

BUCKINGHAM ALMSHOUSES AND WELFARE CHARITY

Privacy Policy

On May 23rd 2018, a new UK Data Protection Act gained Royal Assent and was followed two days later by the implementation of an EU directive, the General Data Protection Regulation (GDPR). These have substantially changed how organisations like Buckingham Almshouses and Welfare Charity (BAWC) must handle an individual's data, and the changes are now included in a revised Privacy Policy for the Charity which is laid out below.

For any organisation that handles, or processes, data – and this includes collecting, storing and using data – there are now extensive new requirements and responsibilities in place. The organisation must be clear about what data it holds, why that data is needed, how it is used and who has access to it; it must have procedures in place to allow the individual to request and to view the data relating to them and to have a policy to notify and mitigate any data breach. An individual has the right to view in its entirety the data that the organisation holds about them, to have that data held securely and to have it amended or removed entirely.

BAWC, and its predecessor Buckingham General Charities, has always taken the privacy of information about the trustees, the residents and others with whom it deals very seriously and this revised policy takes into account these new changes.

1. Definitions

"Data subject" means an individual who is the subject of personal data or the individual whom particular personal data is about and is a living individual able to be identified or distinguished from others.

"Personal data" means any information relating to a "data subject".

2. What personal information does BAWC hold about the trustees, residents and others?

Trustees: -

- Title
- Name
- Address
- Date of birth
- Telephone numbers – home / work / mobile
- Email address

Residents: -

- Title
- Name
- Address
- Date of birth
- Telephone numbers – home / work / mobile
- Email address

- Medical data – as on the resident's original application form
- Details of next of kin

Others: -

- Details of those individuals applying for residency in an almshouse or to the Welfare Charity for a benefit.
- Data about plot holders at the Gawcott allotments
- Owners of any properties and land adjacent to the almshouses
- Suppliers and tradesmen used by the Charity.

Storage of data

Data collected as above is stored by the clerk to the Charity in hard copy and / or on a computer.

How is this data documented and protected?

The data is protected by being stored by the clerk in a locked filing cabinet and / or on a password-protected computer.

For how long is the data retained?

- Data pertaining to any trustee is retained as long as that individual remains a trustee of the Charity and for an additional seven years after termination of trusteeship.
- Data pertaining to any resident is retained for the duration of that individual's residency and for seven years after termination.
- Data relating to any individual applying for residency is held for as long as that application is being considered by the Charity and for an additional seven years.
- Data relating to an individual applying for a welfare benefit is held for as long as that application is being considered by the Charity and for an additional seven years.
- Data pertaining to plot holders at the Gawcott allotments, owners of properties and land adjacent to the almshouses and suppliers and tradesmen used by the Charity is held for seven years or as long as there is a potential need for, or interest in, that data, whichever is the longer.
- The data held by the Charity pertaining to all these individuals and parties is reviewed annually.

Is there a function or reason for every piece of data that is collected and held?

- Data relating to trustees and residents are required so that the former can carry out the essential business of the Charity and that the latter can adhere to the terms of their residency and that the Charity can provide relevant support etc. for them.
- Data relating to others are held in order for the Charity to continue its essential business.

How is information about an individual removed from the Charity's records?

The clerk is responsible for destroying any relevant data as above, by either shredding paper documents or "deleting" any electronically-held information on all relevant electronic devices.

3. Does BAWC share the personal information of trustees, residents or others with other organisations?

Only those organisations with whom liaison is essential for the Charity to carry on its business e.g. Aylesbury Vale Housing Dept, Citizens Advice Bureau.

4. Withdrawal of the consent of trustees, residents and others

Trustees, residents and others can apply to withdraw the consent that they have provided previously for BAWC to use their data by contacting the clerk to BAWC at karen.phillips440@gmail.com – when a decision will be made as to the appropriateness of the request considering the need of the Charity to be able to carry out its essential business.

5. Is members' personal data transferred outside the UK or the EEA?

BAWC is a UK-based organisation and there are no circumstances envisaged when members' personal information might be transferred outside the European Economic Area.

6. What should trustees, residents or others do if their personal information changes?

The clerk to BAWC should be informed at karen.phillips440@gmail.com so that the Charity's records can be updated as soon as possible.

7. Do trustees, residents and others have to provide their personal information to the Charity?

BAWC uses this personal information as described above and it would be impossible for the clerk and the Board of trustees to run the Charity, and adhere to its objects, if certain information was not provided. Where the provision of certain information is optional, this will always be made clear.

8. For how long is the personal information of trustees, residents and others retained by the Charity?

This is described above.

9. What are the rights of trustees, residents and others under data protection laws?

All trustees, residents and others have the following rights under data protection laws although they may not apply in all circumstances: -

- The right to be informed how their personal information is being processed by the Charity – the "right of access". [See Subject Access Request Policy]
- The right to object to how the Charity processes their personal information.
- The right to restrict how the Charity processes their personal information.
- The right to request that inaccurate personal information is rectified – the "right of rectification".

- The right to have their personal information erased – the “right to be forgotten” or the “right of erasure”.
- The right to withdraw consent – where the Charity processes personal information based on previously given consent, trustees, residents and others have the right to withdraw that consent at any time.
- The right to “data portability” that is the right of trustees, residents and others to obtain, move, copy and transfer their personal data, for their own purposes, easily across different services and from one IT environment to another in a safe and secure way without affecting its usability.
- The right to lodge a complaint with the Information Commissioner’s office (ICO) – details below.

10. Changes to this privacy policy

BAWC may change this policy from time to time in order to reflect changes in the law and / or privacy practices. Trustees, residents and others are encouraged to check this policy for changes from time to time when they visit the Charity’s website –

www.buckinghamgeneralcharities.org.uk

11. Contacting BAWC or the Information Commissioner’s Office

Trustees, residents or others may contact the Charity by emailing the clerk at

karen.phillips440@gmail.com

The Information Commissioner’s Office may be contacted by using the email facility at <https://ico.org.uk/global/contact-us/email/> or by ringing the ICO’s helpline, 0303 123 1113.

Subject Access Request (SAR) Policy

If a trustee, resident or other contacts the Charity to request access to the personal information that is held about them, the following procedure will be followed: -

- Requests will be made in writing to the clerk to BAWC by either email to - karen.phillips440@gmail.com – or by letter and will be responded to and completed within 20 working days.
- The individual making the request will provide sufficient information to allow confirmation of their identity and to allow a search for the requested information.
- Identity will be confirmed by sight of a passport or photo driving licence, and a utility bill or bank statement for confirmation of the requestor’s address.
- The information will be screened by BAWC in case some of that which has been retrieved may not be disclosable due to exemptions.
- Legal advice should be sought before applying exemptions which may include: -
 - Previously given references
 - Publicly available information
 - Crime and taxation
 - Management information such as restructuring or redundancies
 - Negotiations with the requestor
 - Regulatory activities
 - Legal advice and proceedings
 - Personal data of third parties

- A check will be made whether all the information can be disclosed, and where in some cases documents and emails may contain the personal information of other individuals who have not given their consent, this information must be redacted before the SAR is sent to the requestor.
- All SARs will be logged to include the date of receipt, the identity of the requestor and / or the data subject, a summary of the request, an indication if BAWC can comply and the date the information is sent to the data subject.

Data Breach Policy

A personal data breach is a “breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”.

Examples include: -

- Access by an unauthorised third party.
- Deliberate or accidental action – or inaction – by a trustee, the clerk to BAWC or the individual in the Charity who has responsibility for data protection.
- Sending personal data to an incorrect recipient.
- Electronic devices containing personal data being lost or stolen.
- Alteration to personal data without permission.
- Loss of availability of personal data.

BAWC takes the security of personal data very seriously and those in the Charity who hold personal data about others by virtue of their role or are responsible for data security have reviewed their own data security.

The consequences of a personal data breach can have a range of effects on individuals, depending on the circumstances, and may include: -

- Loss of control of personal data
- Discrimination
- Identity theft or fraud
- Financial loss
- Damage to reputation
- Loss of confidentiality of personal data
- Damage to property
- Social disadvantage

In the case of a data breach that is likely to result in a risk to the rights and freedoms of a trustee, resident or other, the breach must be reported to the individual concerned and the ICO without undue delay and where feasible not later than 72 hours after the Charity has become aware of the breach. It will be the responsibility of those in the Charity who are responsible for data security to report the breach to the ICO within the 72 hour time frame.

If the ICO is not informed within this time frame, BAWC will give the reasons for the delay when the breach is reported.

When notifying the ICO of a breach, BAWC will: -

- Describe the nature of the breach including the categories and approximate number of the data subjects and personal data records concerned.
- Communicate the names and contact details of those in the Charity responsible for data security.
- Describe the likely consequences of the breach.
- Describe the measures taken, or proposed to be taken, to address the breach and the measures to mitigate any possible adverse effects.

When notifying the individual of a breach, BAWC will: -

- Communicate the names and contact details of those in the Charity responsible for data security.
- Describe the likely consequences of the breach.
- Describe the measures taken, or proposed to be taken, to address the breach and the measures to mitigate any possible adverse effects.

BAWC would not need to communicate with an individual if the following apply: -

- The Charity has implemented appropriate technical and organisational measures (e.g. encryption) such that those measures have rendered the personal data unintelligible to any person not authorised to access it;
- The Charity has taken subsequent measures to ensure that the high risks to the rights and freedoms of individuals are no longer likely to materialise, or
- It would involve a disproportionate effort.
- **HOWEVER**, the ICO must still be informed even if the above measures are in place.

All data breaches must be recorded whether or not they are reported to individuals. The record will help to identify system failures and should be used as a way to improve the security of all the personal data held by the Charity.

Document Control

Name of Policy:	Privacy Policy
Version	v.3
Purpose of the Policy:	To provide explicit details of how the Buckingham Almshouses and Welfare Charity will process i.e. collect, store and use, any data having regard to the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
Policy applies to:	The clerk to the Charity and all trustees.
Approved by:	The Compliance and Governance committee
Responsible for its updating:	The Compliance and Governance committee
Final approval by:	The Board of BAWC
Date of approval:	28 th September 2018
Policy first issued:	October 2018
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