



GROUNDWORK UK

DATA PROTECTION POLICY

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Introduction

Groundwork Northamptonshire needs to collect and use certain types of information about the Data Subjects who come into contact with it in order to carry on our work. This personal data must be collected and dealt with appropriately– whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the UK General Data Protection Regulation (UK GDPR) which sits alongside the Data Protection Act 2018.

This policy should be read in conjunction with the Email and Internet Policy and the Safeguarding Policy, which deal with the handling of personal data.

Why this Policy exists

This Data Protection Policy ensures Groundwork Northamptonshire:

- Complies with data protection law and follows good practice.
- Protects the rights of staff, customers and partners.
- Is open about how it stores and processes individual's data.
- Protects itself from the risks of a data breach.

Data Protection Law

The UK GDPR and the Data Protection Act 2018 describes how organisations –including Groundwork Northamptonshire –must collect, handle and store personal data. These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal data must be collected and used fairly, stored safely and not disclosed unlawfully.

The UK GDPR Article 5 of the UK GDPR sets out seven key principles which lie at the heart of the general data protection regime. These say that personal data must be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');

(f) 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 ('integrity and confidentiality')."

g) Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability')."

Groundwork Northamptonshire will, through appropriate management,

- Observe fully conditions regarding the fair collection and use of information,
- Meet its legal obligations to specify the purposes for which information is used,
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- Ensure the quality of information used,
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act.

These include:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability

- The right to object
- Rights related to automated decision making including profiling
- Take appropriate technical and organisational security measures to safeguard personal data,
- Ensure that personal data is not transferred abroad without suitable safeguards,
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- Set out clear procedures for responding to requests for information.

The following list below is of definitions of the technical terms we have used and is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) exercises overall control of the personal data being processed and are ultimately in charge of and responsible for the processing.

Data Protection Act 2018 – The UK legislation that provides a framework for responsible behaviour by those using personal data.

Data Protection Lead – The person(s) responsible for ensuring that it follows its data protection policy and complies with the UK GDPR and the Data Protection Act 2018.

Data Subject/Service User – The individual whose personal details being held or processed by Groundwork Northamptonshire (for example: a client, an employee, a supporter).

Consent – any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

UK GDPR – the UK General Data Protection Regulation

Notification – Notifying the Information Commissioner about the data processing activities of Groundwork Northamptonshire, as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the UK GDPR and the Data Protection Act 2018.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Data – Personal data is information that relates to an identified or identifiable individual. can be identified or who are identifiable, directly from the information in question; or

- who can be indirectly identified from that information in combination with other information.
- What identifies an individual could be as simple as a name or a number or could include other identifiers such as an IP address or a cookie identifier, or other factors.
- Information which has had identifiers removed or replaced in order to pseudonymise the data is still personal data for the purposes of UK GDPR.

Special Category Data– **The UK GDPR singles out some types of personal data as likely to be more sensitive, and gives them extra protection.** For example, information about an individual's:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **political opinions**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- **genetic data**;
- **biometric data** (where used for identification purposes);
- data concerning **health**;
- data concerning a person's **sex life**; and
- data concerning a person's **sexual orientation**.

Data Controller

Groundwork Northamptonshire (the Senior Management Team) is the Data Controller under the Act, which means that it determines what purposes personal data held will be used for. It is also responsible for notifying the Information Commissioner's Office of the data it holds or is likely to hold, and the general purposes that this data will be used for.

People, risks and responsibilities

Policy scope

This policy applies to:

- The head office of Groundwork Northamptonshire
- All branches of Groundwork Northamptonshire
- All staff and volunteers of Groundwork Northamptonshire

- All contractors, suppliers and other people working on behalf of Groundwork Northamptonshire

It applies to all data that the company holds relating to identifiable individuals,. This can include:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- ...plus any other information relating to individuals

Data protection risks

This policy helps to protect Groundwork Northamptonshire from some very real data security risks, including:

- **Breaches of confidentiality.** For instance, information being given out inappropriately.
- **Failing to offer choice.** For instance, all individuals should be free to choose how the company uses data relating to them.
- **Reputational damage.** For instance, the company could suffer if hackers successfully gained access to sensitive data.

Responsibilities

Everyone who works for or with Groundwork Northamptonshire has responsibility for ensuring data is collected, stored and handled appropriately.

Each team that handles personal data must ensure that it is handled and processed in line with this policy and data protection principles.

However, these people have key areas of responsibility:

- The **Board of Trustees** is ultimately responsible for ensuring that Groundwork Northamptonshire meets its legal obligations. The Board Champion for Data Protection and Information security is **Stuart Bonham, Chairman**.
- The **Operations Director, Kimberley Lawson**, is responsible for:
 - Reviewing all data protection procedures and related policies, in line with an agreed schedule.
 - Arranging data protection training and advice for the people covered by this policy.
 - Handling data protection questions from staff and anyone else covered by this policy.

- Dealing with requests from individuals to see the data Groundwork Northamptonshire holds about them (also called 'subject access requests').
 - Approving any data protection statements attached to communications such as emails and letters.
 - Addressing any data protection queries from journalists or media outlets like newspapers.
 - Where necessary, working with other staff to ensure marketing initiatives abide by data protection principles.
- The **Finance Manager, Georgia Vickers**, is responsible for:
 - Ensuring all systems, services and equipment used for storing data meet acceptable security standards.
 - Regular checks and scans to ensure security hardware and software is functioning properly is carried out.
 - Keeping the board updated about data protection responsibilities, risks and issues.
 - Evaluating any third-party services the company is considering using to store or process data. e.g. cloud computing services.
 - Checking and approving any contracts or agreements with third parties that may handle the company's sensitive data.

General Staff Guidelines

- The only people able to access data covered by this policy should be those who **need it for their work**.
- Data **should not be shared informally**. When access to confidential information is required, employees can request it from their line manager.
- **Groundwork Northamptonshire will provide training** to all employees to help them understand their responsibilities when handling data.
- Employees should keep all data secure, by taking sensible precautions and following the guidelines below.
- In particular, **strong passwords must be used** and they should never be shared.
- Personal data **should not be disclosed** to unauthorised people, either within the company or externally.
- Data should be **regularly reviewed and updated** if it is found to be out of date. If no longer required, it should be deleted and disposed of.

- Employees **should request help** from their line manager or the Data Protection Lead if they are unsure about any aspect of data protection.

Disclosure

Groundwork Northamptonshire may share data with other agencies such as the local authority, funding bodies and other voluntary agencies if they are the Data Controller.

The Data Subject will be made aware how and with whom their information will be shared, this will be communicated through Privacy Notices.

There are circumstances where the law allows Groundwork Northamptonshire to process data special category data without the data subject's explicit consent. The conditions are listed in Article 9(2) of the UK GDPR:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where domestic law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g)processing is necessary for reasons of substantial public interest, on the basis of domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h)processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of domestic law] or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i)processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of domestic law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j)processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) (as supplemented by section 19 of the 2018 Act) based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

(j)processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) (as supplemented by section 19 of the 2018 Act) based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Data collection

Groundwork Northamptonshire will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Groundwork Northamptonshire, through the use of Privacy Notices, will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and make it clear which one of the six lawful basis (consent, contract, legal obligation, vital interests, public task, legitimate interests) Groundwork Northamptonshire is using to process the data
- Is made aware who the data may be shared with
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed

- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
 - Has received sufficient information on why their data is needed and how it will be used
- If relying on consent, Groundwork Northamptonshire will:

- Display it clearly and prominently;
- ask individuals to positively opt-in;
- give them sufficient information to make a choice;
- explain the different ways you will use their information, if you have more than one purpose;
- provide a clear and simple way for them to indicate they agree to different types of processing; and
- include a separate unticked opt-in box for direct marketing.

Data Storage/Retention

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it.

These guidelines also apply to data that is usually stored electronically but has been printed out for some reason.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately. Groundwork Northamptonshire will maintain a Document Retention schedule.

It is Groundwork Northamptonshire's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party. All such devices must be passed to the Corporate Services Co-ordinator, Philippa Deeley, who will then be responsible for this.

Data access and accuracy

All Data Subjects have the right to access the information Groundwork Northamptonshire holds about them. Groundwork Northamptonshire will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Groundwork Northamptonshire will ensure that:

- It has a Data Protection Lead with specific responsibility for ensuring compliance with Data Protection,
- Everyone processing personal data understands that they are contractually responsible for following good data protection practice,
- Everyone processing personal data is appropriately trained to do so,
- Everyone processing personal data is appropriately supervised,
- Anybody wanting to make enquiries about handling personal information knows what to do,
- It deals promptly and courteously with any enquiries about handling personal information,
- It describes clearly how it handles personal data,
- It will regularly review and audit the ways it hold, manage and use personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal data
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the UK GDPR or the Data Protection Act 2018.