



Talking sense about autism.
40 Caversham Road, Reading, Berks, RG1 7EB

Data Protection Policy

Reviewed: March 2026

Next review: March 2027

ICO Registration Number: ZA157133

Renewal date: 31/01/2021, and annually thereafter

Created with reference to the Data Protection and Information Commissioner's guidance – <https://ico.org.uk/> and Reading Voluntary Action

1. Introduction

Autism Berkshire respects the private lives of individuals and recognises the importance of safeguarding personal privacy. Autism Berkshire appreciates the responsibility of storing personal information and considers the protection of personal data to always be a priority and a consideration throughout its services.

This policy provides guidance for all Autism Berkshire staff, subcontractors, trustees and volunteers and will be communicated during induction. It will be made readily available for reference.

The guidance outlines the considerations and management of personal data.

Autism Berkshire needs to collect and store personal information (data) in electronic format about service users for effective delivery of its services and for monitoring purposes. Our grant funders require that we report on the impact that our services have made and how we have spent the grant.

Please see also our privacy notice.

2. Key definitions

Definitions

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|----------------------------|--|
| Charity | means Autism Berkshire, a registered charity. |
| GDPR | means the General Data Protection Regulation. |
| Responsible Person | means William Crossley, Communications and Grants Officer, and Senior Responsible Officer |
| Register of Systems | means a register of all systems or contexts in which personal data is processed by the Charity. |
| Data Controller | Autism Berkshire is the data controller for the purposes of personal data of service users and members. |
| Data Processor | Charity Log from Dizions, is the data processor, a secure cloud-based database which we use to store data about our service users. For bookings, we use Eventbrite or Event Manager Pro. For newsletters, we use Mailchimp, to communicate with our membership and service users. For membership payments we use PayPal or Stripe, payment processors. To collect Gift Aid we use Charitable, a cloud-based reporting tool. For online delivery of workshops, we use Zoom or Microsoft Teams. For general administration, we use the Microsoft 365 Not for Profit package as our email provider, word processor, spreadsheet and presentation software, including Sharepoint as our document repository. |

3. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the UK GDPR.

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

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for

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- which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
 - e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals; and
 - f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

4. General provisions

- a. This policy applies to all personal data processed by the Charity.
- b. The Responsible Person shall take responsibility for the Charity's ongoing compliance with this policy.
- c. This policy shall be reviewed at least annually.
- d. The Charity has registered with the Information Commissioner's Office as an organisation that processes personal data.

5. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

6. Lawful purposes

- a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/>
- b. The Charity shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for

the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

aa. CONSENT "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her". Our staff are to record this consent in the appropriate format e.g being but not exclusive in the appropriate place on charity log, written down when given verbally over the phone, email confirmation.

7. Data minimisation

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

8. Accuracy

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

9. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary, the Charity shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why.

10. Security

- a. The Charity shall ensure that personal data is stored securely using modern software that is kept-up to date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

11. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO. <https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach/personal-data-breaches-a-guide/>

12. Subject Access Requests

This right, commonly referred to as subject access, is created by section 7 of the Data Protection Act 2018. It is most often used by individuals who want to see a copy of the information an organisation holds about them.

Any request should be made in writing to the charity, either by post or by email. Autism Berkshire will respond and state whether any personal data is being processed;

- giving a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people; (the policy is that Autism Berkshire does not share data with any other organisation)
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

Autism Berkshire does not do any automated decision making.

Autism Berkshire will respond with 30 calendar days of receiving the SAR. Before any SAR are completed, the identity of the applicant will be confirmed.

No fee will be charged for a SAR.

13. National Data Opt Out

The National data opt-out **allows patients to opt-out of their confidential information being used by the NHS for research and planning**. It only applies to information being shared for purposes beyond an individual's care and treatment, it does not apply to information sharing for direct care.

At Autism Berkshire we do not share information for anything beyond direct care and the **only** organisation we share information with is the NHS in relation to the Berkshire West

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NHS Autism and ADHD support service. This sharing is however only done with the patients **consent and relates to direct care only.**

Autism Berkshire have assessed the requirements within the [National data opt-out - NHS Digital](#) Policy and we do not meet the threshold of beyond patients direct care. However, we understand the importance of this legislation and we continually make our staff aware that we do not share data and any requests for data sharing **MUST** go directly to the Data controller or their deputy who will refuse sharing unless it relates to the patient's direct care. That is our position, and we will not go beyond direct care hence we do not require the technical solution.

14. Data Protection procedure in the event of a system failure or lockout

When a system access or lockout situation is identified and reported to the CEO the following steps should be followed – eg a fault affecting Sharepoint access or the Cloud communications app used for phone calls

- a. All staff members with access to the relevant systems to be informed, along with any relevant information about the supplier's estimate of when an issue may be resolved.
- b. If necessary, such as a phone app fault affecting our ability to contact clients, information about the issue should be posted on the website and social media pages, advising clients about how they can still contact us.
- c. Should a fault affect the case management database and expected to take an extended period (eg several days) to resolve, with access to client records affected, the CEO will consider whether key external stakeholders, such as NHS trusts, integrated care networks and commissioners should be informed.
- d. During any periods when the database is not available, any information about clients must only be recorded on a secure password-protected device owned by the charity and must be uploaded to the database as soon as possible after access is restored.

15. Data Protection Impact Assessments

- a. Should the Charity introduce a new process and/or start a new project, where personal data will be processed, or change to new systems such as an alternative case management database, it will carry out a Data Protection Impact Assessment (DPIA) in order to identify and minimise any risks to personal data.
- b. A DPIA will be carried out in line with the requirements of UK GDPR. Information about this process and a DPIA template is available from the Information

Commissioner's Office at this link <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

16. Review

This policy will be formally reviewed every year by the CEO and a nominated trustee.
Approved by the Autism Berkshire Board of Trustees .

Changes to version

| Date | Major or Minor | Reason for change | Change |
|--------------------|----------------|---|--|
| Oct 16 3.01 | Major | Following review with staff | Improved number in section 4 to show subheadings |
| 25/5/17 3.1 | Major | Recommendation from Safe and Sound assessment | Include policy applies to sub-contractors |
| 25/5/17 3.1 | Major | Recommendation from Safe and Sound assessment | Includes provision of a Subject Access Requests |
| V 4 | Major | GDPR | Changes for GDPR based on White Fuse Template |
| V5.1 | Minor | Clarification of Definitions | Added in Data Processor and Data controller |
| March 2020 V5.2 | Minor | Following staff training | Change of person responsible |
| Sept 20 V5.3 | Major | Review and introduction of new systems | addition of different data processors used by the charity |
| Sept 21 V5.4 | Major | Post Brexit changed to UK GDPR | Upissued and added UK to GDPR to show that post Brexit UK GDPR has been passed into Law. |
| 14/06/2022 V5.5 | Minor | Update on Consent | Consent definition agreed JSB |
| 20/07/2022 V5.6 | Minor | National Data Opt Out | Paragraph added on new policy |
| 08/01/2024 V6 | Major | Procedures in case of system failures; need to carry out Data Protection Impact Assessments | New sections added about action in event of systems failure/lockout and requirements for a DPIA when processes and systems (eg database) are changed, in line with NHS data protection toolkit |
| 1/3/25 | None | Annual review | |

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| 1/3/26 | None | Annual review | |
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