Prison Radio Association
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info@prison.radio
www.prison.radio
@prisonradiouk
soundcloud.com/prisonradioassociation

Registered Charity No: 1114760

PRISON RADIO ASSOCIATION (PRA) DATA PROTECTION POLICY

Background

The PRA is a charity that aims to reduce crime using the rehabilitative power of media.

It developed and runs National Prison Radio, the world's first national radio station for people in prison. It also runs *Life After Prison*, a podcast channel that supports people who are rebuilding their lives after imprisonment. And it has founded Prison Radio International, a growing community of professionals running similar projects around the world.

1. INTRODUCTION

This Data Protection Policy applies to the Personal Data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors, prisoners and all contributors on the PRA's programmes (collectively, "**you**" and "**your**").

In this Data Protection Policy we set out how Prison Radio Association ("**we**", "**our**", "**us**", "**the Company**") handles Personal Data that we collect and use about you. However such Personal Data is collected, recorded and used, and in any form, be it on paper, in computer records or recorded by any other means.

This Data Protection Policy applies to the processing of Personal Data about you, in connection with our human resources function. It covers the following topics:

We regard the lawful and correct treatment of Personal Data as very important to the success of our business and to maintaining confidence between us and those with whom we carry out business. If you have any questions about this policy please contact: privacy@prison.radio.

2. DEFINITIONS

"**Adequate Country**" means any country or territory recognised as providing an adequate level of protection for Personal Data under an adequacy decision or regulations made, from time to time, by the UK Secretary of State under the UK GDPR.

"**Criminal offence data**" is data which relates to an individual's criminal convictions and offences.

"**Processing**" is any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"**Personal Data**" is any information that relates to an identifiable person who can be directly or indirectly identified from that information alone or in combination with other identifiers we possess or can reasonably access – for example, a person's name, identification number, location, online identifier. Personal Data includes Special Category Data and Pseudonymised data but excludes anonymous data or data that has had the identity of an individual permanently removed.

"**Pseudonymisation or Pseudonymised**" is replacing information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure.

"**Special Category Data**" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"**UK GDPR**" is the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) as defined in the Data Protection Act 2018. Personal Data is subject to the legal safeguards specified in the UK GDPR.

3. DATA PROTECTION PRINCIPLES

Under UK GDPR, all Personal Data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

a) Processing will be fair, lawful and transparent.
b) Personal Data will be collected for specific, explicit, and legitimate purposes only.
c) Personal Data collected will be adequate, relevant and limited to what is necessary for the purposes of processing.
d) Personal Data will be kept accurate and up to date. Personal Data which is found to be inaccurate will be rectified or erased without undue delay.
e) Personal Data is not kept for longer than is necessary for its given purpose.
f) Personal Data will be processed in a manner that ensures appropriate security including protection against unauthorised or unlawful processing, accidental loss, destruction or damage, by using appropriate technical or organisation measures.
g) Relevant UK GDPR procedures for international transfers of Personal Data are complied with.
h) Personal Data will be made available to the individual it concerns and we will allow that individual to exercise certain rights they have under the UK GDPR in relation to their Personal Data. See the DATA SUBJECT RIGHTS section for information on how you can exercise your rights.

4. TYPES OF DATA WE HOLD AND PROCESS

We keep several categories of Personal Data on our employees in order to carry out effective and efficient processes. We keep this data in a personnel file relating to each employee and we also hold the data within our computer systems, for example, our holiday booking system.

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Specifically, we hold the following types of data:

a) personal details such as name, address, phone numbers
b) information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter, references from former employers, details on your education and employment history etc
c) details relating to pay administration such as National Insurance numbers, bank account details and tax codes
d) medical or health information
e) information relating to your employment with us, including:

I. job title and job descriptions
II. your salary
III. your performance
IV. your wider terms and conditions of employment
V. details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information
VI. criminal conviction data if it is necessary to your role with us (e.g. as part of a DBS check to work with children and vulnerable people)
VII. internal and external training modules undertaken
VIII. your legal right to work and immigration status

We keep several categories of Personal Data on prisoners working on our projects inside prisons as well as Personal Data on all other contributors to our programmes in order to carry out efficient and effective processes.

Specifically, we hold the following types of data:

a) personal details such as name, address, phone numbers
b) information gathered via the recruitment process such as details on your education and employment history etc
c) details relating to pay administration such as National Insurance numbers, bank account details and tax codes
d) your prison number if applicable

We process criminal conviction data when working with people inside prison. This data is always accessed and stored on HMPPS secure systems and not stored on any PRA databases. Only people who have passed the Non-Police Personnel Vetting process and security clearance to Enhanced level 1 necessary to work within HM Prison and Probation Service (HMPPS) can access HMPPS systems and process it in line with HMPPS' Data Protection Policy.

All of the above information is required for our processing activities. More information on our processing activities is included in our privacy notices so employees and contribitors, available from your line manager/producer or the GDPR folder on the PRA's Dropbox.

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5. DATA SUBJECT RIGHTS

You have the following rights in relation to the Personal Data we hold on you:

a) To be informed about the data we hold on you and what we do with it.
b) To access data we hold on you. More information on this can be found in the ACCESS section below and in our separate policy on subject access requests.
c) To request that any inaccuracies in the data we hold on you, however they come to light, are corrected. This is also known as 'rectification'.
d) To have data deleted in certain circumstances. This is also known as 'erasure'.
e) To restrict the processing of the data in specific circumstances.
f) In limited circumstances, to transfer the Personal Data we hold on you to another party. This is also known as 'portability'.
g) To object to the inclusion of any information.
h) To challenge processing which has been justified on the basis of our legitimate interests or in the public interest.
i) Request a copy of an agreement under which Personal Data is transferred outside of the UK;
j) To make a complaint to the supervisory authority, in the UK this is the ICO, please see here for more information.

More information can be found on each of these rights in our separate policy on employee rights, available from your manager.

6. LAWFUL BASIS OF PROCESSING

Personal Data may only be processed for specified purposes under the UK GDPR, these lawful purposes (commonly referred to as 'lawful basis') must apply to each processing activity.

When processing Personal Data we typically rely on one of the following lawful basis:

a) The processing being necessary for the performance of a contract.
b) To meet our legal compliance obligations.
c) To protect vital interests.
d) To pursue one or more of our legitimate interests (or those of a third party) for purposes where they are not overridden because the processing prejudices the individual's interests or fundamental rights and freedoms.

For more information on the lawful basis we rely on when processing your Personal Data, please see the Employee Privacy Notice, available from your manager.

7. ACCESS

All data subjects have a right to access the Personal Data that we hold on them. To exercise this right, employees should make a subject access request in writing to privacy@prison.radio. This mailbox is managed by the Data Protection Lead. We will comply with the request without delay, and within one month unless, in accordance with legislation, an extension is required. Those who make a request will be kept informed of any decision to extend the time limit.

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No charge will be made for complying with a request unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request. In these circumstances, a reasonable charge may be applied.

8. TRANSPARENCY

When we make decisions in relation to how Personal Data is processed, we are required to provide the individual of concern with certain information under the UK GDPR, this is the case whether the Personal Data was collected directly by us or sourced from somewhere else.

When we collect Personal Data directly, including for HR or employment purposes, we are required to provide information including how and why we will use, process, disclose, protect and retain that Personal Data through a privacy notice which must be presented when the Personal Data is first collected.

When Personal Data is collected indirectly (for example, from a third party or publicly available source), we are required to provide certain information as soon as possible after receiving the data. We must also check that the Personal Data was collected by the third party in accordance with the UK GDPR and on a basis which contemplates our proposed processing of that Personal Data.

For employees we provide this information in our Privacy Notices for Employees and Contrbutors.

9. DISCLOSURES

The Company may be required to disclose certain data/information. The circumstances leading to such disclosures include:

a) Any employee benefits operated by third parties.
b) Disabled individuals - whether any reasonable adjustments are required to assist them at work.
c) Individuals' health data - to comply with health and safety or occupational health obligations towards the employee.
d) For statutory sick pay purposes.
e) HR management and administration - to consider how an individual's health affects their ability to do their job.
f) The smooth operation of any employee insurance policies or pension plans.
g) To assist law enforcement or a relevant authority to prevent or detect crime or prosecute offenders or to assess or collect any tax or duty.

These kinds of disclosures will only be made when strictly necessary for the purpose.

10. DATA MINIMISATION

Personal Data must be limited to what is necessary in relation to the purposes for which it is being processed. This means that we will not process more Personal Data than is necessary to achieve the purposes for which we have a lawful basis.

You may only process Personal Data when performing your job duties requires it. When you do, you must not process excessive amounts of Personal Data, nor should you be processing Personal Data in excess of what is strictly required to perform your duties.

You must ensure that when Personal Data is no longer needed for specified purposes, it is deleted or anonymised in accordance with the Company's data retention policy.

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11. ACCURACY

Personal Data must be accurate and, where necessary, kept up to date. You must ensure that the Personal Data we use and hold is accurate, complete, kept up to date and relevant to the purpose for which we collected it. You must check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. You must take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data.

12. SECURITY

Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

All our employees are aware that hard copy personal information should be kept in a locked filing cabinet, drawer, or safe.

Employees are aware of their roles and responsibilities when their role involves the processing of data. All employees are instructed to store files or written information of a confidential nature in a secure manner so that are only accessed by people who have a need and a right to access them and to ensure that screen locks are implemented on all PCs, laptops etc when unattended. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.

Where Personal Data is computerised, it should be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Employees must always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them.

Personal data relating to employees should not be kept or transported on laptops, USB sticks, or similar devices, unless prior authorisation has been received. Where Personal Data is recorded on any such device it should be protected by:

a) ensuring that data is recorded on such devices only where absolutely necessary.
b) using an encrypted system — a folder should be created to store the files that need extra protection and all files created or moved to this folder should be automatically encrypted.
c) ensuring that laptops or USB drives are not left where they can be stolen.

Failure to follow the Company's rules on data security may be dealt with via the Company's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

13. THIRD PARTY PROCESSING

Where we engage third parties to process Personal Data on our behalf we will ensure, via a data processing agreement with the third party, that the third party takes sufficient measures in order to maintain the Company's commitment to protecting data.

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14. INTERNATIONAL DATA TRANSFERS

The Company may be required to transfer Personal Data to a country outside of the UK. Where transfers occur to any country that is not an Adequate Country, we will ensure that safeguards are in place to ensure that Personal Data receives materially the same level of data protection as it would under the UK GDPR.

15. DATA BREACHES

All data breaches will be recorded on our Data Breach Register. Where legally required, we will report a breach to the Information Commissioner within 72 hours of discovery. In addition, where legally required, we will inform the individual whose data was subject to the breach.

If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself and instead report it to your manager. For more information on breach notification is available in our Breach Notification policy.

16. SHARING PERSONAL DATA

Generally, we are not allowed to share Personal Data with third parties unless certain safeguards and contractual arrangements have been put in place. In your role, you may only share the Personal Data we hold with another employee, agent or representative of our company, or when required by your role, with approved third parties.

You may only share the Personal Data we hold with approved third parties, such as our service providers, if:

a) they have a need to know the information for the purposes of providing the contracted services;
b) sharing the Personal Data complies with the Privacy Notice provided to the individual and, if required, the individual's consent has been obtained;
c) the third party has agreed to comply with the required data security standards, policies and procedures, and put adequate security measures in place;
d) the transfer complies with any applicable cross-border transfer restrictions; and
e) a fully executed written contract that contains UK GDPR-approved third party clauses has been obtained.

17. TRAINING

New employees must read and understand the policies on data protection as part of their induction.

All employees receive training covering basic information about confidentiality, data protection and the actions to take upon identifying a potential data breach.

The nominated data protection lead for the Company is trained appropriately in their roles under the UK GDPR.

All employees who need to use the computer system are trained to protect individuals' private data, to ensure data security, and to understand the consequences to them as individuals and the Company of any potential lapses and breaches of the Company's policies and procedures.

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18. RECORDS AND RETENTION

Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the Personal Data is processed.

The Company keeps records of its processing activities including the purpose for the processing and retention periods in its Data Audit Record. These records will be kept up to date so that they reflect current processing activities.

19. CHANGES TO THIS DATA PROTECTION POLICY

We keep this Data Protection Policy under regular review. This version was last updated on 13/09/23.

This Data Protection Policy does not override any applicable national data privacy laws and regulations in the UK.

20. DATA PROTECTION COMPLIANCE

Our appointed compliance officer in respect of our data protection activities is:

Abbey Darling, Director of Operations and Women's Projects
abbey@prison.radio

POLICY REVIEW DATE: September 2024

Signed by

Phil Maguire
Chief Executive
Date: 13/09/23