

# Data Management & Privacy Policy

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<b>Approving committee</b>	<b>CEO &amp; Chair of Trustees</b>
<b>Authors</b>	<b>CEO</b>
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<b>Target Audience</b>	<b>Trustees; employees; volunteers; gardeners and public supporters</b>

## Introduction

- The charity collects a range of personal information about people we work with; our gardeners; employees, trustees and members of the Public. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means.
- Personal data is any information about a person who can be identified, directly or indirectly, through the information – by use of a name or a code linked to that individual (such as a NI number).
- We regard the lawful and correct treatment of personal information as very important to our successful operation and to maintaining confidence between us and those with whom we carry out business. We will ensure that we treat personal information lawfully and correctly. We welcome feedback about any of our procedures for handling personal data – it will help us improve and ensure we maintain the highest standards.
- This policy confirms the principles and procedures we will apply to ensure that all data is collected legally and is managed in accordance with best practice as provided in the General Data Protection Regulation (GDPR) and advice from the Information Commissioner’s Office.
- Where any of the policies refer to data protection, this should be read to include the provisions of GDPR.

## Data Protection Principles

- Under 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:
  1. Processing will be fair, lawful and transparent,
  2. Data be collected for specific, explicit, and legitimate purposes,
  3. Data collected will be adequate, relevant and limited to what is necessary – we will only collect data if we actually have a need to,
  4. Data will be kept accurate and up to date. Data which is found to be inaccurate will be corrected or erased as quickly as possible,
  5. Data is not kept for longer than is necessary for its given purpose,
  6. Data will be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures,
  7. We will comply with the relevant GDPR procedures for international transferring of personal data.

## Legal basis for holding and using your personal information

There are 6 different reasons why we might have your personal data;

1. You have given us your consent
2. Contract – so that we can complete our part of the employment contract.
3. Legal – something we have to do by law
4. Vital interest – where it’s essential that we hold information for your wellbeing.

The other two are Public interest and Legitimate interest – we don't use either of these reasons to hold your information on you.

## Types of Data we hold

- A copy of our most recent Information asset register is attached to this policy.

## Responsibilities

- Current names and contact details for key charity personnel are available on the charity website <https://missendenwalledgarden.org/about-us/>
  - We have appointed a Data Controller: [admin@missendenwalledgarden.org](mailto:admin@missendenwalledgarden.org) . This is your first point of contact for any questions or enquiries about your data.
  - If you are not happy with the response you are given, you should contact our chair of trustees

## Access to Data

Employees, Trustees, Gardeners and Members of the Public have a right to access the personal data that we hold on them. To exercise this right, they should contact our Data Controller - we will comply with the request as quickly as possible, normally within 7 working days. If it will take longer, we will communicate the reason for the delay and provide an estimate of how long it will take.

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 person making the request. In these circumstances, a reasonable charge may be applied.

## Data Security

- All our employees; trustees and volunteers are aware that hard copy personal information should be kept in a locked filing cabinet, drawer, storage wallet or safe. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.
- Where data is computerised, it is coded, encrypted or password protected. If a copy is kept on removable storage media that media must itself be kept in a locked filing cabinet, drawer, or safe.
- Those with access to the charity's computer system must always use the passwords provided not abuse them by passing them on to people who should not have them.
- Appropriate sanctions for failure to follow the charity's rules include dismissal with or without notice dependent on the severity of the failure.

## Third Party Processing

- Where we engage third parties to process data on our behalf such as payroll, we will ensure that the third party takes such measures in order to maintain the Company's commitment to protecting data.

## Requirement to Notify of Breaches

- A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or processed.
- The following are examples of data breaches:
  - a) Access by an unauthorised third party;
  - b) Deliberate or accidental action (or inaction) by a data controller or data processor;
  - c) Sending personal data to an incorrect recipient;
  - d) Computing devices containing personal data being lost or stolen;
  - e) Alteration of personal data without permission;
  - f) Loss of availability of personal data.

- In the event that we become aware of a breach, or a potential breach, an investigation will be carried out. This investigation will be carried out by (either by the Data Controller, CEO or Trustees) who will make a decision over whether the breach is required to be notified to the Information Commissioner. A decision will also be made over whether the breach is such that the individual(s) must also be notified.
- All data breaches will be recorded. Where legally required (a breach which is likely to pose a risk to people's rights and freedoms), 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 breach.
- Records all personal data breaches regardless of whether they are notifiable or not as part of its general accountability requirement under GDPR. It records the facts relating to the breach, its effects and the remedial action taken. Details of all breaches will be provided to the Board of Trustees.

## Training

- New employees, trustees and volunteers must read and understand this policy as part of their induction. All employees, trustees and volunteers receive training covering basic information about confidentiality, data protection and the actions to take upon identifying a potential data breach.

## Your rights

Under data protection law you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information.

### **Your right of access**

You have the right to ask us for copies of your personal information. This right always applies.

### **Your right to rectification**

You have the right to ask us to correct information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete. This right always applies.

### **Your right to erasure**

You have the right to ask us to erase/delete your personal information in certain circumstances.

### **Your right to restriction of processing**

You have the right to ask us to restrict the processing of your information in certain circumstances. This is about situations where we pass on your personal information to other people or organisations.

### **Your right to object to processing**

You have the right to object to processing if we are able to process your information because the process forms part of our public tasks, or is in our legitimate interests.

### **Your right to data portability**

This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. The right only applies if we are processing information based on your consent, or in talks about entering into a contract and the processing is automated.

**You are not required to pay any charge for exercising your rights. We have one month to respond to you.**

## Information Asset Register

Category of individual	Business Function	Purpose	Category of personal data	Retention Schedule	Rights available to individuals	Location of data	
<b>Employees</b>	Finance	Payroll	Bank details	5 years post-employment	Access & rectification	Personal file; Fish Partnership	
			Contact details	As above	As above	Personal file; Fish Partnership	
			Pension details	As above	As above	As above + pension provider	
			Pay details	As above	As above	As above + HMRC	
			Tax details	As above	As above	As above + HMRC	
	HR	Training	Training records	1 year post-employment	Access & rectification	Personal file	
			Reviews	1 year post-employment	Access & rectification	Personal file	
			Safeguarding	DBS check results	As long as DBS is valid	Access	Personal file
			Notification	Next of kin	During time of employment	Access & rectification	Personal file
			Personal development	Training records	1 year post-employment	Access & rectification	Personal file
	Fundraising	Newsletters; publicity	Photographs (with prior permission)	5 years post days with the charity	Access & deletion	Charity data base; website and social media	
<b>Volunteers</b>	HR	Recruitment	Application form	5 years post-resignation	Access	Personal file	
		Training	Training records	1 years post-resignation	Access & rectification	Personal file	
		Communications	Contact details	1 year post-resignation	Access & rectification	Personal file	
		Safeguarding	DBS Checks	As long as DBS is valid	Access	Personal file	
		Fundraising	Newsletters; publicity	Photographs (with prior permission)	5 years post days with the charity	Access & deletion	Charity data base; website and social media
<b>Gardeners</b>	HR	Safeguarding	Care plans	1 year post days with the charity	Access	Personal file	
			Medical details provided to the charity	1 year post days with the charity	Access	Personal file	
			Next of kin	Until gardener leaves			
		Communication	Contact details	5 years post days with the charity	Access & rectification	Personal file	
			Carer details	5 years post days with the charity	Access & rectification	Personal file	
			Personal development	Training records	1 year post days with the charity	Access	Personal file
			Fundraising	Newsletters; publicity	Photographs (with prior permission)	5 years post days with the charity	Access & deletion
<b>Trustees</b>	HR	Recruitment	CV; qualifications; application form	5 years post-resignation	Access	Personal file	
			References	5 years post-resignation	Access	Personal file	
		Communication	Contact details	5 years post-resignation	Access & rectification	Personal file; Charity Commission	
		Conflicts of interest	Signed declaration	5 years post-resignation	Access	Personal file	
		Safeguarding	DBS check results	As long as DBS is valid	Access	Personal file	

Public charity supporters	Fundraising	Newsletters; event notification	Contact details	5 years after opt-in	Access; rectification; deletion	Charity data base