

## GDPR and Volunteer Data

### **General Data Protection Regulation (GDPR) Legislation**

GDPR came into place on 25 May 2018. It strengthens and extends the Data Protection law and focuses on individual rights.

### **The Data Protection Act**

Organisations need to keep details about their volunteers and if these details are included in the Data Protection Act 1998 definition of personal data, the organisation must follow the rules about how it collects, stores, uses and discloses this information.

The 1998 Data Protection Act is the legal framework for the storage and processing of personal information.

The act covers two areas:

1. Principles of good practice in relation to processing personal information.
2. The individual's right to access information held about them

All organisations that process personal information are subject to the act and most are required to notify the Information Commissioners Office (ICO) that they process such information. Some Not-for-Profit organisations however are exempt from the obligation to notify. The rules governing this are fairly complex. They can be accessed via [The Information Commissioners Office](#).

Whether or not you are required to notify the ICO you must still follow the good practice principles for processing information by ensuring that personal data relating to volunteers is:

- Fairly and lawfully processed
- Processed only for specified and lawful processes
- Adequate, relevant and not excessive
- Accurate and up-to-date
- Not kept for longer than the purpose specified
- Processed in accordance with the rights of the data subject
- Secure from the point of collection through to disposal
- Not transferred to other countries without adequate protection of data subjects

### **Types of information about volunteers**

The sort of personal information about volunteers that you may need to keep could include:

- Contact details
- Details of experience, skills and preferences used to assess suitability for a role (recorded on application form or gained through interview)
- Monitoring information including ethnicity, disability etc
- Information relating to DBS checks
- References
- Supervision notes

Some of this information is regarded as “sensitive data” under the act and must be processed accordingly.

### **Recording information**

You may hold information in the form of paper-based files or computerised information for example a volunteer database or both. Any information you hold will be subject to the rules, regardless of whether it is held on paper or on a computer.

You should seek only to collect and record sensitive data on a ‘need to know’ basis and have procedures relating to the written recording of this.

Your organisation should also ensure that it has specific security procedures relating to volunteers’ files to guard against anyone seeing the information that shouldn’t, or data getting damaged, lost or destroyed.

### **Keeping volunteer records**

No clear guidelines exist for the retention of volunteer records. If your organisation is operating under any form of regulation for example the care standards act. You must follow any guidelines set out by the appropriate body.

The DBS code of practice on disclosure information must also be adhered to.

The limitation act 1980 sets out timescales for retention of certain records that might also apply such as the time limit for personal accident claims. This is currently 3 years in most cases.

Where volunteers are providing advice or similar services, organisations should be aware that the act imposes a six-year time limit for damages claims other than personal injury. Were such a case to be brought, training records and similar information might be needed to demonstrate that the organisation had taken adequate measures.

Generally speaking, organisations should follow the data protection principle that data should not be kept for longer than the purpose for which it was collected.

### **Informing volunteers and gaining consent**

Volunteers should be made aware of why you collect information; what you do with it and how you keep it safe. You could include details of this in an appropriate document such as your volunteer policy or volunteer handbook or use these to refer volunteers to other organisational policies that cover this such as a data protection policy.

Organisations should also gain explicit consent from volunteers to hold sensitive information.

### **Volunteers’ access to their records**

Volunteers have the right to make a request to access all of the data you hold about them. Requests should be made in writing - you will need to decide a process for this, for example will access be by appointment?

### **Volunteers being aware of their role**

As an organisation you need to ensure volunteers understand their responsibilities when dealing with data as part of their role, including:

- They hold information on behalf of the organisation; when they leave, the data is left behind
- They must follow your organisation’s practices around data handling and GDPR – written, verbal and computerised
- They must be aware of and adhere to their access authority
- The implications of data being in the wrong hands

You can do this through induction, training, policies and procedures, supervisions, team meetings, within their role description.

### **Further Information**

[Information Commissioners Office \(ICO\)](#)

[The Disclosure and Barring Service \(DBS\)](#)

[NCVO – Data Protection and Volunteers](#)

