

Catch22 group policy

Data Protection – Observing data subject rights

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Catch22 reserves the right to amend this policy, following consultation, where appropriate.

Policy Owner:	<i>Governance & Risk</i>
Queries to:	<i>Data Governance Manager</i>
Date created:	<i>31 May 2018</i>
Date of last review:	<i>June 2023</i>
Date of next review:	<i>June 2024</i>
Catch22 group, entity, hub:	<i>Catch22 group</i>
4Policies level (all staff or managers only)	<i>All staff</i>

Document Version Control & Changes

Version	Last modified	By	Changes Made
1.0	30/06/2022	Beverley Clark	Updated policy in line with UK Data Protection Legislation
2.0	30/06/2023	Beverley Clark	Policy review – no changes made

Catch22 GDPR standards

When processing personal data staff will uphold the following standards, where possible:

- **Model of least privilege**
Staff will ensure that security controls are implemented, to data held physically and electronically, to ensure that personal data is only accessed by staff that have a defined need to access it.
- **Data minimisation**
Staff will limit the collection of personal information to that which is directly relevant and necessary to accomplish a specified purpose.
- **Data subject rights**
Staff will ensure that the rights that are afforded to individuals under the UKGDPR are upheld appropriately and in accordance with the regulation and associated legislation.
- **Accountability**
Staff will adhere to and remain compliant with the seven UKGDPR principles and contribute to demonstrating the organisations compliance.
- **Anonymisation, Pseudonymisation and Encryption**
Where possible and appropriate staff will look to anonymise/pseudonymise and encrypt personal data in order to protect the privacy rights of individuals.

1. Policy statement

Articles 13 to 22 of the United Kingdom General Data Protection Regulation (UKGDPR) affords data subjects rights over the data being processed by organisations. Catch22 will ensure that the rights of the data subjects whose data is processed by us are upheld appropriately and in accordance with the regulation and any associated legislation including the Data Protection Act 2018.

2. Data subject rights

The GDPR provides the following rights for individuals:

Right	What is this?
1. The right to be informed	Data subjects should be issued with a privacy notice that details what information is held about them.

2. The right of access (subject access)	Data subjects have the right to make a subject access request to see and have a copy of the information that is held about them by an organisation We have one calendar month to respond to a request.
3. The right to rectification	Data subjects have the right to have inaccurate dated corrected. If the data was correct previously and there is a requirement to retain it, then the record can be updated rather than over-written.
4. The right to erasure (right to be forgotten)	Also known as the 'right to be forgotten', data subjects can ask for their data to be deleted. This only applies in specific circumstances.
5. The right to restrict processing	Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances e.g. direct marketing. When processing is restricted, we are permitted to store the personal data, but not use it and an individual can make a request for restriction verbally or in writing. We have one calendar month to respond to a request.
6. The right to data portability	The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. The right only applies to information an individual has provided to a controller.

7. The right to object	The UKGDPR gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. In other cases where the right to object applies we may be able to continue processing if we can show that we have a compelling reason for doing so. We must tell individuals about their right to object. An individual can make an objection verbally or in writing. We have one calendar month to respond to an objection.
8. Rights in relation to automated decision making and profiling.	Automated individual decision-making is making a decision solely by automated means without any human involvement. Profiling is automated processing of personal data to evaluate certain things about an individual. Profiling can be part of an automated decision-making process. The UKGDPR applies to all automated individual decision-making and profiling (e.g. an online mortgage application) and can only be carried out where the decision is: - necessary for the entry into or performance of a contract; or - authorised by Union or Member state law applicable to the controller; or - based on the individual's explicit consent.

	Any automated processing must give data subjects: - - information about the processing; - simple ways for them to request human intervention or challenge a decision
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3. Scope

In order to determine how and when these rights can and should be applied, it is essential that all services processing personal data have established the legal basis for doing so and what condition for processing applies.



The first principle of UKGDPR requires that we process all personal data lawfully, fairly and in a transparent manner. Processing is only lawful if we have a lawful basis under Article 6. We must be able to demonstrate that a lawful basis applies otherwise our processing will be unlawful and in breach of the first principle.

Individuals also have the right to erase personal data which has been processed unlawfully.

The individual's right to be informed under Articles 13 and 14 requires us to provide people with information about our lawful basis for processing. This information is provided to people in our privacy notices. The lawful basis for our processing can also affect which rights are available to individuals. For example, some rights will not apply:

		Subject rights that apply		
		Erasure	Portability	Object
Conditions for processing	Consent	✓	✓	x
	Contract	✓	✓	x
	Legal obligation	x	x	x
	Vital interests	✓	x	x
	Public tasks	x	x	✓
	Legitimate interests	✓	x	✓

However, irrespective of the condition for processing, everyone has the right to object to their information being used for direct marketing. Guidance on the rights of data subjects is available for the Information Commissioners website www.ico.org.uk or you can contact Catch22's data protection officers at dpo@catch-22.org.uk.

4. Definitions

For definitions please see the Data Protection: Over-arching Policy 2022.

5. Related policies

Data Protection Policy Suite

ISO 27001 Policy Suite

Annex 1: Equality Impact Assessment

1. Summary

This EIA is for:	Data protection: observing data subject rights policy – Jan 2021
EIA completed by:	Beverley Clark, Data Governance Manager
Date of assessment:	30 June 2022
Assessment approved by:	

Catch22 is committed to always: avoiding the potential for unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

An Equality Impact Assessment (EIA) is a tool for identifying whether or not strategies, projects, services, guidance, practices or policies have an adverse or positive impact on a particular group of people or equality group. Whilst currently only public bodies are legally required to complete EIA's under the Equality Act 2010, Catch22 has adopted the process in line with its commitment to continually improve our equality performance.

Policy owners are required to complete or review the assessment indicating whether the policy has a positive, neutral or negative impact for people who it applies to and who share one or more of the 9 protected characteristics under the Equality Act 2010.

Definitions are based on the Equality & Human Rights (EHRC) guidance.

Objectives and intended outcomes
This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of this policy have been fully considered and addressed, whether or not people share a protected characteristic.

2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Please give details including any mitigation for negative impacts
Age Does this policy impact on any particular age groups or people of a certain age?	☐	☒	☐	
Disability Does this policy impact on people who have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities?	☐	☒	☐	
Gender reassignment (transsexual, transgender, trans) Does this policy impact on people who are transitioning from one gender to another (at any stage)	☐	☒	☐	
Marriage and civil partnership Does this policy impact on people who are legally married or in a civil partnership?	☐	☒	☐	
Pregnancy and maternity (in work this is linked to maternity leave, non-work this is for 26 weeks after giving birth) Does this policy impact on people who are pregnant or in their maternity period following the birth of their child?	☐	☒	☐	
Race Does this policy impact on people as defined by their race, colour and nationality (including citizenship) ethnic or national origins	☐	☒	☐	

Religion and belief Does this policy impact on people who practice a particular religion or none, or who hold particular religious or philosophical belief or none?	☐	☒	☐	
Sex Does this policy impact on people because they are male or female?	☐	☒	☐	
Sexual orientation Does this policy impact on people who are sexually attracted towards their own sex, the opposite sex or to both sexes?	☐	☒	☐	

3. More information/notes

Please add any links to key documents or websites to evidence or give further detail on any impacts identified.