

<b>Title</b>	Data Protection Policy	
<b>Aim</b>	<p>To comply with the requirements of the Data Protection Act 1998 and the General Data Protection Regulation (GDPR).</p> <p>To minimise any risk to J T Blair's Charity, by setting out clear guidelines relating to the processing, storage and disposal of data.</p> <p>To ensure the rights of Data Subjects are clear and the process of exercising those rights are explained.</p>	
<b>Scope</b>	<p>All employees and workers who handle personal data, whether this relates to their colleagues, J T Blairs Charity or anyone else.</p> <p>All pensioners, Trustees and grant holders whose data is processed by J T Blair's Charity.</p> <p>A copy will also be given to any third parties to whom we outsource any data processing or storage.</p>	
<b>Date for Implementation</b>	4 December 2019	
<b>Approved by</b>	Trustees	4 December 2019
<b>Date of next review</b>	April 2020	
<b>Date of last review</b>	April 2019	
<b>Distribution</b>	All Trustees Administrator Website	
<b>Version Control</b>		

## Introduction

J T Blair's Charity holds information about its Trustees; current, past and prospective pensioners;

grant holders; partner organisations; suppliers and other users as a normal part of its day-to-day business. It is necessary for example to process information so that pensioners can be paid, grant awards made, and legal obligations to the government complied with. Personal data may consist of data kept on paper, computer or other electronic media; all of which is protected under the Data Protection Act 1998 and General Data Protection Regulation.

J T Blair's Charity and all staff or others who process or use personal information must ensure that they follow the Data Protection Principles at all times. In order to ensure that this happens, J T Blair's Charity has developed this Data Protection Policy.

### ***Purpose***

J T Blair's Charity is committed to being transparent about how it collects and uses personal data, and to meeting its data protection obligations. This policy sets out the organisation's commitment to data protection, and individual rights and obligations in relation to personal data.

This policy applies to the personal data of Trustees, volunteers, pensioners, members, partner organisations, clients/customers and suppliers. J T Blair's Charity has adopted a broad approach to Data Protection, applying the same principles across the organisation.

The organisation has appointed its Administrator as the person with responsibility for data protection compliance within the organisation. They can be contacted at [jtblairs@gmail.com](mailto:jtblairs@gmail.com). Questions about this policy, or requests for further information, should be directed to them.

### ***Definitions***

**"Personal data"** is any information that relates to an individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

**"Special categories of personal data"** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

**"Criminal records data"** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

## 1. Data protection principles

J T Blair's Charity processes personal data in accordance with the following data protection principles:

- The organisation processes personal data lawfully, fairly and in a transparent manner.
- The organisation collects personal data only for specified, explicit and legitimate purposes.
- The organisation processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.
- The organisation keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
- The organisation keeps personal data only for the period necessary for processing.
- The organisation adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The organisation tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons.

Where the organisation processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with particular guidance on special categories of data and criminal records data.

The organisation will update personal data promptly if an individual advises that their information has changed or is inaccurate.

Personal data gathered is held both electronically and in hard copy formats, although the majority of data is now held electronically. The periods for which the organisation holds personal data are contained in its privacy notices to individuals.

## 2. Individual rights

As a data subject, individuals have a number of rights in relation to their personal data.

### *Subject access requests*

Individuals have the right to make a subject access request. If an individual makes a subject access request, J T Blair's Charity will tell them:

- whether or not his/her data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
- to whom their data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long their personal data is stored (or how that period is decided);
- their rights to rectification or erasure of data, or to restrict or object to processing;

- their right to complain to the Information Commissioner if they think the organisation has failed to comply with his/her data protection rights; and whether or not the Charity carries out automated decision-making and the logic involved in any such decision-making.

J T Blair's Charity will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless they agree otherwise.

To make a subject access request, the individual should send the request to [jtblairs@gmail.com](mailto:jtblairs@gmail.com). In some cases, the Charity may need to ask for proof of identification before the request can be processed. J T Blair's Charity will inform the individual if it needs to verify their identity and the documents it requires.

J T Blair's Charity will normally respond to a request within a period of one month from the date it is received. In some cases, such as where the Charity processes large amounts of the individual's data, it may respond within three months of the date the request is received. The Charity will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, the Charity is not obliged to comply with it. Alternatively, the Charity can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the organisation has already responded. If an individual submits a request that is unfounded or excessive, the Charity will notify them that this is the case and whether or not it will respond to it.

#### *Other rights*

Individuals have a number of other rights in relation to their personal data. They can require the Charity to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override the Charity's legitimate grounds for processing data (where the Charity relies on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override the Charity's legitimate grounds for processing data.

To ask the organisation to take any of these steps, the individual should send the request to [jtblairs@gmail.com](mailto:jtblairs@gmail.com)

### **3. Data security**

J T Blair's Charity takes the security of personal data seriously. The Charity has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the organisation engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions (in the form of a contract between the two parties), are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

#### **4. Data breaches**

If J T Blair's Charity discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. The Charity will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

#### **5. International data transfers**

Personal data will only be transferred to countries outside the EEA in order to facilitate delivery of the Charity's services or products.

We will transfer the personal information we collect about you to the USA outside the EU for processing and storage. This is because the systems we use (Google) are international products and these companies process and store data in the USA.

There is an adequacy decision by the European Commission in respect of the USA. This means that the country to which we transfer your data is deemed to provide an adequate level of protection for your personal information. To ensure your personal information receives an adequate level of protection we have put in place the following appropriate measure to ensure your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection. Organisations processing data in the USA are certified under the Privacy Shield Framework.

#### **6. Individual responsibilities**

Individuals are responsible for helping the Charity keep their personal data up to date. Individuals should let the Charity know if data provided to the Charity changes, for example if an individual moves house or changes his/her email address.

Individuals may have access to the personal data of other individuals including our pensioners and grant holders in the course of their employment or working contract. Where this is the case, the organisation relies on individuals to help meet its data protection obligations to staff and to members, customers and clients.

Individuals who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;

- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the Charity's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing personal data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

## **7. Publication of Charity Information**

Information that is already in the public domain is exempt from the regulations. It is the Charity's policy to make as much information public as possible, and in particular the following information will be available to the public:

- Names of Trustees.

Any individual who has good reason for wishing details to remain confidential should contact the Administrator at [jtblairs@gmail.com](mailto:jtblairs@gmail.com)

## **8. Retention of Data**

Personal data will be retained for no longer than is necessary for the purpose for which it was collected. Standard retention times are necessary to meet various contractual requirements.

A full set of employment data (contained within personnel files) will be kept for the duration of employment and for a period of 5 years from the end of employment. A summary of the employee's record of service (for the purpose of providing employment references) will be retained for a period of 10 years from the end of employment.

Pensioner data will be retained for the duration of receiving a pension and for a period of 3 years after which the pension payment has ceased.

Standard retention times for finance related documents are specified in the Charity's Finance Regulations.

## **9. Disposal of Data**

Particular care must be taken with the disposal of personal data. Staff should be aware that the same standards should be applied to informal records, lists and printouts held by individual members of staff containing personal data as to records which are part of the formal Charity records system.

This material must not be disposed of in ordinary office waste paper bins.

Personal data must be destroyed by secure methods such as shredding.

Information stored on obsolete electronic equipment (desktops, laptops and other devices) will be erased prior to them being sold or disposed of.

## **10. Direct Marketing**

The Charity will only use personal data for promotional campaigns or to market additional activities where the individual has given consent.

## **11. Use of Photographs**

Where practicable, J T Blair's Charity will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the Charity will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisations website, newsletters or any social networking sites.

## **12. Implementation, Monitoring and Review of this Policy**

This policy will take effect from April 2019. The Administrator has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time. Any queries or comments about this policy should be addressed to the Administrator.