



Hannah's Fund

Charitable Incorporated Organisation
Charity Number 1175857

DATA PROTECTION POLICY

About this Policy

Everyone has rights with regard to the way in which their personal data is handled. During the course of the charity's activities it collects, stores and processes personal data about potential clients, clients, their parents, suppliers and other third parties, and it is recognised that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful operational activity.

Those who are involved in the processing of personal data are obliged to comply with this policy when doing so.

This policy sets out the basis on which Hannah's Fund will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources.

General Statement of the Charity's Duties

The Charity is required to process relevant personal data regarding volunteers and clients as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

Under the provisions of the General Data Protection Regulations (GDPR) the charity collectively is deemed to be the data controller. Any trustee or volunteer processing personal data is therefore considered to be subject to any procedures or policies relating the data controller role. The role and responsibilities are covered under the Data Controller Policy under Appendix A.

Data Protection Compliance Officer (DPCO)

The Charity has appointed Nicola Maughan as the Data Protection Compliance Officer (DPCO) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Compliance Officer.

The Principles

Anyone processing personal data must comply with the eight enforceable principles of good practice as enshrined within the Data Protection Act 1998. These provide that personal data must be:

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

Personal Data

Personal data covers information relating to identifiable individuals, such as clients, current and former trustees, current and former volunteers, suppliers and marketing and business contacts. It includes expressions of opinion about the individual, any indication of someone else's intentions towards the individual, information necessary for employment such as the worker's name and address and details for payment of salary.

Processing of Personal Data

The Charity's policy is to process personal data in accordance with the applicable data protection laws as set out above. All trustees and volunteers have a personal responsibility for the practical application of this policy.

Trustees and volunteers should generally not process personal data unless:

- The individual whose details are being processed has consented to this;
- The processing is necessary to perform the Charity's legal obligations or exercise legal rights, or
- The processing is otherwise in the Charity's legitimate interests and does not unduly prejudice the individual's privacy.

When gathering personal data or establishing new data protection activities, trustees and volunteers should ensure that individuals whose data is being processed receive appropriate data protection notices to inform them how the data will be used. There are limited exceptions to this notice requirement. In any case of uncertainty as to whether a notification should be given, trustees and volunteers should contact the DPC.

Sensitive Personal Data

The Charity may, from time to time, be required to process sensitive personal data regarding a client. Where sensitive personal data is processed by the Charity, the explicit consent of the client will generally be required in writing.

The consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed. Trustees and volunteers should contact the DPCO for more information on obtaining consent to process sensitive personal data.

Processing of Credit Card Data

The Charity complies with the requirements of the PCI Data Security Standard (PCI DSS). Personnel who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements.

Accuracy, adequacy, relevance and proportionality

Trustees and volunteers should make sure data processed by them is accurate, adequate, relevant and proportionate for the purpose for which it was obtained. Personal data obtained for one purpose should generally not be used for unconnected purposes unless the individual has agreed to this or would otherwise reasonably expect the data to be used in this way.

Individuals may ask the Charity to correct personal data relating to them which they consider to be inaccurate. If a trustee or volunteer receives such a request and does not agree that the personal data held is inaccurate, they should nevertheless record the fact that it is disputed and inform the DPCO.

Trustees and volunteers must ensure that personal data held by the Charity relating to them is accurate and updated as required. If personal details or circumstances change, trustees and volunteers should inform the DPCO so the Charity's records can be updated.

Rights of Individuals

Trustees and volunteers have the right of access to information held by the Charity, subject to the provisions of the Data Protection Act 1998. Any trustee, volunteer or client wishing to access their personal data should put their request in writing to the DPCO.

The Charity will endeavour to respond to any such written requests as soon as is reasonably practicable and within 40 days. It should be noted that there are certain restrictions on the information to which individuals are entitled under applicable law.

Trustees and volunteers should not send direct marketing material to someone electronically (e.g. by email) unless there is an existing communication with them in relation to the services being marketed. Trustees should abide by any request from an individual not to use their personal data for direct marketing purposes and should notify the DPCO about any such request. Trustees should contact the DPCO for advice on direct marketing before starting any new direct marketing activity.

Exemptions

Certain data is exempted from the provisions of the Data Protection Act which include the following:-

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the Charity.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

Accuracy

The Charity will endeavour to ensure that all personal data held in relation to trustees and volunteers is accurate and kept up to date. Trustees and volunteers must notify the DPCO of any changes to information held about them. A trustee or volunteer has the right to request that inaccurate information about them is erased.

Timely Processing

The Charity will not keep personal data longer than is necessary for the purpose or purposes for which they were collected and will take all reasonable steps to destroy, or erase from its systems, all data which is no longer required.

Enforcement

If a trustee or volunteer believes that the Charity has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, the worker or volunteer should notify the DPCO and the Chair of Trustees of Hannah's Fund.

Data Security

The Charity must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. This is in relation to data belonging to both trustees and clients. As such, no trustee or volunteer is permitted to remove personal data from where it is stored, whether in paper or electronic form and wherever stored, without prior consent of the Chair of the Board of Trustees.

Appendix A – Data Control Policy

1. Introduction

The purpose of this policy is to set out the parameters for data use and data collection as established by the Data Protection General Regulations (GDPR). The policy is intended to specify the charity's processes and ensure that all personal data is managed in accordance with these regulations

2. Definitions

For the purposes of this policy the term 'data controller' refers to the Charity, Hannah's Fund and any trustee or volunteer who handles personal data

3. General Purpose

In order to fulfil its statutory and contractual duties as a charity Hannah's Fund will need to collect and process personal data for its purposes. These purposes are:-

- i. To ensure its contractual and legal obligations towards its bill payers (customers) are met;

- ii. To ensure that contractual and legal obligations towards children who are supported by the charity are met and;
- iii. To ensure that contractual and legal obligations towards its trustees are met.
- iv. To allow the charity to promote and develop direct commercial and commercial interests restricted to its past clients, fundraisers and supporters

4. Overview

In order to achieve the purposes set out in section 2, Hannah's Fund has a range of formal and semi-formal databases. Formal databases will normally be an integral part of the management system and held in electronic format whereas informal ones will be in a semi-structured form and paper-based.

In addition to this policy each database will be documented with its own policy which sets out the following:

- i. The purpose of the database
- ii. The database owner (ie. the person responsible for the database's administration)
- iii. How information populating the database is collected
- iv. What information will be contained on the database (consistent with its purpose)
- v. How the data will be held and kept secure
- vi. What steps are in place to ensure that the data is kept up to date.
- vii. How long the data will be held. If the data is to be held beyond the contractual period (as trustee, client or parent) then this needs to be justified (eg. statute of limitation, safeguarding)
- viii. Any sensitive data (see section x) will need to be justified in the purposes

5. Assumed basis for data collection

- i. The assumed basis for all data collection if not otherwise specified will be on the basis of legitimate interests as set out in section 2.
- ii. In order to pursue section iii the charity will inform clients that personal data may be used to promote the charity.
- iii. Consent to use data for these purposes will not be sought unless an impact evaluation identifies additional risk. An example of this would be use of a case study in a marketing campaign which focused on an individual.

6. Special category data

A. Under Article 9 of the GDPR personal sensitive data (referred to as special category data) may only be collected subject to certain conditions because of the risks of discrimination associated with its publication.

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 Union or Member State law or a collective agreement pursuant to Member State 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 the purposes of preventive or occupational medicine, 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 Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

7. Digital recording and use of images

i. the taking, storing and use of images of children is covered under this policy under appendix B

8. Criminal Offence Data

Hannah's Fund will request data on criminal offences to screen potential trustees to ensure that they do not present a threat to children and young adults. The information is acquired solely to make that decision. Once the decision has been made any recording of criminal convictions must be deleted from the charity records.

9. Data subject rights

(a) The charity has appointed a Data Protection Compliance officer (DPCO) to ensure that the interests and rights of data protection subjects are protected

(b) The DPCO's responsibilities will include an annual audit of all databases.

(c.) The DPCO will take responsibility for ensuring data access requests are responded to within the regulatory timescales.

(d) Specific rights are protected as follows:

i. Right of access

Hannah's Fund will publish the point of contact for data disclosure requests. All data disclosure requests will be sought by the DPCO from each database owner.

ii. Right of rectification

The database owner will ensure that databases are kept up to date in accordance with the database policy. Where errors are discovered through access requests or by the administrator the database owner will be required to correct the error. In the case of correction required by the data subject the DPCO will check no more than 10 working days after the request that the data has been corrected.

iii. Right of erasure/restriction

Any requests to be made to the DPCO. The assumption will be such as claim is correct and the Charity will be required to justify refusal (normally on the grounds of legal requirement/contractual obligation).

Right to object

Under section 2 setting out the purposes for data collection purposes i-iii are required in order for the charity to operate and therefore cannot be objected to. Objections must be made to the DPCO.

8. Data Protection Breaches

i. Any disclosure of personal data to an unauthorised third party must be immediately reported to the DPCO

ii. The DPCO has absolute discretion to investigate data breaches and should report them, in the first instance to the Chair of Trustees but may, if he/she sees fit, report matters to the external auditors or another Trustee.

Appendix B

Taking, storing and using images of children

1. Introduction

- This Policy is intended to provide information to young clients and fundraisers and their parents, carers or guardians (referred to in this policy as "parents") about how images of young people are normally used by Hannah's Fund ("the charity").

2. General points to be aware of

- Certain uses of images are in the legitimate interests of the charity and are unlikely to cause any negative impact on children. The charity is entitled lawfully to process such images and take decisions about how to use them, subject to any reasonable objections raised.
- Parents whose child undertakes fundraising for the charity are invited to indicate agreement for the charity to use images of him/her. However, parents should be aware of the fact that certain uses of their child's images may be necessary or unavoidable for example if they are included incidentally in a photograph of a group event
- We hope parents of children will feel able to support the charity in using their images to celebrate their achievements when supporting the charity.
- Any parent who wishes to limit the use of images of a child for whom they are responsible should contact the Charity in writing. The Charity will respect the wishes of parents/carers (and indeed young people themselves) wherever reasonably possible, and in accordance with this policy.
- Parents should be aware that, from around the age of 12 and upwards, the law recognises children's own rights to have a say in how their personal information is used – including images.

3. Use of Children's Images in Charity Publications

- Unless the relevant child or his or her parent has requested otherwise, the charity will use images of young people undertaking fundraising or other charity activities to keep the charity community updated on its activities, and for marketing and promotional purposes, including:
 - on internal displays (including clips of moving images) on digital and conventional notice boards;
 - in communications with the charity community (supporters and clients, trustees and volunteers) including by email and by post;
 - on the charity's website and, where appropriate, via the charity's social media channels, e.g. Twitter, Instagram and Facebook. [Such images would not normally be accompanied by the child's name without permission];
 - on the charity's flyers, and in online, press and other external advertisements for the charity. Such external advertising would not normally include children's names and in some circumstances the charity will seek the parent or child's specific consent, depending on the nature of the image or the use.

- The source of these images will predominantly be the child's family themselves or charity trustees or volunteers (who are subject to policies and rules in how and when to take such images), or a professional photographer used for marketing and promotional purposes, or occasionally pupils. The charity will only use images of pupils in suitable dress.

5. Security of images

- The charity takes appropriate technical and organisational security measures to ensure that images of young people held by the charity are kept securely on a secure system, and protected from loss or misuse. The charity will take reasonable steps to ensure that trustees and volunteers only have access to images of children held by the charity where it is necessary for them to do so.
- All trustees and volunteers are given guidance on the charity's Policy on Taking, Storing and Using Images of children, and on the importance of ensuring that images of children are made and used responsibly, only for charity purposes, and in accordance with charity policies and the law.

6. Use of Cameras and Filming Equipment (including mobile phones) by Parents

- Parents, guardians or close family members (hereafter, parents) are welcome to take photographs of (and where appropriate, film) their own children taking part in charity fundraising events, subject to the following guidelines, which the charity expects all parents to follow:
 - When an event is held indoors, such as a fundraising event, parents should be mindful of the need to use their cameras and filming devices with consideration and courtesy for the comfort of others. Flash photography can disturb others, or even cause distress for those with medical conditions; the charity therefore asks that it is not used at indoor events.
 - Parents are asked, as far as possible, to avoid taking photographs of other children, except incidentally as part of a group shot, without the prior agreement of that child's parents.
 - Parents are reminded that such images are for personal use only. Images which may, expressly or not, identify other children should not be made accessible to others via the internet (for example on Facebook), or published in any other way.
- The charity reserves the right to refuse or withdraw permission to film or take photographs (at a specific event or more generally), from any parent who does not follow these guidelines, or is otherwise reasonably felt to be making inappropriate images.

7. Use of Cameras and Filming Equipment by Children

- All children taking part in an event are encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a charity member or other adult.

- The use of cameras or filming equipment (including on mobile phones) is not allowed in toilets, washing or changing areas, nor should photography or filming equipment be used by children in a manner that may offend or cause upset.
- The misuse of images, cameras or filming equipment in a way that breaches this Policy, or any other Charity policy may be dealt with under our relevant safeguarding policy as appropriate.

Approved by all Trustees at General meeting on 23 October 2021

To be reviewed October 2022