

## **Deafblind Scotland INFORMATION GOVERNANCE POLICY**

**Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**



### **POLICY SUMMARY**

As an employer and provider of services, Deafblind Scotland is committed to ensuring that we have the systems and procedures in place to protect all sensitive and personal information and data. Deafblind Scotland has a moral and legal duty to keep records detailing the support and care provided to each customer, records relating to the employment of each employee (team member) or stakeholder, and records related to key business activities. Deafblind Scotland has a duty to keep this sensitive information safe and secure.

Information Governance is the framework of law and best practice that regulates the manner in which this information is managed i.e. gathered, used, stored and disclosed.

The aim of this policy is to provide direction to all Deafblind Scotland employees (including Guide Communicators) on how to manage information in line with our values and within the parameters of legislation and regulation. Managing information properly is critical to the future success of the organisation as our reputation depends on it and as such this policy forms part of each employees' contract of employment.

### **Related legislation:**

The Public Services Reform (Scotland) Act 2010, The Public Records (Scotland) Act 2011, The General Data Protection Regulation Directive (2018), The Data Protection Act (1998), The Human Rights Act (1998), The Adults with Incapacity (Scotland) Act 2000, Mental Health (Scotland) Act 2015, Charities and Trustees Investment (Scotland) Act 2005, the Companies Act 2006, Computer Misuse Act (1990), Public Disclosure Act (1998), NMC Guidelines for Records and Record Keeping, Records Management: NHS Code of Practice, National

Minimum Wage Guidance, National Care Standards as enshrined in the Regulation of Care Act (2001)

### **Deafblind Scotland Related Policies:**

Codes of Conduct, Discipline and Grievance, Finance and Fundraising, Social Media, GC Good Practice, this list is not exhaustive and as such staff should be familiar with all policies and procedures to ensure the spirit of this policy is applied across all areas of practice.

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## 1.0 OUTCOME

As a result of this policy members, service users, staff, supporters and stakeholders can be confident that information held about them is obtained and managed in a manner consistent with moral, legal and regulatory requirements. References to personal information (data) made within this policy applies to the information held about staff members, members, service users, volunteers and stakeholders.

## 2.0 PURPOSE

The purpose of this policy is to ensure that Deafblind Scotland members, service users, staff, supporters and stakeholders understand their rights and responsibilities in relation to *Information Governance* and in line with the principles of the *General Data Protection Regulation (GDPR)* which states that:

### **Personal information should be:**

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary
- Accurate and where necessary kept up to date
- Kept in a form which permits identification of the person (known as a *data subject*) for no longer than necessary and only for the purposes of which the data is processed
- Processed in a manner that ensures appropriate security of the personal data. **members, service users, staff, volunteers and stakeholders can be confident that:**
- Their personal records are fit for purpose, held securely and remain confidential.
- Other records required to be kept to protect their and wellbeing are maintained and held securely where required.

- Deafblind Scotland will both comply with rights, including data access and data portability, and make those rights, and any relevant process, known to individuals. **To do this, Deafblind Scotland will comply with the regulations and will:**
- Keep accurate support records secure and confidential for each person who uses Deafblind Scotland services.
- Keep accurate staff and volunteer records secure and confidential in line with required legislation.
- Keep accurate stakeholder (such as fundraising supporters) records secure and confidential in line with required legislation.
- Keep accurate records in line with required legislation for all key business activities.
- Ensure that personal data will only be used for the purposes for which it was given and for which Deafblind Scotland has a lawful reason for processing.
- Keep those records for the correct amount of time.
- Keep any other records the Care Inspectorate asks them to in relation to the management of regulated activities.
- Store records in a secure, accessible way that allows them to be located quickly.
- Securely destroy records, taking into account the relevant *retention schedule*.
- Share information in a confidential and appropriate manner with relevant services, individuals, teams or agencies.
- Where applicable information will be transferred safely and securely.

### **3.0 MAIN POLICY POINTS**

Deafblind Scotland operates this process within the parameters of the Public Services Reform (Scotland) Act 2010 which sets the standards for

health and social care delivery in Scotland and all other relevant Legislation including: The Public Records (Scotland) Act 2011, The General Data Protection Regulation Directive (2018), The Data Protection Act (1998), The Human Rights Act (1998), The Adults with Incapacity (Scotland) Act 2000, Mental Health (Scotland) Act 2015, Charities and Trustees Investment (Scotland) Act 2005, the Companies Act 2006, Computer Misuse Act (1990), Public Disclosure Act (1998), NMC Guidelines for Records and Record Keeping, Records Management: NHS Code of Practice, National Minimum Wage Guidance, National Care Standards as enshrined in the Regulation of Care Act (2001)

## **Data Protection and GDPR**

3.1.1 The *Data Protection Act* (DPA) 1998 is a framework of rights and duties designed to safeguard personal information. From May 2018 this framework will be strengthened by the implementation of the General Data Protection Regulation (GDPR) and related UK legislation.

3.1.2 Deafblind Scotland Staff who process or use any personal information must ensure that the principles of GDPR and the law are followed and fully implemented.

3.1.3 All staff are expected to take a proactive approach to information governance and are fully accountable for their practice.

3.1.4 Deafblind Scotland has developed procedural guidance to support staff in understanding the importance of sound information governance and their responsibilities.

## **Data Protection Officer (DPO)**

Deafblind Scotland are required to identify a competent *Data Protection Officer* (DPO) to inform and advise the organisation and employees on data protection. The DPO for Deafblind Scotland is the Head of Finance.

The DPO's role is to:

3.2.1 Audit and monitor compliance with the GDPR, other data protection provisions, and additional internal data protection policies.

3.2.2 Advise on privacy impact assessments (PIA).

3.2.3 Maintain a register of any information security breaches.

3.2.4 Serve as the main contact for the *Information Commissioner's Office (ICO)*.

### **Confidentiality and Information Sharing**

3.3.1 In Deafblind Scotland confidential information includes all data about staff members, members, service users, volunteers and stakeholders of the organisation which may be deemed as private, personal, commercially sensitive or information which could identify the individual.

3.3.2 Deafblind Scotland expects all staff to maintain the principles of confidentiality and protect information from inappropriate disclosure. Deafblind Scotland has developed procedural guidance to staff in understanding their responsibilities regarding confidentiality and disclosure.

3.3.3 *Privacy Notices* set out for staff members, members, service users, volunteers and stakeholders how Deafblind Scotland will collect and use their personal data in a way that is fair, lawful and transparent.

3.3.4 There are occasions when it is necessary to share information either within the organisation or with a third party, or to ensure delivery of essential support. For people we support an annual review where we will record and acknowledge all expected sharing of information. For all unexpected or ad hoc requests to share information consent must be recorded individually.

3.3.5 Where members or service users consent either cannot be obtained or has been refused, Deafblind Scotland may in some specific circumstances, agree to disclose information. This will only happen where the sharing of information is deemed necessary for the provision of an essential service or is in the best interests of the individual. This decision will be made by the Head of Operations who will follow due protocol and report for recording by the DPO.

3.3.6 A *Privacy Impact Assessment*, should be considered for any significant changes to the way in which we collect, store or process information, for example new ICT systems which hold personal data, or

a project which analyses staff, member or service user information. On these occasions project leads should contact the DPO.

3.3.7 All staff members, members, service users, volunteers and stakeholders have a right in law to see any information Deafblind Scotland may hold about them. Deafblind Scotland will ensure that staff members, members, service users, volunteers and stakeholders. are aware of their right to access their records through *Privacy Notices* and *Consent forms* as applicable.

## **Breaches**

3.4.1 Any data breach must be reported immediately to your line manager who will inform the DPO. Appropriate action will be taken to minimise the breach and where necessary, inform the relevant parties.

3.4.2 Breaches could have significant consequences for the person(s) whose data has been compromised. They could also result in Deafblind Scotland being fined by the ICO and cause significant reputational damage.

## **Information Security**

3.5.1 Deafblind Scotland ensures that suitable systems are in place to secure physical and electronic data held by the organisation.

3.5.2 All electronic data must be saved on Deafblind Scotland secure drives only. The Deafblind Scotland secure drives are the shared drive, HR drive and Executive Drive. Records must not be saved on desktop hard-drives.

3.5.3 Data must not be saved on pen drives, discs or any external memory device except for encrypted devices provided by Deafblind Scotland. These secure devices must not be shared where personal data is saved therein. Guidance is available from the DPO on how to save data securely if required.

3.5.4 Staff must ensure that safe systems are used when transporting or sending information either between Deafblind Scotland staff or outside of the organisation.

3.5.5 When working off site i.e. anywhere away from Deafblind Scotland Training and Development Centre staff must have permission to do so from their line manager and be extra vigilant.

## **Records Management**

3.6.1 Deafblind Scotland must keep records that document the support to members, records relating to the employment of staff, volunteers and the details of stakeholder supporters and records of key business activities.

3.6.2 'Records' means any information recorded in any form and includes paper files, electronic files, photographs, audio and videotape. These records may relate to members, staff, volunteers, fundraising or business activities.

3.6.3 Records must be maintained and stored within the systems that Deafblind Scotland has in place. These systems ensure the integrity and security of the data is maintained.

3.6.4 Records that are over 12 months old and no longer required for daily reference are considered as 'semi-current' and must be stored appropriately in the Archive and Records store.

3.6.5 For guidance on transfer and storage of 'semi-current' records please refer to your line manager.

3.6.6 Standards of record keeping will be routinely monitored by the DPO through the auditing process.

## **CCTV and Surveillance**

3.7.1 Personal data refers to anything that can identify an individual; this includes CCTV and employee monitoring. Such data is also subject to the principles and requirements of the Data Protection Act 1998 and GDPR.

3.7.2 Where Deafblind Scotland uses CCTV or other electronic monitoring processes, it will make clear the grounds on which it is undertaking this monitoring, which will normally be based on *legitimate interest* (such as security) or legal obligations.

3.7.3 Where Deafblind Scotland operate CCTV in premises this will be for the purpose of safety and security. CCTV will not be used for monitoring people using services or team members when carrying out work duties.

3.7.4 Access to the footage is restricted to the executive team and stored securely. Footage will be reviewed only in the event of an incident, accident or as required for investigation purposes e.g. vandalism.

3.7.5 Staff or members requests for access to footage will be managed as a usual data subject access request.

#### **4.0 RESPONSIBILITIES**

Deafblind Scotland recognises that GDPR exists to protect all of our personal data as citizens and offers us a governance framework that we must comply with. Consequently, we will ensure that Deafblind Scotland staff members have the appropriate systems and governance arrangements are in place to support all colleagues to carry out their duties and responsibilities in relation to information governance.

All line managers have an absolute responsibility to develop their own and their staff' understanding and practices in respect of this policy.

Compliance with this policy forms part of the formal contract of employment for Deafblind Scotland staff. Deliberate failure to comply with this policy will be considered as misconduct and may result in action in line with the Disciplinary Policy. Accidental or unintentional failure to comply with this policy may also be considered as misconduct and result in action in line with the Disciplinary Policy.

Staff with concerns that this policy has not been adhered to should refer the matter to their line manager in the first instance, who will report the matter to the Head of Finance. In the event that the line manager is the subject of the concern staff should escalate their concern to a member more senior staff member.

#### **5.0 EQUALITY and DIVERSITY**

This policy will be applied in line with our Equality and Diversity policy and will be monitored to ensure compliance with our values.

## **6.0 HEALTH AND SAFETY**

Staff must have regard for their own and others' health and safety when implementing this policy and procedures. This includes the need to ensure that paper records are handled in line with safe manual handling guidance and with due care.

Risk assessments should be conducted as required by the line manager and records should be stored in appropriate conditions.

## **7.0 POLICY ACCESS, MANAGEMENT AND REVIEW**

As this policy is part of employee contracts of employment, all employees must sign a declaration to say that they have received and understood their responsibilities in line with this policy.

This policy will be updated from time to time and in any event reviewed every three years as a minimum. The appendices which accompany this policy may be updated more frequently to reflect changes in practice, regulation etc. **The most up to date version of this policy and appendices is available for reference to all employees via Deafblind Scotland's Web Page.**

Line managers are responsible for ensuring that all their staff are made aware of this policy and any changes to it through induction, training, team meetings and signposting in one to ones as appropriate.

## **8.0 ENVIRONMENTAL**

Please consider the environment before you print this document and wherever possible copies should be printed double-sided and in black and white. (Please also consider setting the Page Range in the Print properties, when relevant to do so, to avoid printing the policy in its entirety. I.e. printing all appendices)

## **9.0 SUPPORT FOR IMPLEMENTATION**

Employees will be supported in their understanding and appropriate implementation of this policy through induction, supervision, appraisal

and training, taking account of additional service specific guidance as required.

Members and Service Users will be supported in their understanding of this policy by input through SAGOD, Board meetings, individual reviews etc.

## **Appendix 1**

**Data Protection guidelines Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens” NB this guideline should be read in conjunction with but not exclusively DbS Information Governance Policy and Privacy Notices**

### 1. Information about Deafblind members

All requests for information must be authorised by a manager.

Deafblind Scotland do not disclose information to any unauthorised third party without the express consent of the member/service user, or if the member/service user is unable to judge, the member/service user's immediate family or advocate.

Confidential information will not be sought from a member/service user unless expressly in the interests of that member/service user.

Staff will always consult management if they are unclear with respect to any item concerning confidentiality, or when made privy to confidential information that may have legal and / or criminal connotations.

See the Protection of Vulnerable Adults policy.

### 2. By a deafblind person or carer

Staff should advise that all requests for information must be authorised by a manager and that we cannot disclose information without the consent of the individual.

### 3. About a service user

Requests for information from funders of services should be directed to the service manager. Returns, invoices and applications should be anonymised so that individuals cannot be identified.

### 4. About staff members or volunteers

Requests for information should be directed to the individual's line manager. References should be stored in individual personnel files. Retention of Data; Deafblind Scotland requires to store personnel records for 5 year from ceasing employment. Including information necessary in respect of payments, pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. Deafblind Scotland requires to store certain

information about its employees, clients and other users to allow it to monitor progress, achievements, and health and safety.

Therefore, all prospective staff will be asked to consent to their data being processed when an offer of employment is made. A refusal to sign such a form will result in the offer being withdrawn. See recruitment policy.

#### 5. Storage of information

All staff are responsible for ensuring that:

- Confidential information in line with DbS Information Governance policy.
- Computerised information be held in line with DbS information Governance policy
- no confidential information should be held on personal storage equipment or removed from the premises

#### 6. IT and Emails

Deafblind Scotland may take any measure it deems necessary to reduce or eliminate risk to its IT and electronic communication systems and prevent their misuse. Employees should not expect complete privacy while utilising these systems. Authorised individuals within Deafblind Scotland may monitor and access IT facilities, IT systems, telecommunication systems, email, internet, network traffic and machine activity at any time in the interest of protecting these resources and Deafblind Scotland.

Staff members who fail to comply with this policy and/or related procedures and guidelines or who misuse or abuse Deafblind Scotland's IT systems or electronic communication may face disciplinary action (up to and including summary dismissal) in accordance with Deafblind Scotland's disciplinary action.

Deafblind Scotland emails must carry a legal disclaimer attached at the bottom of every mail. This is to ensure that recipients are informed that the email is intended for their sole use only and to give them an option to send the mail back, have their name taken out of mailing lists and talk to Deafblind Scotland's IT department if they have a query about reasons why they have received the email.

In light of third party access rights which may arise under applicable GDPR and Freedom of Information legislation proper care must be taken when drafting emails. Some emails, particularly emails to government and other public bodies may be accessible under applicable Freedom of Information legislation. Thus emails should be regarded as company

documents which may be made public, potentially giving rise to legal liability for Deafblind Scotland and for the sender, who may also be subject to disciplinary action in the event of failure to comply with email acceptable usage policy.

Email messages might be forwarded to persons other than the original recipients or sent in error. Therefore senders must take their time before sending emails to ensure that the following are adhered to:

- Check you are using the correct email address
- Take time and care when writing emails.
  - Writing emails are equivalent to writing a formal letter and appropriate etiquette applies.
  - Do not make defamatory, obscene or other inappropriate remarks.
  - Remember that anything stated in an email could be used in legal proceedings in the same way as anything in a memo or a letter.
  - Remember that emails can be forwarded easily and should not be treated as confidential.
- Use of email to transmit confidential information and/or content which may give rise to legally enforceable obligations should be avoided where possible as security cannot always be guaranteed – if it cannot be avoided, extra care, such as encryption of content and password protecting documents should be taken. Refer to Information Governance Policy.
- Avoid forwarding email and disclaimers from previous email correspondence unless it is relevant and necessary to do so.
- Where previous correspondence is being forwarded, check that it does not contain confidential, commercially sensitive or other information (e.g. disparaging remarks) inappropriate to the intended recipient(s) and that it does not purport to bind Deafblind Scotland to any particular course of action or legally enforceable obligations.
- Where possible, limit the use of attachments to reduce the risk of releasing information unintentionally.

#### 7. Photographic images

Consent to publish or use images of people must be received in writing. Photographs stored on the internet should be password protected.

#### 8. Contact lists

List of contacts for colleagues, customers, donors, trainees, service users, staff or volunteers should only be held with explicit consent and

should be stored in the relevant password protected databases and not as lists in public folders.

#### 9. Staff Responsibilities

Individual staff members are responsible for ensuring the data they hold is protected and is not shared inappropriately.

#### 11. The Data Controller

Deafblind Scotland as an organisation is the data controller under the Act, and as such is ultimately responsible for the implementation of the Act.

#### 12. Requests for information by the police or other agencies.

Examples including crime and taxation. Information should be given provided certain conditions are met; Acts protecting children or vulnerable adults which require you to inform social services must be complied with. See Child and Adult Protection policies.

#### 13. Good house keeping

Clear your desk before you leave of any confidential documents. Lock your computer (using CTRL, ALT, DEL keys). Memory sticks and laptops should hold no personal data. Ensure documents for shredding are kept securely.

#### 14. Rights to Access Information

Staff, clients and other users of Deafblind Scotland have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should contact their manager.

#### 15. Conclusion

Compliance with the Data Protection Act 1998 and General Data Protection Regulation Act 2017 is the responsibility of all staff. Any deliberate breach of the data protection policy will lead to disciplinary action being taken.

**Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**

**Deafblind Scotland Data Subject Access Request Policy and Procedure with Form**

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## **1 PURPOSE**

- 1.1 This policy and procedure establishes an effective, accountable and transparent framework for ensuring compliance with the requirements for Deafblind Scotland By the *GDPR*.

## **2 SCOPE**

- 2.1 This policy and procedure applies across Deafblind Scotland and to all employees, including part-time, temporary, or contract employees, that handle personal data.

## **3 POLICY STATEMENT**

- 3.1 The GDPR details rights of access to both manual data (which is recorded in a relevant filing system) and electronic data for the data subject. This is known as a Data Subject Access Request (DSAR).
- 3.2 Under the GDPR, organisations are required to respond to subject access requests within one month. Failure to do so is a breach of the GDPR and could lead to a complaint being made to the Data Protection Regulator.
- 3.3 This policy informs staff of the process for supplying individuals with the right of access to personal data and the right of access to staff information under the General Data Protection Regulation (hereinafter called GDPR). Specifically:
- All staff need to be aware of their responsibilities to provide information when a data subject access request is received. When a subject access request is received, it should immediately be reported to the Data Protection Officer to log and track each request.
  - Requests must be made in writing (form attached).
  - The statutory response time is one month.
  - Requests should include the full name, date of birth and address of the person seeking access to their information. To comply with the GDPR, information relating to the individual must only be disclosed to them or someone with their written consent to receive it.
  - No fee can be charged for initial DSAR for all types of records, whether manual or electronic format.

## **4 PROCEDURE**

### **How should DSARs be processed after receiving**

When a subject access request is received from a data subject it should immediately be reported to the Data Protection Officer who will log and track each request. If you are asked to provide information, you will need to consider the following before deciding how to respond:

- Under GDPR Articles 7(3), 12, 13, 15-22 data subjects have the following rights:
  - to be informed;
  - to access their own data;
  - to rectification;
  - to erasure (Right to be Forgotten);
  - to restriction of processing;
  - to be notified;
  - to data portability;
  - to object;
  - to object to automated decision making.
- Requests must be made in writing (form is attached). All DSARs received by email, mail, fax, social media, etc. must be processed.
- **The type of access you must provide and the fee you are allowed to charge may vary depending on how the records are held. It does not have to state 'subject access request' or 'data protection' to constitute a request under the GDPR.**
- If a request has already been complied with and an identical or similar request is received from the same individual a fee can be charged for the second request unless a reasonable interval has elapsed.
- The statutory response time is one month.
- Requests should include the full name, date of birth and address of the person seeking access to their information. To comply with the GDPR, information relating to the individual must only be disclosed to them or someone with their written consent to receive it.
- Before processing a request, the requestor's identity must be verified. Examples of suitable documentation include:
  - Valid Passport
  - Valid Identity Card
  - Valid Driving Licence
  - Birth Certificate along with some other proof of address e.g. a named utility bill (no longer than 3 months old)

## Fees

- 4.1 No fee can be charged for providing information in response to a data subject access request, unless the request is 'manifestly unfounded or excessive', in particular because it is repetitive.

If Deafblind Scotland receives a request that is manifestly unfounded or excessive, it will charge a reasonable fee taking into account the administrative costs of responding to the request. Alternatively, Deafblind Scotland will be able to refuse to act on the request.

### **Subject access requests made by a representative or third party**

- 4.2 Anyone with full mental capacity can authorise a representative/third party to help them make a data subject access request. Before disclosing any information, Deafblind Scotland must be satisfied that the third party has the authority to make the request on behalf of the requestor and that the appropriate authorisation to act on their behalf is included (see *Data Request Form*).

### **Complaints**

- 4.3 If an individual is dissatisfied with the way Deafblind Scotland have dealt with their subject access request, they should be advised to invoke the Deafblind Scotland complaints process. If they are still dissatisfied, they can complain to the Data Protection Regulator.

## **5 RESPONSIBILITIES**

### **Compliance, monitoring and review**

- 5.1 The overall responsibility for ensuring compliance with the requirements of the related legislation in relation to performing subject access rights at Deafblind Scotland rests with the Data Protection Officer.
- 5.2 All staff that deal with personal data are responsible for processing this data in full compliance with the relevant Deafblind Scotland policies and procedures.

### **Records management**

- 5.3 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised Deafblind Scotland recordkeeping system.
- 5.4 All records relevant to administering this policy and procedure will be maintained for a period of 5 years.

## **6 TERMS AND DEFINITIONS**

**General Data Protection Regulation (GDPR)**: the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

**Data Controller:** the entity that determines the purposes, conditions and means of the processing of personal data

**Data Processor:** the entity that processes data on behalf of the Data Controller

**Data Protection Authority:** national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

**Data Protection Officer (DPO):** an expert on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR

**Data Subject:** a natural person whose personal data is processed by a controller or processor

**DSAR:** data subject access request

**Personal Data:** any information related to a natural person or 'Data Subject', that can be used to directly or indirectly identify the person

**Privacy Impact Assessment:** a tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data

**Processing:** any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

**Profiling:** any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour

**Regulation:** a binding legislative act that must be applied in its entirety across the Union

**Subject Access Right:** also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them

## 7 RELATED LEGISLATION AND DOCUMENTS

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- The Public Services Reform (Scotland) Act 2010, The Public Records (Scotland) Act 2011, The General Data Protection Regulation Directive (2018), The Data

Protection Act (1998), The Human Rights Act (1998), The Adults with Incapacity (Scotland) Act 2000, Mental Health (Scotland) Act 2015, Charities and Trustees Investment (Scotland) Act 2005, the Companies Act 2006, Computer Misuse Act (1990), Public Disclosure Act (1998), NMC Guidelines for Records and Record Keeping, Records Management: NHS Code of Practice, National Minimum Wage Guidance, National Care Standards as enshrined in the Regulation of Care Act (2001)

- Deafblind Scotland Information Governance Policy

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Executive Team
Data Protection Officer	Executive Team
Next Review Date	25.05.19

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## 9. APPENDIX

### Data Request Form

If you want us to supply you with a copy of any personal data we hold about you, please complete this form and send it the address below. You are currently entitled to receive this information under the EU General Data Protection Regulation (GDPR). We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request.

**Please send your completed form and proof of identity to: Deafblind Scotland. 1 Neasham Drive, Kirkintilloch, Glasgow G66 3FA**

#### Section 1: Details of the person requesting information

Your full name:	
Your address:	
Your telephone number:	
Your email address:	

#### Section 2: Are you the data subject?

Please tick the appropriate box.

**YES:** I am the data subject. I enclose proof of my identity (see below). Please proceed to Section 4.

**NO:** I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see below). Please proceed to Section 3.

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- 1) **Proof of Identity.** We need one of the following: passport, photo driving license, national identity card, birth certificate.
- 2) **Proof of Address.** We need one of the following: utility bill, bank statement, credit card statement (no more than 3 months old); current driving license; local authority tax bill.

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

**Section 3: Details of the data subject**

Your full name:	
Your address:	
Your telephone number:	
Your email address:	

**Section 4: What information are you seeking?**

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require.

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Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you

see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However, we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

**Section 5: Information about the data collection and processing**

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data
- To whom your personal data are disclosed
- The source of your personal data

**Section 6: Declaration**

Please note that any attempt to mislead may result in legal action.

I confirm that I have read and understood the terms of this Data Subject Access Request Form and certify that the information given in this application to Deafblind Scotland is true. I understand that it is necessary for Deafblind Scotland to confirm my / the data subject’s identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signature

Date

**Attachments:**

I am enclosing the following copies as proof of identity:

.....  
.....  
.....  
.....

# Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”

NB this guideline should be read in conjunction with but not exclusively **DbS Information Governance Policy and Privacy Notices**

## Deafblind Scotland Data Retention Policy

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## 1 PURPOSE

The purpose of this policy is to specify Deafblind Scotland guidelines for retaining different types of personal data.

## 2 SCOPE

The scope of this policy covers all Deafblind Scotlands personal data stored on company-owned, company-leased, and otherwise company-provided systems and media, regardless of location. These records may be created, received or maintained in hard copy or electronically.

## 3 POLICY STATEMENT

- 3.1 The need to retain personal data varies widely with the type of data. Some personal data can be immediately deleted and some must be retained until reasonable potential for future need no longer exists. This Data Retention Policy provides guidelines to ensure that all applicable regulations Deafblind Scotland's rules on personal data retention are consistently applied throughout the organisation.

### Reasons for data retention

- 3.2 Some personal data must be retained in order to protect the company's interests, comply with regulatory requirements, preserve evidence, and generally conform to good business practices. Personal data may be retained for one or several of the following reasons:
- Business requirements
  - Regulatory requirements
  - Possible litigation
  - Accident investigation
  - Security incident investigation
  - Intellectual property preservation

### Retention periods

- 3.3 Different types of data will be retained for different periods of time:
- Personal customer/supporter data: Personal data will be held for as long as the individual is a customer of the company plus 7 years for any financial information pertaining to this customer/supporter.
  - Personal employee data: General employee data will be held for the duration of employment and then for 5 years after the last day of contractual employment. Employee contracts will be held for 5 years after last day of contractual employment.
  - Personal tax payments will be held for 7 years.
  - Records of leave will be held for 7 years.
  - Recruitment details: Interview notes of unsuccessful applicants will be held for 1 years after interview. This personal data will then be destroyed.
  - Health and Safety: 5 years for records of major accidents and dangerous occurrences.
  - Operational data: Most company data will fall in this category. Operational data will be retained for 7 years.
  - Critical data including Tax and VAT: Critical data must be retained for 7 years.

### **Retention of encrypted data**

- 3.4 If any information retained under this policy is stored in an encrypted format, considerations must be taken for secure storage of the encryption keys. Encryption keys must be retained as long as the data that the keys decrypt is retained.

### **Data duplication**

- 3.5 When identifying and classifying Deafblind Scotland personal data, it is important to also understand where that data may be stored, particularly for duplicate copies, so that this policy may be applied to all duplicates of the information.

### **Data destruction**

- 3.6 When the retention timeframe expires, Deafblind Scotland will actively destroy the data covered by this policy. If a user feels that certain data should not be destroyed, he or she should identify the data to his or her supervisor so that an exception to the policy can be considered. Since this decision has long-term legal implications, exceptions will be approved only by a member or members of Deafblind Scotland 's Executive team. The company specifically directs users not to destroy data in violation of this policy. Destroying data that a user may feel is harmful to himself or herself or destroying data in an attempt to cover up a violation of law or company policy is particularly forbidden.

## **4 RESPONSIBILITIES**

### **Compliance, monitoring and review**

- 4.1 The overall responsibility for ensuring compliance with the requirements of the related legislation in relation to performing registered charity, company, service and business activities at Deafblind Scotland rests with the Data Protection Officer. (executive team)
- 4.2 All staff that deal with personal data are responsible for processing this data in full compliance with the relevant Deafblind Scotland policies and procedures.

### **Reporting in case of a data breach**

- 4.3 In the case of possible data breach, the staff member(s) who first identifies the breach or incident, must immediately report all details of the incident to the Data Protection Officer.
- 4.4 The Data Protection Officer is required to report a personal data breach to the competent Data Protection Authority not later than 72 hours after becoming aware of it. The notification must include at least:
- a description of the nature of the breach, including, where possible, the categories and approximate number of data subjects and personal data records concerned;
  - the name and contact details of the relevant Data Protection Officer or contact point;
  - the likely consequences of the data breach; and
  - measures taken or proposed by the controller to address the breach and/or mitigate its effects.
- 4.5 Where a personal data breach is likely to result in a high risk to the rights and freedoms of a data subject, the Data Protection Officer must communicate the breach to the data

subject(s) without undue delay. The communication must describe in clear and plain language, the nature of the breach and at least:

- the name and contact details of the relevant Data Protection Officer or contact point;
- the likely consequences of the data breach; and
- measures taken or proposed by the controller to address the breach and/or mitigate its effects.

## **Records management**

- 4.6 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised Deafblind Scotland recordkeeping system.
- 4.7 All records relevant to administering this policy and procedure will be maintained for a period of 5 years.

## **5 TERMS AND DEFINITIONS**

**General Data Protection Regulation (GDPR):** the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

**Data Controller:** the entity that determines the purposes, conditions and means of the processing of personal data

**Data Processor:** the entity that processes data on behalf of the Data Controller

**Data Protection Authority:** national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

**Data Protection Officer (DPO):** an expert on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR

**Data Subject:** a natural person whose personal data is processed by a controller or processor

**Personal Data:** any information related to a natural person or 'Data Subject', that can be used to directly or indirectly identify the person

**Processing:** any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

**Data Backup:** data copied to a second location, solely for the purpose of safe keeping of that data

**Data Encryption:** the process of encoding data with an algorithm so that it is unintelligible and secure without the key. Used to protect data during transmission or while stored

**Data Encryption Key:** an alphanumeric series of characters that enables data to be encrypted and decrypted

**Regulation:** a binding legislative act that must be applied in its entirety across the Union

**Subject Access Right:** also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them

## 6 RELATED LEGISLATION AND DOCUMENTS

- [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\)](#)
- The Public Services Reform (Scotland) Act 2010, The Public Records (Scotland) Act 2011, The General Data Protection Regulation Directive (2018), The Data Protection Act (1998), The Human Rights Act (1998), The Adults with Incapacity (Scotland) Act 2000, Mental Health (Scotland) Act 2015, Charities and Trustees Investment (Scotland) Act 2005, the Companies Act 2006, Computer Misuse Act (1990), Public Disclosure Act (1998), NMC Guidelines for Records and Record Keeping, Records Management: NHS Code of Practice, National Minimum Wage Guidance, National Care Standards as enshrined in the Regulation of Care Act (2001)
- Deafblind Scotland Data Protection Policy

## REVIEW DETAILS

Approval and Review	Details
Approval Authority	Executive team
Data Protection Officer	Executive team
Next Review Date	23.05.18

## **Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**

### **Deafblind Scotland Privacy Notice (General Data Protection Regulation 2017)**

#### **Introduction**

This document refers to personal data, which is defined as information concerning any living person (the Data Subject) that is not already in the public domain.

The General Data Protection Regulation (GDPR) is there to protect the rights of data subjects. These rights include keeping safe all personal data, protection against the unlawful processing of personal data and the unrestricted movement of personal data within the EU. It should be noted that GDPR does not apply to information already in the public domain.

#### **Personal Data**

Deafblind Scotland uses the information collected from you to provide services and information. Signing our employment contract means you consent to Deafblind Scotland keeping in touch with you until you are no longer employed by Deafblind Scotland. Deafblind Scotland also acts on behalf of regulators, its clients or funders in the capacity of data processor. When working exclusively as a data processor, Deafblind Scotland will be acting on the instruction of its client or funder, and will work hard to ensure that the client or funder is fully GDPR compliant.

Some personal data may be collected about you from the forms and surveys you complete, from records of our correspondence and phone calls and details of your visits to our website, including but not limited to personally identifying information like Internet Protocol (IP) addresses. Deafblind Scotland may from time to time use such information to identify visitors to the website. Deafblind Scotland may also collect statistics about the behavior of visitors to its website.

Deafblind Scotland’s website uses cookies, which is a string of information that a website stores on a visitor’s computer, and that the visitor’s browser provides to the website each time the visitor returns. WordPress.org uses cookies to help Deafblind Scotland identify and track visitors and their website access preferences. Deafblind Scotland website visitors who do not wish to have cookies placed on their computers should set their browsers to refuse cookies before using Deafblind Scotland’s website.

Any information Deafblind Scotland holds about you encompasses all the details we hold about you and any recruitment information including any third-party information we have obtained about you for the purposes of employment such as; PVG checks, references, Occupational Health checks etc.

Deafblind Scotland will only collect the information needed so that it can support you in employment with us, Deafblind Scotland does not sell or broker your data.

### **Legal basis for processing any personal data**

To meet Deafblind Scotland's employer obligations; as a registered charity and registered service provider, to meet our regulator and contractor requirements.

### **Legitimate interests pursued by Deafblind Scotland**

To pursue the articles of association as outlined in our memorandum and articles "A society in which deafblind people have the permanent support and recognition necessary to be equal citizens" and to promote the services offered by Deafblind Scotland.

### **Consent**

Through agreeing to this privacy notice you are consenting to Deafblind Scotland processing your personal data for the purposes outlined. You can withdraw consent at any time by emailing [hr@dbscotland.org.uk](mailto:hr@dbscotland.org.uk) or writing to us, see last section for full contact details. However as an employee withdrawing your consent would also mean withdrawing from employment with Deafblind Scotland as we would not then be able to meet our legal basis for holding and processing your information.

### **Disclosure**

Deafblind Scotland may on occasions pass your Personal Information to third parties exclusively to process work on its behalf. Deafblind Scotland requires these parties to agree to process this information based on our instructions and requirements consistent with this Privacy Notice and GDPR. For example an external Human Resources contractor working on behalf of Deafblind Scotland.

Deafblind Scotland do pass on information gained from your employment without your consent. However, Deafblind Scotland may disclose your Personal Information to meet legal obligations, regulations or valid governmental request. Deafblind Scotland may also enforce its Terms and Conditions, including investigating potential violations of its Terms and Conditions to detect, prevent or mitigate fraud or security or technical issues; or to protect against imminent harm to the rights, property or safety of Deafblind Scotland, its clients and/or the wider community.

### **Retention Policy**

Deafblind Scotland will process personal data during the duration of any contract and will continue to store only the personal data needed for five years after the contract has expired to meet any legal obligations. After five years any personal data not needed will be deleted.

### **Data storage**

Data is held in the UK using different (multiple) servers. Deafblind Scotland does not store personal data outside the EEA.

## Your rights as a data subject

At any point whilst Deafblind Scotland is in possession of or processing your personal data, all data subjects have the following rights:

- **Right of access** – you have the right to request a copy of the information that we hold about you.
- **Right of rectification** – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- **Right to be forgotten** – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- **Right to restriction of processing** – where certain conditions apply you have a right to restrict the processing.
- **Right of portability** – you have the right to have the data we hold about you transferred to another organisation.
- **Right to object** – you have the right to object to certain types of processing such as direct marketing.
- **Right to object to automated processing, including profiling** – you also have the right not to be subject to the legal effects of automated processing or profiling.

In the event that Deafblind Scotland refuses your request under rights of access, we will provide you with a reason as to why, which you have the right to legally challenge.

Deafblind Scotland at your request can confirm what information it holds about you and how it is processed.

## You can request the following information:

- Identity and the contact details of the person or organisation (Deafblind Scotland) that has determined how and why to process your data.
- Contact details of the data protection officer, where applicable.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of Deafblind Scotland or a third party such as one of its clients, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- How long the data will be stored.
- Details of your rights to correct, erase, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority (Data Protection Regulator).
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from you.

- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing. (currently not used by Deafblind Scotland )

**To access what personal data is held, identification will be required**

Deafblind Scotland will accept the following forms of ID when information on your personal data is requested: a copy of your national ID card, driving license, passport, birth certificate and a utility bill not older than three months. A minimum of one piece of photographic ID listed above and a supporting document is required. If Deafblind Scotland is dissatisfied with the quality, further information may be sought before personal data can be released.

All requests should be made to [hr@dbscotland.org.uk](mailto:hr@dbscotland.org.uk) or by phoning 0141 777 6111 or writing to us at the address further below.

**Complaints**

In the event that you wish to make a complaint about how your personal data is being processed by Deafblind Scotland, you have the right to complain to Deafblind Scotland's CEO. If you do not get a response within 30 days you can complain to the Data Protection Regulator.

The details for each of these contacts are:

Deafblind Scotland  
Attention of the CEO  
1 Neasham Drive  
Kirkintilloch  
G66 3FA.  
Telephone 0141 777 6111 or email [hr@dbscotland.org.uk](mailto:hr@dbscotland.org.uk)

Data Protection Regulator  
Information Commissioner's Office  
45 Melville Street  
Edinburgh  
EH3 7HL  
Tel 0303 123 1115 or Email: [scotland@ico.org.uk](mailto:scotland@ico.org.uk)

## **Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**

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The General Data Protection Regulation (GDPR) is there to protect the rights of data subjects. These rights include keeping safe all personal data, protection against the unlawful processing of personal data and the unrestricted movement of personal data within the EU. It should be noted that GDPR does not apply to information already in the public domain.

#### **Personal Data**

Deafblind Scotland uses the information collected from you to provide services and information. By becoming a member and or service user you consent to Deafblind Scotland keeping in touch with you until you either opt out (which you can do at any stage) or you decide to stop using our services. Deafblind Scotland also acts on behalf of its clients or funders in the capacity of data processor. When working exclusively as a data processor, Deafblind Scotland will be acting on the instruction of its client or funder, and will work hard to ensure that the client or funder is fully GDPR compliant.

Some personal data may be collected about you from the forms and surveys you complete, from records of our correspondence and phone calls and details of your visits to our website, including but not limited to personally identifying information like Internet Protocol (IP) addresses. Deafblind Scotland may from time to time use such information to identify visitors to the website. Deafblind Scotland may also collect statistics about the behavior of visitors to its website.

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Any information Deafblind Scotland holds about you encompasses all the details we hold about you and any support information including any third-party information we have obtained about you from public bodies such as referral information.

Deafblind Scotland will only collect the information needed so that it can provide you with information and or services, Deafblind Scotland does not sell or broker your data.

### **Legal basis for processing any personal data**

To meet Deafblind Scotland's obligations; as a registered charity and registered service provider, to meet our regulator and contractor requirements.

### **Legitimate interests pursued by Deafblind Scotland**

To pursue the articles of association as outlined in our memorandum and articles "A society in which deafblind people have the permanent support and recognition necessary to be equal citizens" and to promote the services offered by Deafblind Scotland.

### **Consent**

Through agreeing to this privacy notice you are consenting to Deafblind Scotland processing your personal data for the purposes outlined. You can withdraw consent at any time by emailing [info@dbscotland.org.uk](mailto:info@dbscotland.org.uk) or writing to us, see last section for full contact details.

### **Disclosure**

Deafblind Scotland do not pass on information about you without your consent. However, Deafblind Scotland may disclose your Personal Information to meet legal obligations, regulations or valid governmental request, or to protect against imminent harm to the rights, property or safety of Deafblind Scotland, its clients and/or the wider community.

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Deafblind Scotland at your request can confirm what information it holds about you and how it is processed.

**You can request the following information:**

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- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- How long the data will be stored.
- Details of your rights to correct, erase, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority (Data Protection Regulator).
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from you.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

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All requests should be made to [info@dbscotland.org.uk](mailto:info@dbscotland.org.uk) or by phoning 0141 777 6111 or writing to us at the address further below.

### **Complaints**

In the event that you wish to make a complaint about how your personal data is being processed by Deafblind Scotland, you have the right to complain to Deafblind Scotland's CEO. If you do not get a response within 30 days you can complain to the Data Protection Regulator.

The details for each of these contacts are:

Deafblind Scotland  
Attention of the CEO  
1 Neasham Drive  
Kirkintilloch  
G66 3FA.  
Telephone 0141 777 6111 or email [info@dbscotland.org.uk](mailto:info@dbscotland.org.uk)

Data Protection Regulator  
Information Commissioner's Office  
45 Melville Street  
Edinburgh  
EH3 7HL  
Tel 0303 123 1115 or Email: [scotland@ico.org.uk](mailto:scotland@ico.org.uk)