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**Data Protection Policy**

1. **Introduction:**
   1. **The General Data Protection Regulation**

The General Data Protection Regulation “GDPR” is effective in the United Kingdom from 25th May, 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by organisations. All organisations, regardless of size and scope, are required to comply.

* 1. **Accountability**

The GDPR places a much greater emphasis on transparency, openness and the documents that need to be kept in order to show compliance with the legislation. This is incorporated within the idea of “accountability”.

* 1. **Data Protection Officer (DPO)**

Under the GDPR a Data Protection Officer must be appointed if:

* The organisation is a public authority
* Core activities require large scale, regular and systematic monitoring of individuals (for example, online behaviour tracking)
* Core activities consist of large scale processing of special categories of data or data relating to criminal convictions and offences.

A DPO can be appointed voluntarily but the same requirements of the position and tasks will apply had the appointment been mandatory.

* 1. **Principles v regulations**

The GDPR forms a set of guiding principles for interpretation depending on the size of an organisation and the risks involved. It does not provide a set of rules and/or regulations.

* 1. **Loose Ends**

The Data Protection Policy for Loose Ends has been prepared in accordance with GDPR.

1. **Glossary of terms:**
2. Consent is a positive, active, unambiguous confirmation of a data subject’s agreement to have their data processed for a particular purpose. Consent must be easy to withdraw and must be freely given, provided on an opt-in basis rather than opt-out.
3. Data controller is the person or organisation who determines the how and what of data processing.
4. Data processor is the person that processes the data on behalf of the controller.
5. Data subject is the person about whom personal data is processed.
6. Personal data is information about a living individual which is capable of identifying that individual e.g. a name, email address or photo.
7. Privacy Notice is a notice from a data controller to a data subject describing how personal data will be used and what rights the data subject has.
8. Processing is anything done with/to personal data (obtaining, recording, adapting or holding/storing) personal data.
9. Sensitive personal data is described in the GDPR as “special categories of data” and is the following types of personal data about a data subject:

* Racial or ethnic origin
* Political opinions
* Religious beliefs
* Trade union membership
* Physical or mental health or condition
* Sexual life or orientation
* Genetic data
* Biometric data

1. **Loose Ends - Data Protection Officer**

Loose Ends does not meet the criteria for a Data Protection Officer and one has not been appointed.

1. **Home working**

Loose Ends is supported by a number of home-based volunteers who use their own electronic equipment to fulfil their roles within the charity. Loose Ends will provide advice and guidance to home-based volunteers to maintain the security of data remotely (see Data Retention Policy Section 3).

1. **Roles and Responsibilities**

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| --- | --- |
| **Role:** | **Responsibility:** |
| Data Controller | Loose Ends (the organisation) |
| Data Processors | Rota Manager  Recruitment Manager  Treasurer  Secretary  Minutes Secretary  Signposting coordinator  Donations coordinator  Training Manager |
| Data Subjects | Donors  Suppliers  Volunteers  Clients |

1. **Transparency**

GDPR requires Loose Ends to evidence its compliance with Data Protection principles by addressing the following five questions with regard to the data it processes:

1. What is the data collected for?
2. What is the lawful basis on which is has been collected?
3. Does anybody share the data?
4. How long is the data kept for and why?
5. What happens to the data when it is no longer required?
6. **Evidence**

Compliance with the principles of the GDPR is given in the following tables:

|  |  |
| --- | --- |
| Data Processor | Rota Manager (Sessions and food collection) |
| Data Collected | Volunteer details  Supervisor details \* |
| Reason for collection | To create, update and circulate the staffing rota for Loose Ends sessions |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Volunteers and Supervisors |
| Note\* | A supervisor is a special category of volunteer |

|  |  |
| --- | --- |
| Data Processor | Recruitment Manager |
| Data collected | New volunteer details |
| Reason for collection | To identify and contact volunteers  To record membership of Loose Ends |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Training Manager, Rota Manager and Administrator |

|  |  |
| --- | --- |
| Data Processor | Treasurer |
| Data Collected | Donor/sponsor details  Supplier details |
| Reason for collection | To produce Annual Accounts and monthly management reports |
| Basis for collection | Legal Obligation |
| Sharing the data | Independent Examiner, Trustees/Management Committee |

|  |  |
| --- | --- |
| Data Processor | Minutes Secretary |
| Data Collected | Management committee/trustee details  Friends of Loose Ends details  Sponsor/donor details |
| Reason for collection | To manage Trustee/Management Committee Meetings and Annual General Meeting |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Trustees/Management Committee |

|  |  |
| --- | --- |
| Data Processor | Secretary |
| Data Collected | Management committee/trustee details  Friends of Loose Ends details  Sponsor/donor details  Volunteer details |
| Reason for collection | To share information with Trustees/Management and volunteers |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Trustees/Management Committee and volunteers |

|  |  |
| --- | --- |
| Data Processor | Signposting coordinator |
| Data Collected | Contact details for signposting |
| Reason for collection | To share information with signposting contacts and provide guidance |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Signposting contacts |

|  |  |
| --- | --- |
| Data Processor | Donations coordinator |
| Data Collected | Donor details |
| Reason for collection | To manage/acknowledge incoming donations of goods |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Volunteers (limited number on a need to know basis) |

|  |  |
| --- | --- |
| Data Processor | Training Manager |
| Data Collected | Volunteer details |
| Reason for collection | To evaluate training requirements and co-ordinate training courses |
| Basis for collection | Consent/Legitimate Interests |
| Sharing the data | Volunteers (limited number on a need to know basis) |

1. **Consent**

Where consent is relied on as the lawful basis for processing any personal data, the GDPR requires that it must have been freely given, specific, informed, unambiguous and be able to be withdrawn. How and when Loose Ends obtained the consent is recorded.

1. **Privacy Notice**

The Loose Ends Privacy Notice (Appendix A) is available by clicking on the appropriate link on the Loose Ends website or on receipt of a written or verbal request. All written or verbal requests for a copy of the privacy notice are recorded.

1. **Data Breaches**

A personal data breach is one that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. Loose Ends will inform the Information Commissioner’s Office and the individuals concerned within 72 hours where the following criteria have been met:

* The breach is likely to result in a high risk for the rights and freedoms of the data subject
* Appropriate technical and organisational protections were not in place at the time of the incident
* The breach would not trigger disproportionate efforts eg a public information campaign so that affected individuals can be effectively informed.

1. **Subject Access Requests**
2. Loose Ends recognises that under the GDPR, individuals will have the right to obtain:

* confirmation that their data is being processed
* access to their personal data
* other supplementary information

so that they are aware of and can verify the lawfulness of the processing.

1. Copies of the information will be provided free of charge but a “reasonable fee” will be charged when a request is manifestly unfounded, excessive or repetitive. A “reasonable fee” will also be charged for further copies of the same information.
2. **Review**
3. The Trustees and Management Committee of Loose Ends will review this policy on an annual basis.
4. Loose Ends does not currently actively participate in marketing activities. Should the position change this policy would be reviewed immediately.
5. **Adoption**

This policy was adopted on 6th June, 2018