

AMENDED APPROVED POLICY

1. Purpose

The purpose of this Data Protection Policy has been written for Amersham United Charities to comply with the law (The GDPR and DPA 2018) in respect of the Personal Data the Charity holds about individuals, and to comply with the Charity's Governance Code.

2. Introduction

The Board will ensure that the information it holds about its residents, trustees and Clerk is used in accordance with the law. The Charity will only collect and use Personal Data in compliance with this Policy and the Rules set out below.

The Board will:

- follow good practice
- protect residents, trustees, volunteers and other individuals by respecting their rights
- demonstrate an open and honest approach to Personal Data and
- protect the Charity from the consequences of a breach of its responsibilities.

This Data Protection Policy applies to all the information that is controlled and processed relating to identifiable, living individuals including contact details, bank details, resident's next of kin.

The Board will comply with General Data Protection Regulations 2018.

3. Transparency:

The Charity will be open and transparent in the way Personal Data is used and shared. Individuals will be provided with information about how their Personal Data is collected and stored.

4. Collecting and Using Personal Data for Lawful Purpose only.

The Charity will only collect and use the minimum amount of Personal Data if relevant for the purpose of the Charity and where the Charity can rely on a lawful basis (or bases) and where the purposes have been identified in a privacy notice provided to individuals, eg. in the Charity's application form and resident occupancy agreement. When collecting Personal Data from individuals the Charity will ensure that the individuals are aware of the purposes for which the Personal Data will be used.

In addition, when collecting Personal Data, the Charity will only collect those details which are necessary for the purposes for which that Personal Data is being obtained. Any use of Personal Data will be for the identified purposes and any different or new purposes will have a lawful basis.

The Board has identified that the Charity has a legitimate interest in keeping Personal Data about residents, and the Board must be satisfied that each resident qualifies as a beneficiary of the Charity in accordance with the Charity Commissioner Scheme dated 29 May 2001 and amended on 25 November 2009, the Charity's Governing Document.

The Board considers the processing and storing of such Personal Data is necessary to comply with the Charity's Governing Document.

5. Privacy Impact Assessments and Privacy by Design.

The Board consider that the use of Personal Data is unlikely to result in significant risks for the rights and freedoms of individuals and therefore a Privacy Impact Assessment is not necessary. The Charity will ensure that systems, databases and tools that collect and use Personal Data are designed to promote privacy protection.

6. Ensuring Data Quality.

The main way of ensuring that Personal Data is kept accurate and up to date is by ensuring that the sources the Charity uses to obtain Personal Data are reliable. Individuals will be actively encouraged to inform the Clerk should their Personal Data change.

To ensure that Personal Data is accurate, it will generally be collected directly from individuals. All residents, trustees and the Clerk will be actively encouraged to update their contact details by notifying the Clerk of any changes in their Personal Data.

7. Retaining and Disposing of Data.

Any Personal Data must only be kept where there is a business or legal need to do so. When the Charity disposes of Personal Data, this will be undertaken in a secure manner.

Documents (including paper and electronic versions and email) containing Personal Data will not be kept indefinitely and will always be securely deleted and destroyed once they have become obsolete or when that Personal Data is no longer required.

Personal Data will not be retained simply on the basis that it might come in useful one day without any clear view of when or why.

The Charity's Personal Data retention policy is:

The Charity will not keep Personal Data for longer than is necessary. This means:

- a resident's file will be destroyed after three years of the resident leaving or passing away
- records of complaints / investigations concerning residents will be destroyed six years after the resident leaves or passes away
- application forms for unsuccessful applicants will be destroyed three years after the date of application.
- trustees will destroy and delete all Charity documents containing Personal Data held within their own records twelve months after receipt, including all computer held data and paper copies
- trustees personal files will be destroyed one year after ceasing to be a trustee

8. Honouring Individuals' Rights.

The Clerk will reply to queries and complaints from individuals about how the Charity uses their Personal Data within 30 days.

Individuals are entitled by law (by making a request) to be supplied with a copy of any Personal Data held about them (including both electronic and paper records). Individuals are also entitled to know the logic involved in decisions made about them.

Where the Clerk receives a request from an individual to control their Personal Data, the Clerk will respond promptly. If a valid request concerns a change in that individual's Personal Data, such information will be rectified or updated, if appropriate to do so.

9. Taking Appropriate Security Measures.

Personal Data will be kept secure. Technical, organisational, physical and administrative security measures (both computer system and non-computer system related steps) are

necessary to prevent the unauthorised or unlawful processing or disclosure of Personal Data, and the accidental loss, destruction of, or damage to Personal Data.

The Board will monitor the level of security applied to Personal Data and take into account current standards and practices. As a minimum the Board will ensure that:

- personal files for residents, trustees, and the Clerk are kept secure at all times with access only by authorised trustees or the Clerk.
- applications for accommodation are secure at all times with access only by authorised trustees or the Clerk.
- trustee's personal details are kept secure with access only by the Clerk and other Trustees.
- electronic files containing Personal Data are password protected and passwords will be changed on a regular basis.
- backed up electronic data is held securely on an alternative site or when off-site it is encrypted, password protected and will only be accessed by approved persons.
- if any Personal Data is taken out, the Personal Data will be held securely at all times whilst in transit and at the location where held.

Any suspicion of any Personal Data security breach should be reported immediately to the Board. When the Charity becomes aware of a breach, protective measures will be taken to effectively mitigate the consequences of the breach.

10. Using Subcontractors and Vendors.

Where a provider of a service has access to Personal Data, the Charity will impose strict contractual obligations dealing with the purposes and ways Personal Data may be used and the data security of that information. These are third parties who act as processors (i.e. only holding the Personal Data according to the Charity's instructions) and this will include telecare companies that provide services to the Charity.

The Charity will carry out appropriate due diligence on any potential third party to which Personal Data is being provided and ensure that the third party's Data Privacy Policy is adequate.

The Charity will enter into a contract with any Vendor that deals with Personal Data being provided by the Charity. The contract will meet the requirements under the GDPR Article 28.

11. Disclosure to Third parties.

At times, the Charity may disclose Personal Data to vendors, contractors, service providers and other selected third parties.

Prior to disclosing Personal Data to these parties, the Charity will take reasonable steps to ensure that: (i) the disclosure of Personal Data is appropriate; (ii) the recipient of such information is identified; and (iii) where appropriate or required by law, the third party is contractually committed to complying with this Policy and/or the Charity's instructions concerning the use of Personal Data, as well as implementing appropriate security measures to protect Personal Data, limiting further use of Personal Data, and complying with applicable laws.

In certain circumstances, the Charity may be required to disclose Personal Data to third parties when required by law, when necessary to protect the Charity's legal rights, or in an emergency situation where the health or security of an individual is endangered. Prior to such disclosures, the Charity will take steps to confirm that the Personal Data is

disclosed only to authorised parties and that the disclosure is in accordance with this Policy and applicable law.

12. Safeguarding the Use of Special Categories of Data.

Special categories of data is information revealing an individual's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, processing of genetic data or biometric data (for the purpose of uniquely identifying an individual), health and sex life or sexual orientation. The Charity will only use it where absolutely necessary and often with the explicit consent of the individual affected.

The Charity will only hold and make available special categories of data on an individual without their explicit consent if the Charity have another lawful basis under applicable law. This may be the case, for example, where the Charity holds information about an individual's health where this is necessary to exercise any obligation conferred by law in connection with the Charity.

For residents and beneficiaries the Charity may also collect and use their special category Personal Data where:

- the use of their Personal Data is to provide support for a particular disability or medical condition
- the use of their Personal Data is necessary for providing confidential counselling, advice or support
- the use of their Personal Data is necessary for protecting an individual from negligence or physical, mental or emotional harm
- the use of their Personal Data is necessary for the purpose of protecting the economic well-being of an individual at economic risk and is of health data

The Charity will always assess whether special categories of Personal Data are essential for the proposed use and will only collect special categories of Personal Data when it is absolutely necessary in the context of the Charity. Application (or other) forms used to collect special categories of Personal Data will include suitable and explicit wording expressing the individual's consent when the Charity are collecting explicit consent.

Consent must be demonstrable. Therefore, if it is collected verbally it will be recorded in such a form as to prove that the requisite information was provided to the individual and their response was able to be verified.

Where consent is not relied upon, the Charity will take steps to ensure that there is another lawful basis under applicable law for the collection and use of such information. In certain circumstances, the Charity may be required to consult with the Information Commissioner's Office about the proposed use of such special categories of Personal Data.

13. Data Storage and Processing:

The Board recognises that Personal Data is held about:

- residents
- trustees
- the Clerk.

This information is always stored securely and access is restricted to those who have a legitimate need to know. The Charity is committed to ensuring that those about whom Personal Data is stored understand how and why the Charity keep that Personal Data and who may have access to it. The Charity does not transfer Personal Data to third parties without the express consent of the individual concerned.

Archived records are stored securely and the Charity has clear guidelines for the retention of information as set out in Point 7 above.

14. Rights of Individuals

All individuals who come into contact with the Charity have the following rights under the Data Protection legislation:

- a right of access to a copy of their Personal Data
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to prevent processing for direct marketing
- a right to object to decisions being taken by automated means
- a right, in certain circumstances, to have inaccurate Personal Data rectified, blocked, erased or destroyed and
- a right to claim compensation for damages caused by a breach of the Data Protection legislation.

The Board recognises its overall responsibility for ensuring that the Charity complies with its legal obligations.

15. Roles and Responsibilities:

A nominated trustee is responsible for:

- briefing all trustees and the Clerk on Data Protection responsibilities
- reviewing Data Protection and related policies
- ensuring that Data Protection induction and training takes place
- notification to others where appropriate
- handling subject access requests.

All trustees and the Clerk are required to read, understand and accept any policies and procedures that relate to the Personal Data they may handle in the course of their roles.

16. Key Risks to the Safety of Data Control and Process:

The Board has identified the following potential key risks:

- breach of confidentiality (information being given out inappropriately)
- individuals being insufficiently informed about the use of their Personal Data
- misuse of personal information by trustees and/or the Clerk
- failure to up-date records promptly
- poor IT security and
- direct or indirect, inadvertent or deliberate unauthorised access.

The Board will review the Charity's procedures regularly, ensuring that the Charity's records remain accurate and consistent and in particular:

- IT systems will where possible, encourage and facilitate the entry of accurate Personal Data
- Personal Data on any individual will be held in as few places as necessary and individual trustees will be discouraged from establishing unnecessary additional data sets

17. Subject Access Requests

Any individual who wants to exercise their right to receive a copy of their Personal Data can do so by making a Subject Access Request (SAR) to the Clerk. The request must

be made in writing and the individual must satisfy the Clerk of their identity before receiving access to any information.

A SAR must be answered within 30 calendar days of receipt by the Clerk.

18. Collecting and Using Personal Data

The Charity typically collects and uses Personal Data in connection with the provision of the Charity's Governing Document. The Charity collects Personal Data mainly in the following ways:

- by asking applicants for accommodation to complete paper forms
- by asking residents to give the Clerk information verbally.

19. Review

The Board will review the contents of, and compliance with, this Data Protection Policy on an annual basis.

20. Approval

This Data Protection Policy has been approved by the Board of Amersham United Charities.

More information:

Full information about the Data Protection Act, its principles and definitions can be found at www.ico.org.uk

Signed:  (Chair)

Name: Susan Thomas Pounce

Date: 29th June 2022

Review Date: 10th March 2022

Amendment: 29th June 2022

Amersham United Charities

Charity Commission Reference 205033



Amersham United Charities Privacy Notice under the General Data Protection Regulation

This document details what Personal Data is collected from you and how it is used for the purposes of the Charity.

The full Data Protection Policy is available on request.

Please indicate your understanding and agreement by signing and dating at the end of this notice.

Name:

Address:

- I give permission to use my name, address, phone number(s), email address and other Personal Data that I may provide for the purposes of the Charity. This Personal Data is used for communications concerning the Charity.
- I understand that such Personal Data is used by trustees and the Clerk of the Charity and is stored by individuals on paper, personal computers and cloud services; these individuals act following good personal practice for security of such data.
- I understand that Personal Data may be shared with Buckinghamshire Council, Docwra and alarm companies and others as may be agreed.
- I do NOT give permission to share or give this Personal Data to any third parties other than those listed above.

By informing the Clerk I can:

- request information about what Personal Data is held about me, and where, at any time, and have a response within 30 days.
- withdraw consent at any time and have all my Personal Data deleted and removed within 30 days except for such Personal Data legally to be retained for fulfilling the objects of the Charity, reporting and regulatory purposes.
- I may lodge a complaint at any time with the Information Commissioner's Office if I believe there is non-compliance of this Data Protection Policy.

Print name:

Signed:

Date:

