

## DATA PROTECTION POLICY

The Trustees of Suffolk#WeMatter (SWM) have put together this policy to set out how we will use personal data. It deals with how we handle the personal data of our employees, Trustees, contacts and other third parties.

**“Personal Data”** means any information that identifies a living individual or relates to that individual. Examples include, but are not limited to information revealing their name, address, email address, identification number, location data, and online identifiers.

**“Processing”** or **“Process”** for the purposes of this policy means any operation or set of operations which is performed on Personal Data. This includes collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, restriction, deletion or destruction. It includes transferring Personal Data to third parties.

### **Person responsible for data protection**

The Trustees have appointed the Chair, to be responsible for ensuring the Charity’s compliance with this policy and the Data Protection Laws.

### **Personal Data protection principles**

The Charity adheres to the principles relating to Processing of Personal Data set out in the General Data Protection Regulations 2018 which require Personal Data to be processed lawfully, fairly and in a transparent manner and only collected for specified, explicit and legitimate purposes.

### **Our lawful basis for the Processing of Personal Data**

The Data Protection Laws set out the specified purposes (**“Permitted Purposes”**) for which Personal Data may be Processed. The Charity relies on one or more of the following Permitted Purposes when Processing Personal Data:

- the Data Subject has given his/her consent;
- the Processing is necessary for the performance of a contract with an individual (eg an employee);
- the Processing is necessary to pursue the Charity’s legitimate interests (or the legitimate interests of a third party) where those legitimate interests are not overridden by the interests or fundamental rights and freedoms of the individual whose Personal Data we are Processing.

### **Consent for the Processing of Personal Data**

In order for the Charity to be able to rely on consent as a legal basis for Processing Personal Data it must be able to demonstrate that the consent is freely given, specific, informed and be an unambiguous indication of an individual’s wishes which they, by a statement or by a clear positive action, signify agreement to the Processing of Personal Data relating to them.

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Where consent is requested by the Charity of its trainees, job applicants, employees, workers, officers or consultants for the purposes of Processing Personal Data, this will be on an entirely voluntary basis and will not be conditional on that individual's, employment, work, or consultancy (as the case may be). Any request will also make it clear that consent can be withdrawn at any time and this will be easy to do. Any request for consent will make it clear what the consent is being sought for and will be kept separate from other terms and conditions of employment/engagement.

If you need to request the consent of an individual to Process their Personal Data please speak to The Chair to ensure that the correct procedure is used.

### **Privacy Notices**

The Charity is required to provide detailed, specific information to individuals when Personal Data is collected about them or whenever the reasons for Processing the Personal Data changes. The Charity will provide this information to individuals in the form of privacy notices. A failure to do so will mean that we are unlawfully processing Personal Data contrary to the Data Protection Laws.

- Personal Data to be used only for specified purposes.
- The Charity will not use Personal Data for new, different or incompatible purposes from that disclosed in any privacy notice issued to an individual.
- In the event that the Charity needs to Process Personal Data for new or different purposes from that disclosed, the Charity will first issue a revised Privacy Notice to the affected individual explaining the change.

### **Use of Personal Data will be limited to what is necessary and will not be kept longer than needed**

The Charity will seek to ensure that the Personal Data Processed is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. It will not be stored for longer than it is needed.

- Hard copies of correspondence will be kept for a maximum of three years, excluding the year of receipt, after which they will be securely shredded. In cases where charity applicants are obliged to complete tax self-certification forms, personal details will be retained for up to six years. All correspondence and records received or stored electronically will be permanently deleted after being held for three years, excluding the year of receipt.
- Staff records will only be kept for the duration of employment and will be securely shredded and permanently deleted from electronic sources after employment ceases.
- Tax, accounting and financial information will be held for as long as deemed necessary and for a minimum of seven years.

### **Security and confidentiality of Personal Data we Process**

The Charity has put in place appropriate IT and other security measures to protect Personal Data that is collected and used by the Charity.

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The Charity has put in place a variety of security and technical measures to protect its systems and to protect against Personal Data security breaches, including but not limited to:

- The system is protected by a firewall and anti-virus software runs on each workstation to provide the final layer of security.
- Passwords are changed regularly and comply with specified rules.
- Data is never transferred to memory sticks or external data devices.

### IMPORTANT: Reporting a Personal Data Breach

“Personal Data Breaches” are any acts or omissions that compromise the security, confidentiality, integrity or availability of the Personal Data or any safeguards either we, or any third party service providers have put in place to protect it. The loss, or unauthorised access, disclosure or acquisition, of Personal Data is a Personal Data Breach.

- The Charity is required to notify the Information Commissioner of any Personal Data Breach within 72 hours of becoming aware of the Personal Data Breach save where the Personal Data Breach is unlikely to result in the risk to the rights and freedoms of natural persons.
- If you know or suspect that a Personal Data Breach has occurred you must **immediately** report this **without delay** to the Chair 07768 010108.
- The information you should provide should, where possible, include a full description of the nature of the Personal Data Breach including, the categories and approximate number of individuals concerned and the different types and approximate number of Personal Data concerned. You should also indicate whether you have taken any immediate measures in relation to the Personal Data Breach, and if so, what those measures are.
- You must ensure that you preserve all evidence relating to any potential Personal Data Breach. You must not under any circumstances delete any such evidence without being authorised to do so, and in accordance with this policy and the Data Protection Laws.
- You must report all forms of Personal Data Breach in accordance with this policy whether or not such Personal Data Breaches are of the type that need to be reported to the Information Commissioner. This includes any minor Personal Data Breaches.
- The Charity will maintain a record of all Personal Data Breaches, including minor Personal Data Breaches.

### Individual Rights

Individuals have rights when it comes to how we handle their Personal Data. These include rights to:

- withdraw consent to Processing at any time (if the Charity is using consent as a legal basis for Processing the Personal Data);

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- be informed about the Charity's Processing activities. The Charity complies with this right by issuing to individual's privacy notices from time to time;
- request access to their Personal Data held by the Charity;
- make a complaint to the Information Commissioner.

### **Accountability**

The Charity has implemented appropriate technical and organisational measures in an effective manner, to ensure compliance with the Personal Data protection principles outlined in this Policy.

The Charity, as Data Controller is responsible for, and will be able to demonstrate compliance with the Personal Data protection principles.

### **Record keeping**

The Charity will keep records of our Data Processing activities, including records of consents when required to in accordance with the Data Protection Laws.

### **Training**

The Charity will ensure that all employees, workers, consultants and officers have undergone training to enable them to comply with the Data Protection Laws and this policy.

### **Sharing Personal Data**

The Charity will only share Personal Data with third parties where certain safeguards and contractual arrangements have been put in place.

The Trust will only share Personal Data with third party service providers if:

- sharing the Personal Data complies with any privacy notice;
- the third party has agreed to comply with our required data security standards, policies and procedures and has adequate security measures in place;
- there is in place a written contract.

### **Changes to this policy**

The Trust reserves the right to change this policy at any time without notice.