

Data Protection Policy

Purpose:

This policy sets out Wrestlingworth Goodwill Fund's approach to data protection together with responsibilities for implementing the policy and monitoring compliance. This policy is designed to meet all relevant legal requirements and to ensure that the reputation of Wrestlingworth Goodwill Fund is not damaged through inappropriate or unauthorised access and sharing.

Responsibilities:

This policy applies to all volunteers, including the board of trustees, committee members, volunteers and sessional workers, students or anyone working on behalf of Wrestlingworth Goodwill Fund.

Wrestlingworth Goodwill Fund trustees have overall responsibility for Data Protection within the organisation. Day-to-day responsibility for implementing and monitoring the data protection policy is delegated to the Chair of Trustees including:

- understanding and communicating obligations
- reviewing the ways Wrestlingworth Goodwill Fund holds, manages and uses personal information
- identifying potential problem areas or risks
- producing clear and effective procedures
- notifying and annually renewing notification to the Information Commissioner, plus notifying of any relevant interim changes
- monitoring and evaluating performance in relation to handling personal information

All Wrestlingworth Goodwill Fund trustees and volunteers who process personal information must ensure they understand and act in line with this policy and the data protection principles. Breach of this policy will result in disciplinary action.

The consequences of breaching Data Protection can cause harm or distress to service users if their information is released to inappropriate people, or they could be denied a service to which they are entitled. All volunteers should be aware that they can be personally liable if they use customers' personal data inappropriately.

Definitions:

Personal data is information that 'relates to' an 'identifiable individual' and is;

- a) information processed, or intended to be processed, wholly or partly by automatic means (that is, information in electronic form usually on computer) or
- b) information processed in a non-automated manner which forms part of, or is intended to form part of, a 'filing system' (that is usually paper records in a filing system)

This may include details of services users, as well as people who work for Wrestlingworth Goodwill Fund as trustees, committee members or volunteers, such as:

- Information on applicants for posts (such as trustees), including references

- Trustee and volunteer information – contact details, bank account number and appraisal notes.
- Users – contact details or case notes

Sensitive personal data includes:

- racial or ethnic origin of the data subject
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical or mental health or condition
- sexual orientation
- criminal record
- proceedings for any offence committed or alleged to have been committed

Informed consent is when;

- a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data;
- and then gives their consent.

Data Subject - the individual whose personal information is being held or processed by Wrestlingworth Goodwill Fund (for example: a service user or a volunteer)

Principles

Wrestlingworth Goodwill Fund will:

- use personal information fairly and lawfully;
- collect only the information necessary for a specific purpose(s);
- ensure it is relevant, accurate and up to date;
- only hold as much personal data as we need, and only for as long as we need it;
- allow the subject of the information to see it on request; and
- keep it secure.

Wrestlingworth Goodwill Fund will notify the Information Commissioners Office (ICO) about the data processing activities of Wrestlingworth Goodwill Fund by registering with the Information Commissioner. The details are recorded on the public register and Wrestlingworth Goodwill Fund renews this annually as the law requires. If there are any interim changes, these will be notified to the Information Commissioner within 28 days.

Wrestlingworth Goodwill Fund is transparent about how we intend to use data. We include privacy notices on our website and any forms that we use to collect data. These clearly explain the reasons for using the data, including any disclosures.

We avoid collecting data without a legitimate business reason and collect only the minimum required to meet the purposes we need it for and which are specified in our privacy notice.

We do not process personal data in any manner that is incompatible with the specified purposes. If we want to use personal data for a new or different reason that was not anticipated at the time of collection, we will consider whether this would be fair. Where needed, we will get consent to use or disclose personal data for a purpose that is additional to, or different from, the purpose we originally obtained it for.

The personal data we hold is accurate and, where necessary, kept up-to-date. Where we identify any inaccurate data, we update the records accordingly. We regularly review information to identify when we need to correct inaccurate records, remove irrelevant ones and update out-of-date ones.

We identify what types of records or data sets we hold and discard, delete or anonymise personal data as soon as it becomes surplus to requirements. We have a written retention policy which specifies when and how we will securely dispose of different categories of data.

We protect personal data using appropriate security measures. We assess the risks to the personal data we hold and choose security measures that are appropriate.

We do not transfer personal data outside the European Economic Area.

All staff handling personal data are briefed on their data protection responsibilities during their induction, with updates at regular intervals or when required. Specialist training will be provided for staff with specific duties such as marketing, information security and database management when necessary.

Transparency

Wrestlingworth Goodwill Fund will be clear and open with individuals about how their information will be used. Individuals have a choice about whether they wish to enter into a relationship with Wrestlingworth Goodwill Fund and if they know at the outset what their information will be used for, they will be able to make an informed decision.

When collecting data, Wrestlingworth Goodwill Fund will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- 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

Explicit informed consent is needed for processing sensitive data.

Subject access requests

We recognise and respond to any individuals' requests to access their personal data. The right of access gives anyone we hold personal data about the right to request, to see and obtain a copy of the information. We will respond to a subject access request promptly and in any event within 40 calendar days of receiving it.

- A subject access request should be made in writing. This includes email and by means of social media.

- Wrestlingworth Goodwill Fund do not need to respond to a request made verbally but, depending on the circumstances, it might be reasonable to do so provided that Wrestlingworth Goodwill Fund are satisfied about the person's identity. If Wrestlingworth Goodwill Fund considers a verbal request invalid, we will explain to the individual how to make a valid request.
- If a disabled person finds it impossible or unreasonably difficult to make a subject access request in writing, we will make a reasonable adjustment which may include treating a verbal request for information as though it were a valid subject access request.
- If a written request does not mention the Data Protection Act specifically or even say that it is a subject access request, it will be treated by Wrestlingworth Goodwill Fund as valid.
- Individuals have a right to have data corrected if it is wrong, to prevent use which is causing them damage or distress or to stop marketing information being sent to them.
- Members of the public may request certain information from the Local Authority under the Freedom of Information Act 2000. The Act does not apply to Wrestlingworth Goodwill Fund. However, if at any time we undertake the delivery of services under contract with the Local Authority we may be required to assist them to meet a Freedom of Information Act request where we hold information on their behalf.

Records management, retention and security

- Information and records relating to service users will be stored securely and will only be accessible to authorised volunteers.
- Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.
- 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.
- Wrestlingworth Goodwill Fund will routinely dispose of personal data that is no longer required, in line with agreed timescales (see Appendix)

Sharing data

Wrestlingworth Goodwill Fund may need to share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Wrestlingworth Goodwill Fund to disclose data (including sensitive data) without the data subject's consent. These are:

- carrying out a legal duty or as authorised by the Secretary of State
- protecting vital interests of a Data Subject or other person
- the Data Subject has already made the information public
- conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes – i.e. race, disability or religion

- providing a confidential service where the Data Subject’s consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Wrestlingworth Goodwill Fund regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Further information

If members of the public/or stakeholders have specific questions about information security and data protection in relation to Wrestlingworth Goodwill Fund please contact the Chair of Trustees

The Information Commissioner’s website (www.ico.gov.uk) is another source of useful information.

Appendix:

KEY ISSUE	WHAT SORT OF EVIDENCE IS NEEDED	WHERE IS THE INFORMATION FOUND?	HOW LONG SHOULD RECORDS BE KEPT FOR?	WHAT LAW/ REGULATION IS APPLICABLE?
Governance	Decision making, positions of responsibility, processes and procedures	Minutes of meetings (Board minutes and subcommittees); accounts; Annual Reports; other relevant reports and policy documents	Permanently - these records provide evidence of the development of the organisation	GDPR, Charity Commission requirements, Freedom of Information, potential use as evidence or for future regulation
Effectiveness /Impact	Decision making, records of long term impact, processes and procedures	Reports /monitoring of services; Annual Reports; policy documents; correspondence	Having a long term evidence bank of the achievements of the organisation is a good idea for demonstrating that a charity meets its aims and can be used in bidding for funding	GDPR, Charity Commission public benefit requirements,

Donor Data	What data is held on donors, what they have agreed to regarding future contact and data sharing. Data security policy and processes. Fundraising projects and policies	Donor databases and records generated by fundraising function of the organisation	Depends on protocols agreed with donors – but policies etc. should be retained for at least seven years once they are no longer current	GDPR, Data Protection Act, financial reporting, Fundraising Regulator requirements
Safeguarding	Policies, staff and volunteer checks (Disclosure and Barring Service checks, formerly Criminal Records Bureau checks)	This could potentially cover staff and volunteer personnel files as well as service user case files	There is a balance to be struck in having evidence that you have taken steps to make sure personnel are suitable to work with vulnerable service users and protecting the data of staff and volunteers (as per principle 5 of the Data Protection Act). Your organisation may need to assess the risks on each side and seek expert advice.	GDPR, Data Protection Act, potential use as evidence or for future regulation or investigations. Relevant safeguarding legislation of supervising authorities
Risks e.g. closure, fraud, whistleblowing	Financial data, records of decision making	Accounts; Annual Reports; minutes of meetings;	At least seven years, though it would be wise to keep some data permanently to show source of	GDPR, Data Protection Act, Charity Commission requirements in the case of an investigation, in

			long term assets and changing financial structures.	case of potential future regulation or litigation
Access to information (i.e. by those about whom data is held)	Information about donors, beneficiaries, service users and their families	Case files, fundraising databases	As long as a data subject (person the data is about) might want to access this information	GDPR, Data Protection Act, Environmental Information Regulations, in case of an investigation, potential litigation or a subject access request from the data subject