

GDPR Policy

Policy Adopted by Charity Trustees on: 25.05.2018

Policy Last Reviewed on: 25.05.2019

Policy Due for Review on: 03.11.2023

Note: Definitions of the key terms used in this Policy are set out in the **Appendix**.

1. Why We Hold Information and What It Is Used For

1.1 General

We hold personal data about Children, Parents, Adult Learners and Volunteers (see Section 2 for details about what kind of information we have). We need this information to efficiently run educational sessions.

We require sufficient information to:

- communicate with Children, Parents, Adult Learners and Volunteers;
- manage risk appropriately in the charity; and
- carry out any other activity which is incidental to the performance of our duties in relation to the charity.
- Aggregate data to support funding applications

1.2 Lawful reason

Data protection law requires us to process any personal data fairly and lawfully. This means that we must have a “lawful reason” for processing an individual’s data from a list set out in legislation. Additional lawful reasons are needed if special categories of personal data or data relating to criminal convictions or offences are processed.

We rely on several lawful reasons for processing data, depending on what we are doing. For instance:

Processing is necessary for the purposes of the legitimate interests pursued by the charity or by other parties. We have a duty to administer the Charity properly. To do this, we need

to process personal data relating to Children, Parents, Adult Learners and Volunteers. We consider that the need to ensure that the Children and Adult Learners get the promised benefits from the Charity overrides any right that they may have in relation to the protection of their information.

Consent (in very limited circumstances, for example when we obtain explicit consent to use special categories of personal data). Further details are in Section 1.3.

1.3 Consent to processing

We may rely on Children, Parents, Adult Learners or Volunteers having consented to us processing their data for a specific purpose. This is usually only relevant to what we do with special categories of personal data, such as health.

The circumstances where we may rely on consent are generally:

- where we are considering medical information in the context of appropriately dealing with an individual should they become ill; or
- understanding food allergies should we provide refreshments at a session.

Consent has a specific meaning under data protection law. Where we rely on consent, we will ensure that it is:

- properly informed (Children, Parents, Adult Learners and Volunteers will be told clearly what they are consenting to);
- clearly distinguishable from other matters in the same document (we will not 'bundle' several consents together or 'hide' them);
- intelligible, easily accessible and in clear and plain language; and
- where the information concerned relates to health or sexual orientation, explicit and relates to specific activities.

Our privacy notices and consent forms comply with the GDPR.

We will ensure that Children, Parents, Adult Learners and Volunteers are told that they can withdraw consent. Where consent is withdrawn, processing of the relevant Children, Parents, Adult Learners or Volunteers data will cease immediately unless we are satisfied that there is an alternative lawful basis for processing that information. Our privacy notices clearly describe the consequences of withdrawing consent.

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2. What Personal Information We Hold

2.1 Who we hold personal data about

We may hold personal data in relation to the following categories of people:

- Children
- Parents
- Volunteers

2.2 Children and Adult Learners

We will hold some, or all, the following data about Children and Adult Learners:

- Full name
- Date of birth
- Address and other contact details
- Gender
- Food Allergies
- Medical Conditions
- School

2.3 Parents

We may also hold some, or all, of the following information about Parents:

- Full name
- Address and other contact details
- Relationship to the Child

2.4 Volunteers

We may also hold some, or all, of the following information about Volunteers:

- Full name
- Date of birth
- Address and other contact details
- Bank account information
- DBS certificate information

2.5 Special categories of personal data and criminal convictions/offences data

From time to time, we will need additional data about a Child, Parent, Adult Learner or Volunteer's health in order to determine their entitlement to be present at a session. We may also occasionally receive information about an individual's criminal convictions if the information is relevant to their presence at a session.

Where we are handling information in relation to an individual's health, we will generally seek explicit consent from that Child, Parent or Volunteer.

In some cases, the law may allow us to process special categories of data without consent where we have an alternative legal basis for doing so. If we are able to process such information without consent and choose to do so, we will comply with any additional legal requirements in relation to that processing.

Where we are handling information in relation to criminal convictions and offences, we will ensure that we have a legal basis for doing so and that we comply with any additional legal requirements in relation to processing this data.

2.6 Review

The law requires that we only hold the information we need to run the Charity properly and that we only use it for the purposes set out in Section 1 above. In our view, all of the information set out above is necessary for these purposes.

We will review the information that we hold every three years to confirm whether it remains necessary for the purposes set out in Section 1.

This was last carried out on 22/02/2022.

We only collect information that we need to comply with our obligations in relation to the

Charity.

3. WHERE WE GET PERSONAL DATA FROM

We will generally receive names, addresses, national insurance numbers, bank account information and next of kin information from adult individuals. This information may also be provided to us directly by Parents.

4. WHO WE WILL SHARE PERSONAL DATA WITH

4.1 General

Our Data Record sets out details of the persons with whom we will share Member and Beneficiary data and the reasons why data may be shared. Copies of this are available on written request from the charity (by email or letter). This section of our Data Protection Policy is only intended to give an overview of why, and with whom, we share data.

Inevitably, we may need to share data with other people so that we can comply with our legal and contractual duties in respect of the charity, or in order to raise funds for the charity. We will share data where such sharing is necessary to meet these objectives.

5. HOW LONG WE KEEP DATA FOR AND HOW WE DESTROY IT

5.1 Keeping information

We will not keep Children, Parents, Adult Learners or Volunteers personal data for longer than is necessary to achieve the purposes set out in Section 1.

For so long as any benefit is payable from the Charity to or in respect of Children, Parents or Volunteers, we will retain so much of their personal data as is necessary to ensure that we can pay the benefit correctly.

The maximum periods for which we will keep personal data are as follows:

- Individual's data will be kept for a period of 5 years from the end of the Charity year in which an individual ceases to be connected with the charity.
- At that point, their entry in registers will be anonymised and kept indefinitely.
- Incident reports will be kept indefinitely

We will keep our record retention periods under review to ensure that we are not keeping personal information for longer than necessary, having regard to the purpose(s) of its processing.

5.2 Destroying information

We will review all the personal data we hold every three years. If any personal data is no longer needed, we will ensure that it is destroyed.

This was last carried out on date referenced in 2.6.

When we identify data to be destroyed, we will do the following:

- Request all directors of the Trustee Board to destroy any such data that they hold in relation to relevant individuals.
- Instruct any other parties to whom we have directly passed or are passing such data to destroy it and ask for confirmation of destruction.

5.3 What destruction of data means

Where data is held in a paper format, destruction means that the data will be shredded.

Where data is held in an electronic format, destruction means that the data is put permanently beyond use.

Where data is held by third parties, we will rely on confirmation from them that data has been properly destroyed.

6. RIGHTS IN RELATION TO THE DATA WE HOLD

6.1 Right of access to information we have

Children, Parents, Adult Learners and Volunteers are entitled to be told what information we hold about them and to be given a copy of that information.

On request, we will also tell Children, Parents, Adult Learners and Volunteers:

- The purpose for which we process their data (as explained in Section 1).
- What type of information we hold about them (as set out in Section 2).
- If we have not collected the information from the Children, Parents, Adult Learners or Volunteers themselves, where the information we hold comes from (as set out in Section 3).
- To whom we have disclosed it or intend to disclose it (as set out in Section 4).
- For how long we intend to keep it (as set out in Section 5).

- About their rights in respect of their personal data, including:
 - the right to be forgotten in certain circumstances (also known as the right to erasure - see Section 6.3 below);
 - the right to restrict processing (i.e. that the Trustee stops processing) their personal data in certain circumstances, for instance where the Member claims it is inaccurate (until the accuracy is verified); where the processing is unlawful and where they request that our use of it is restricted; or where we no longer need the personal data (see Section 6.4 below);
 - the right to data portability where processing is automated and based on consent or performance of a contract (in such circumstances the Child, Parent, Adult Learner or Volunteer has the right to their personal data in a structured machine readable format, and the right to have it transmitted to another data controller);
 - the right to object in certain circumstances to the processing of their personal data (including for direct marketing);
 - their rights relating to automated decision-making about them; and
 - the right to make a complaint to the Information Commissioner's Office.

We will provide this information to Children, Parents, Adult Learners and Volunteers within one month of receiving their request.

We will not charge for providing information the first time it is requested. We may make a reasonable charge for subsequent requests if they are manifestly unfounded and/or excessive, based on the administrative cost to us, in accordance with ICO guidance from time to time.

Where the Child, Parent, Adult Learner or Volunteer makes an electronic request (for example, by e-mail), we will provide the information in an electronic form (unless the Child, Parent, Adult Learner or Volunteer requests otherwise).

6.2 Right to have information corrected or updated

A Child, Parent, Adult Learner or Volunteer may ask us to correct any inaccurate personal data that we hold in relation to them "without undue delay". They may also ask us to stop processing their data (in some circumstances including while we check whether it is correct). Whenever a Child, Parent or Volunteer notifies us (or our Administrators) of a change in the personal information we hold about them, ensure that all relevant systems are updated within 14 working days of receiving the information.

6.3 Right to be forgotten

A Child, Parent, Adult Learner or Volunteer can request erasure of their personal data “without undue delay” where:

- it is no longer needed for the purpose for which it was collected (see Section 1);
- they have withdrawn their consent to processing (if we were relying on that as the basis for lawful processing) and no other legal reason applies to justify the processing;
- they object to the processing and there is no overriding legal reason to continue it;
- the personal data has been unlawfully processed; or
- erasure of the data is required for compliance with another law to which we are subject.

6.4 Right to restrict processing

Individuals can require us to stop processing their personal data when one of the following applies:

- where the Child, Parent, Adult Learner or Volunteer is contesting the accuracy of it;
- where the processing is unlawful and the Child, Parent, Adult Learners or Volunteer wants us to restrict the use of it instead of erasing it; or
- where the Child, Parent, Adult Learner or Volunteer has objected to the processing and where we are considering whether our legitimate interests override those of the Child, Parent, Adult Learner or Volunteer.

7. HOW WE KEEP INFORMATION SECURE

7.1 Information being handled by the Trustee Board

Individual directors of the Trustee Board will ensure that, where they need to be provided with personal data about a Child, Parent, Adult Learner or Volunteer:

- The data will only be sent to personal e-mail accounts if it is appropriately encrypted.
- Hard copy data will be stored in a secure location.
- All data will be properly destroyed or deleted as soon as it is no longer required, including upon the individual director ceasing to hold office.

Individual directors of the Trustee Board will be given appropriate training on how to keep data secure and delete or destroy it when required.

Appendix

Meaning of key terms used in this document

Data controller: means the Trustee and anyone else who (either alone or jointly with others) determines the purposes and means of the processing of personal data.

Data Record: means the document that sets out what personal data the Trustee holds, why the Trustee needs that data and with whom the data is shared.

Data processor: means anyone who processes Children, Parents, Adult Learners or Volunteers data on behalf of the Trustee for the purposes set out in Section 1. For example, the Trustee may from time to time appoint other persons to act as its data processors in relation to processing which it considers to be inherent in the normal running of the Charity. These may include IT software providers with maintenance services, or the hosts of the Charity's servers.

Information Commissioner's Office / Information Commissioner / ICO: means the UK's data protection authority for the purposes of the GDPR. It is empowered to take enforcement action in the event of non-compliance with the GDPR and/or other privacy laws. In addition, it is empowered to issue guidance and codes of practice about this. Its guidance and codes do not have the force of law but it is expected by the ICO that data controllers (including the Trustee) will adhere to them.

General Data Protection Regulation / GDPR: means Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. It will apply from 25 May 2018. The GDPR will apply directly in all member states (including, as at the date of this policy, the UK) without the need for any implementing legislation.

Personal data: means information held by the Trustee (or advisers or service providers) from which individuals can be identified. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Processing: means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection,

recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. In effect, it includes any activity involving personal data.

Special categories of personal data: means information about a Member or other individual which relates to certain sensitive issues, including their health or sexual orientation/sex life. It also includes information which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data or biometric data for the purpose of uniquely identifying a natural person (i.e. an individual)

Revision Record - Issue Number	Summary of Changes	Date	Owner
V1.0	New Document	25/5/18	JL
V1.1	Added date of last data review	22/02/22	JL