to the Safeguarding Lead as soon as possible after the disclosure and in an appropriate setting.

13. Data storage and sharing

Data sharing can occur in many ways while working in a charitable organisation setting.

- When liaising with third party on behalf of a User
- When discussing their case with somebody whom the client was referred by
- When disclosing to any other party that the user is a client of the Service
- Departmental reports
- Sharing with any third parties who deliver services to the Organisation (e.g. at an event)
- Sharing in group emails

14. Breach of confidentiality

In some scenarios, when someone's life or wellbeing is at risk, it may be justified to breach the confidentiality agreement without asking for the subject's permission.

Refer to Child Protection Policy for guidance around disclosure and confidentiality.

Polish Abroad will also consider breaching confidentiality where a beneficiary is suicidal, and will refer their details to Lifeline.

End of policy