

THE BRIDGES COMMUNITY TRUST

P22: General Data Protection Regulations May 2018 and Data Protection Act 2018



In May 2018, the new General Data Protection Regulations (GDPR) and Data Protection Act 2018 came into force.

Definitions:

Controller: A controller determines the purposes and means of processing personal data

If you are a controller, you are not relieved of your obligations where a processor is involved – the GDPR places further obligations on you to ensure your contracts with processors comply with the GDPR.

Processor: A processor is responsible for processing personal data on behalf of a controller

If you are a processor, the GDPR places specific legal obligations on you; for example, you are required to maintain records of personal data and processing activities. You will have legal liability if you are responsible for a breach

Key Principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Lawful Basis for Processing Personal Data

- **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you 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 you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

Full information on GDPR and Data Protection Act can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

Data Protection Officer: Mrs Christina Brummitt, Finance and Operations Manager

ICO Registration No: ZA025884 Annual Renewal Date: 1st November

Personal data

The lawful purpose for which The Bridges Community Trust collects personal data in relation to the following is shown in Appendix P22A.

1. Board Members
2. Members of The Bridges Community Trust
3. Staff
4. Volunteers
5. Clients Engaged on Contracts
6. Clients receiving General Support
7. Members of Community Groups

Compliance and Retention

Holding of Data and the way that it is managed and processed is dependent upon the purpose and person about which the Data is held.

Appendix P22A sets out detailed information for each group:

- ✓ Personal Data Collected
- ✓ Where Data is Stored
- ✓ Purpose for which the Data is used
- ✓ Sharing of Data and if shared, how it is shared
- ✓ How long Data is retained on File
- ✓ Method of disposal of Data

The right to be forgotten

Under the DPA, an individual has limited right to request personal data is erased. For example, where processing causes unwarranted and substantial damage or distress. Under GDPR, the right to be forgotten enables an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Access to data

Board/Staff/Volunteers/Clients etc have the right to request access to the Personal Data that is held for them. Under GDPR, access to the information is free of charge and must be supplied within one month. If a request is unfounded or excessive, Charities may refuse or levy a reasonable fee for provision of the Data.

To ensure there is no unauthorised access to Data, the following should be followed:

- ✓ Filing cabinets will be kept locked, with keys for access held by the relevant staff
- ✓ Computers will be logged off or screens will be locked when away from the desk
- ✓ Files containing sensitive Data must not be left unattended on desks

- ✓ Files containing sensitive Data must not be removed from the office
- ✓ All sensitive Data will be destroyed in an appropriate manner, eg shredding
- ✓ If sensitive Data is required off-site, encrypted memory sticks must be used
- ✓ Emails containing sensitive Data must be sent using encryption
- ✓ When sending BULK emails, the bcc option must be used to ensure email addresses are kept safe

TBCT will take all necessary steps to ensure that sensitive personal data held by them about its Board Members, employees, clients, suppliers and all other individuals/organisations is processed fairly and lawfully in line with GDPR and Data Protection Act.

Board Members, employees and volunteers have a duty to follow these rules and procedures and to co-operate to ensure this policy is effective. Any breach of this policy may result in disciplinary action may be taken.

Clients engaged on Employment Contracts will be informed of the requirements for sharing of personal information with third parties for the purpose of monitoring as defined by the contract in place and will be asked to sign to agree to the sharing of their personal information.

TBCT will ensure the proper training in relation to GDPR and Data Protection Act for all employees, volunteers and Board Members as required.

Each staff member must take responsibility for meeting the requirements of GDPR and Data Protection Act in their particular area of work and in the work of volunteers supported by them. The person having overall responsibility for Data Protection within the organisation is TBCT's Data Protection Officer, (Finance and Operations Manager).

The Management Board of TBCT will be responsible to continually review data security arrangements, monitor the risk of exposure to major threats to data security, review and monitor security incidents, and establish and implement initiatives to enhance data security.