

Data Protection Policy



Data Protection Policy

Content	Page(s)
Introduction/purpose of policy/legal framework	3
Responsibility	3
Data Protection Principles	3
Collecting and Processing Personal Data	4
Consent	4
Photographic Data	4
Subject Data Access	5
Right to be Forgotten	5
Right of Rectification	5
Right to Restricted Processing	5
Right to Object	5

Introduction

This policy applies to Volunteer Centre Dorset and all projects undertaken by the organisation.

The definition of 'Personal Data' is: data that only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

It can be stored electronically or on paper and includes images and audio recordings as well as written information.

The definition of 'Sensitive Personal Data' is: information pertaining to an individual's protected characteristics, including race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, gender and sexual orientation.

Volunteer Centre Dorset is both a Controller and a Processor of personal data.

We will comply with all appropriate requirements of the Data Protection Act 2018 and any subsequent amendments. For the avoidance of doubt, this includes the UK options under European GDPR as in place at the time the UK left the union. (Now known as UK GDPR).

Responsibility

The named individual with responsibility for data protection is Tony Lees. The Trustee charged with supporting the process is Karen Herbert.

All staff (employees and volunteers) will be familiar with this document and the principles of the Data Protection Act 2018 contained within it. When carrying out project activities, all staff will consider the basis on which data is being stored or processed and implement safeguards as appropriate.

Data Protection issues will stand as an agenda item at regular Team meetings and at Trustee Board meetings, and regular updates will be included at such meetings to ensure staff are aware of this policy and relevant developments insofar as they relate to data protection.

An annual exercise will be carried out in respect of data retention and disposal, followed by a review of current needs and procedures.

Data Protection Principles

We will work in compliance with the Data Protection Act 2018 and any subsequent amendments:

- Personal data will be processed fairly and lawfully and will not be processed, unless:
 - a. at least one of the conditions in Schedule 2 is met*, and
 - b. in the case of sensitive personal data, at least one of the conditions in Schedule 3* is also met.
- Personal data shall be obtained only for one or more of the specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant, and not excessive in relation to the purposes for which they are processed.
- Personal data shall be accurate and, where appropriate, kept up to date.
- Personal data processed for any purpose shall not be kept for any longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of the data subject under the Act
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data

*The conditions for processing data are set out in Schedules 2 and 3 to the Data Protection Act 2018.

Unless a relevant exemption applies, at least one of the conditions must be met when we process personal data: [Link to Schedule 2](#) [Link to Schedule 3](#)

Collecting and Processing Personal Data

The legal bases under which personal data can be processed (Schedule 2) are as follows:

- Consent. The individual has given us written or verbal consent for us to process their data for a specific purpose
- Contract. The processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering a contract
- Legal obligation. The processing is necessary for us to comply with the law (not including contractual obligations)
- Vital Interests the processing is necessary to protect someone's life
- Public Task. The processing is necessary for us to perform a task in the public interest or for official functions, and the task has a clear basis in law
- Legitimate Interests. The processing is necessary for our legitimate interests or those of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

In addition we may occasionally gather data which may sometimes be of a sensitive nature and constitute a special category of data under the Act for processing such data (Schedule 3), and the lawful conditions under which such data may be processed are:

- The data subject has given explicit consent to the processing of the personal data for one or more specified purposes
- Processing is carried out in the course of its legitimate activities by a foundation, association or any other not-for-profit body with a relevant specified aim, and on condition that the processing relates solely to the purposes of that body, and is not disclosed outside that body without the consent of the data subjects.

Consent

When relying on consent to gather and hold the data of individuals, gained consent must be:

- Unambiguous: It must involve a clear affirmative action (e.g. an opt in, a signature, an email confirming consent has been given)
- Granular: it must be clear what consent is being given for
- Recorded: clear records must be kept of consents that have been given
- Can be Withdrawn: individual giving their consent for us to process their information must be made aware at the time that the consent can be withdrawn.

In the vast majority of cases, it will be appropriate that consent forms are amended specifically for any data gathering exercise. Our requests to gain consent should include: the name of the organisation and the project; the name of any third-party controllers and/or processors who will rely on that consent; why we want the data; what we will do with it; and the fact that individuals can withdraw that consent at any time. Where consent is required but not obtained, data must not be stored or processed.

The issue of consent will be reviewed annually to ensure our records and processes are adequate and up to date.

Relevant information: Consent Form(s); Privacy Notice; Photo/video/audio Release Form

Photographic Data

There is a legitimate expectation that photographs taken at public events in public places can be made public. However, no photograph which could identify an individual should be published online or in any publicity material without written consent for the purpose having first been obtained.

Relevant information: Photo Release Form

Subject Data Access

Individuals have the right to see all or specific data we hold about them and can request this information verbally or in writing. We have 30 days to comply with such a request. Information can only be withheld under very specific circumstances, and in every such case a written record of our justification should be retained. If the request is complex or we receive numerous requests, we can extend the deadline for our response by up to 2 months, but in every such case we must inform the data subject and give an explanation.

Care should be taken that information is only disclosed to the data subject, so appropriate identification checks should be performed before releasing subject data.

If the request is made electronically, we will provide the data in a commonly readable electronic format.

Relevant Information: Subject Access Request & Record

Right to be Forgotten

Every individual has a right to have all the data we hold about them erased, and such request can be made verbally or in writing. On receipt of such a request we will delete all data held about them without delay, and within a maximum of 30 days at most.

If the request is complex or we receive numerous requests, we can extend the deadline for our response by up to 2 months, but in every such case we must inform the data subject and give an explanation.

Appropriate identification checks should be performed before deleting subject data.

If we have passed the individual's information to a third party, we will inform them of the erasure if possible.

If the data had originally been procured from a third party, we will make every reasonable effort to inform that third party of the request.

Relevant information: Right to be Forgotten Request & Record

Right of Rectification

Individuals have the right to have personal data rectified if it is inaccurate or completed if it is incomplete. Such request can be made verbally or in writing.

If the request is complex or we receive numerous requests, we can extend the deadline for our response by up to 2 months, but in every such case we must inform the data subject and give an explanation.

Care should be taken that information is only disclosed to the data subject, so appropriate identification checks should be performed before releasing subject data.

If we have shared the incorrect information with third party organisations we will inform them of the rectification if possible.

Relevant Information: Right of Rectification Request & Record

Right to Restricted Processing

An individual has the right to restrict the processing of their data. They can make the request verbally or in writing.

If the request is complex or we receive numerous requests, we can extend the deadline for our response by up to 2 months, but in every such case we must inform the data subject and give an explanation.

Care should be taken that information is only disclosed to the data subject, so appropriate identification checks should be performed before releasing subject data.

Where we have received a request to restrict processing, we may be permitted to store the personal data, but not to continue processing it. We may retain just enough information about the individual to ensure that the restriction is respected in the future.

If we have disclosed information to third party organisations we must inform them about the restriction if possible.

Relevant Information; Right to Restricted Processing Request & Record

Right to Object

Individuals have the right to object to the processing of their data, verbally or in writing. On receipt of such a request, we must stop processing their data WITH IMMEDIATE EFFECT unless we can demonstrate legitimate reasons to continue processing their data, which override the rights and freedoms of the individual.

Relevant Information; Right to Object & Record

Procedures

Ensuring Data Protection Principles are met

Dealing with Data Breaches

Requests to remove data

Requests to change data

Reviewing and destroying stored data