

## Information and Data Protection Policy

### Introduction

The Lyneal Trust is committed to a policy of protecting the rights and privacy of individuals, the Trust needs to collect and use certain types of data in order to carry on its work. This personal information must be collected and dealt with appropriately.

General Data Protection Regulation (GDPR) which becomes law on 25 May 2018 governs the use of information about people (personal data). Personal data can be held on computer or in a manual file, and includes email, minutes of meetings, and photographs. The Trust will remain the data controller for the information held. The Trust and volunteers will be personally responsible for processing and using personal information in accordance with the GDPR. Trustees, officers, volunteers and contractors involved in the Trust who have access to personal information, will be required to read and comply with this Policy.

### Purpose

The purpose of this policy is to set out the Trust commitment and procedures for protecting personal data. The Trust regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal with. The Trust will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of the data. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Trust will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

### Protecting Confidential or Sensitive Information

The Trust recognises it must at times, keep and process sensitive and personal information about trustees, officers, volunteers, contractors and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which becomes law on 25 May 2018 and will like the Data Protection Act 1998 before it, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Trust with legitimate reasons for using personal information.

### The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

- 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.

### **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed.

That may be a trustee, officer, volunteer, contractor, a member of the public or someone transacting with the Trust in some way.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. the Trust) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

The Trust processes **personal data** in order to:

- pursue the legitimate interests of its business and its obligations as a charity, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its trustees, officers, volunteers and contractors.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Trust.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Trust administration.

Where appropriate and governed by necessary safeguards we may carry out the above processing jointly with other appropriate bodies from time to time.

**The Trust will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation

- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Trust will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for legal, statutory or licencing purposes
- A requirement in order to protect the vital interests of the individual or another person

#### **Who is responsible for protecting a person's personal data?**

The Trust has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Trust has delegated this responsibility day to day to the Secretary.

- Email: [secretary@lyneal-trust.org.uk](mailto:secretary@lyneal-trust.org.uk)
- Phone: 01948 710708
- Correspondence: The Secretary, Lyneal Trust, Lyneal Wharf, Ellesmere, SY12 0LQ

#### **Diversity Monitoring**

The Trust monitors the diversity of its trustees, officers, volunteers and contractors in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective trustees, officers, volunteers and contractors. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Trust and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Trust will always give guidance on personnel data to trustees, officers, volunteers and contractors through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Trust, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Trust is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

#### **The Trusts Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Trust.

#### **Information Security**

The Trust cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

### **Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

### **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting the Trust's Secretary.

**Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: the Trust's Secretary.

**Information Deletion:** If the individual wishes the Trust to delete the information about them, they can do so by contacting the Trust's Secretary.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Trust's Secretary.

The Trust does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Trust's Secretary or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Trust will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Risk Management**

The consequences of breaching GDPR can cause harm or distress to customers if their information is released to inappropriate people. Volunteers should be aware that they can be personally liable if they use customers' personal data inappropriately. This policy is designed to minimise the risks and to ensure that the reputation of the Trust is not damaged through inappropriate or unauthorised access and sharing.

### **Destroying personal data.**

Personal data should only be kept for as long as it is needed i.e. only keep that data for the duration of administering the campaign/project and securely dispose of once the promotion and monitoring period is complete. The Trust will ensure that this information is appropriately destroyed at the end of the relevant retention period.

### **Further information**

If members of the public/or stakeholders have specific questions about information security and data protection in relation to the Trust please contact the Data Protection Officer:

The Information Commissioner's website ([www.ico.gov.uk](http://www.ico.gov.uk)) is another source of useful information.