

NCVO volunteering information sheet

Data protection and volunteers

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Summary

Data protection is often cited as a barrier to doing or not doing something, but the rules are actually quite simple and clear. As long as you know what data you can and can't hold, and have some processes in place to ensure personal information is only shared when necessary, management of this information shouldn't be a burden.

The aim of this Information Sheet is to provide an introduction to the Data Protection Act. It's not intended to be a substitute for professional legal advice, and organisations should seek further information about compliance with data protection, storage and disposal from the Information Commissioner's Office (ICO).

This Information Sheet covers:

- how the Data Protection Act affects volunteering
- data protection policy
- data processing
- the Information Commissioner's Office and the Employment Practices Code
- other obligations.

How does the Data Protection Act affect volunteering?

Any organisation that collects personal data about individuals is known as a 'data controller' and has to comply with the Data Protection Act 1998. If you hold information about volunteers then you'll need to ensure that you comply with the act.

The Data Protection Act 1998 covers information about any living individual who could potentially be identified from the data that is

- held on a computer
- in paper files.

Data protection policy

It's therefore a good idea to have a policy that covers data protection, however basic.

A policy should ideally cover:

- what information will be collected and why
- how long the information will be kept for
- how the information will be stored
- how an individual can access the information held about them.

Data processing

Anything that you do with data is known as 'processing'. There are eight data protection principles that anyone processing data should follow. Data must be:

- processed fairly and lawfully
- processed only for specified particular purposes
- adequate, relevant and not excessive for the purposes for which it is kept
- accurate and kept up to date
- not kept for longer than necessary
- processed in accordance to the subject's rights
- kept with appropriate security measures
- not transferred to countries outside the EEC (data published on the internet is automatically regarded as an overseas transfer).

Data processing should only take place if:

- the person who the information is about has
 - a. given permission
 - b. knows who is using the information
 - c. knows what they are using it for
 - d. knows who it is likely to be passed on to¹.
- it is necessary for the completion of a contract with the data subject
- it is necessary to protect the interest of the individual or carry out public functions
- there is a legal obligation to process the information.

For most organisations the main thing is to ensure that

- everyone that you hold information about knows that you do and has given permission for it to be stored and used;
- records are not held for longer than necessary and are stored and disposed of securely
- records are held in such a way that individuals who wish to see what information you hold about them can do so.

You can find further information from the Information Commissioner's Office (ICO):

www.ico.org.uk

The ICO is an independent authority set up to uphold information rights in the public interest. It can help you understand your obligations and keep you updated as and when they change.

They provide numerous resources including [guidance for employers](#).

Although it's important to remember that volunteers are not employees, we refer to these guidelines for context and as a useful reference point to ensure that you 're complying with legislation around data protection. We've highlighted the most relevant sections below.

¹ It's assumed that by agreeing to fill out application forms etc. people have given implicit permission, because it's obvious what the information will be used for. However, when collecting sensitive data (such as health monitoring, equal opportunities information or information in relation to someone's criminal record) explicit permission must be sought.

1.7 | Retention of recruitment records

Records that are held for the purposes of recruitment should be destroyed either

- as soon as a decision has been taken on whether or not to employ the person
- or within six months.

Please note

There are specific guidelines that you have to adhere to in relation to records and information related to DBS. More guidance on this can be found on the DBS website.

2.5 | Equal opportunities monitoring

Monitoring information about sex, ethnicity, sexuality, disability, age or religion should ideally be collected and stored anonymously. It should be used only for reviewing how your policies and procedures are ensuring equality of opportunity and/or treatment.

2.15 | Retention of records

There is no set time period for retaining records, but you should set and keep to standard times. You should also remember that information should be kept for no longer than necessary.

For example, you could decide to keep the records of all volunteers for six months after they stop volunteering, but extend that to 18 months for those who tell you they might request references in the future.

You need to take into consideration other legal requirements for certain types of records in relation to information held on volunteers. For example there are statutory requirements around the type of information you need to record for health and safety purposes and some of this information needs to be retained for longer e.g. accident reports should be kept for 3 years after the incident. For children accident records may be required to be kept for much longer. For further information on specific requirement around health and safety you should refer to the Health and Safety Executive website.

Other obligations

You should bear in mind that the Data Protection Act doesn't override any other legal obligations to hold information. For example there are particular requirements around keeping records regarding the running of a registered charity. You can find out about your responsibilities in relation to this from the Charity Commission who provide answers to FAQs on charity records.

Another point to consider is that how long you hold information for may also depend on your insurance and your funders, as they may provide their own criteria.

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Disclaimer

We make every effort to ensure that our Information Sheets are correct at the time of publication. They are intended as a brief summary of relevant issues to help you plan or develop your work with volunteers. Legal advice should be sought where appropriate. NCVO is unable to accept liability for any loss or damage or inconvenience arising as a consequence of the use of this information.

The inclusion of other organisations in the Information Sheets does not imply any endorsement of independent bodies; all sources of further information are listed solely for signposting purposes.

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For more information on managing volunteers, please visit the volunteering section of the NCVO website: www.ncvo.org.uk/practical-support/volunteering