



General Data Protection Regulation and Data Protection Act 2018 Policy

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Introduction

CVS Cheshire East is fully committed to compliance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

CVS Cheshire East, acts as both the data Controller and Processor for the purposes of DPA 2018 and the GDPR and will therefore follow procedures that aim to ensure that all employees, Trustees, volunteers, contractors or partners of CVS Cheshire East who have access to any personal data held by or on behalf of the organisation, are fully aware of and abide by their duties and responsibilities of the Regulation.

Statement of policy

In order to operate efficiently, CVS Cheshire East has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required to collect and use information in order to comply with the requirements of funding agreements. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

CVS Cheshire East regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the organisation and those with whom it carries out business.

To this end CVS Cheshire East fully endorses and adheres to the Principles of DAP 2018 and the GDPR. CVS Cheshire East is registered with the Information Commissioners Office (ICO)

The principles of processing data

CVS will follow these general principles when acting as a data controller, that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The GDPR provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **special category data**.

Personal data is defined as meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including, name, identification number, location data, online identifier, reflecting changes in technology and the way CVS collects information about people.

DAP 2018 and the GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of GDPR depending on how difficult it is to attribute the pseudonym to a particular individual. CVS will ensure whenever it codes data it will use a system which cannot be easily attributed to individual e.g. not using initials.

Special category data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;

To process data about criminal proceedings or convictions CVS must have a lawful basis for undertaking this. CVS currently does not hold any data about service users and will only hold any information if relevant for staffing DBS purposes..

Lawful Basis for Processing

Within GDPR there are six lawful bases for processing CVS has reviewed these and has identified that it will process data under 4 of the headers, Consent, Legitimate interests, Legal and Contract.

Consent – within this lawful basis the individual must have given clear consent for CVS to process their personal data for a specific purpose.

Legitimate interests – this process is necessary for CVS's legitimate interests in order to deliver our services. This is used in instances where people's data would reasonably be expected to be used for the purpose and has minimal privacy impact.

Legal – this processing is necessary for us to comply with the law

Contract – this processing is necessary for a contract we have with an individual, or because they have asked us to take specific steps before entering into a contract.

Appendix 1 shows which areas of our service will be used to process personal data. Categories of personal data marked with an * are classed as special category data.

We will minimise the collection of special category data and only do so when legally required or if there is a specific purpose.

In deciding to use legitimate interest for the processing of personal data CVS has carried out a Legitimate Interests Assessment (LIA). The LIA identified that we needed to collect this information in order to maintain the service. None of the information collected was sensitive special data and would have a minimal impact on an individual.

Guidelines for the collection and processing of personal data

Acquisition of personal data

When obtaining personal data CVS Cheshire East will ensure that we will tell data subjects:

- The purpose(s) for which the data is being gathered
- The lawful basis under which the data is being processed
- obtain their explicit consent using clear language, especially if special category data is being collected
- Inform them that CVS Cheshire East will be the data controller for the Act
- Inform them of any third party data processors who will manage their data
- disclose the identities of any other persons or organisations to whom the data may be disclosed
- The decision making process used to determine the retention period
- The existence of each data subjects rights and how they can contact us
- The right to lodge a complaint with the ICO
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data

Appendix 2 shows when and how CVS will tell the data subjects to above information.

No more data than is necessary for the declared purpose(s) will be collected.

Holding/safeguarding/disposal of personal data

Data will not be held for longer than necessary.

When data has reached the retention duration such data will be earmarked for destruction. Appropriate measures will be taken to ensure that data cannot be reconstructed or processed by third parties.

Processing of personal data

Personal data will only be processed for the purpose(s) for which they were obtained or for a similar purpose. If the new purpose is ever different, the data subject's consent will be obtained.

Disclosures and transfers of personal data

CVS Cheshire East aims to protect the confidentiality of those whose personal data it holds. Employees of the organisation may not disclose any information without the consent of the data subject.

It is CVS Cheshire East's policy that it will not transfer data outside of the organisation without the data subjects consent.

CVS uses data processors to manage some of the personal data that it holds. CVS will ensure that there is a written contract in place with the data processor to ensure that both parties understand their responsibilities and liabilities. This will include ensuring they are able to provide information from any requests within relevant time frames.

In addition, CVS Cheshire East will ensure that:

- There is someone with specific responsibility for data protection in the organisation;
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- All processing activities will be documented and include maintaining records on several things such as processing purposes, data sharing and retention.
- Methods of handling personal information are regularly assessed and evaluated and include consideration of pseudonymisation, transparency and improving security features;
- Performance with handling personal information is regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.
- There are robust breach detection, investigation and internal reporting and recording procedures in place. These will facilitate decision-making about when CVS will be required to notify the ICO and the affected individuals.

Processing Children's data

CVS may only hold a small amount of personal data that relates to an individual who is a child. If CVS collects personal data about a child the organisation will always use

the lawful basis of consent and ensure that its information is written in a way that children will understand their rights.

Children aged 13 and over are able to provide their own consent and for children under this age written consent will be gathered from whoever holds parental responsibility for that child.

Data subjects rights

Under the GDPR individuals have the

- **Right of Access** – individuals have the right of access to their personal data and supplementary information.
- **Right to rectification** – individuals are entitled to have personal data rectified if it is inaccurate or incomplete or is needed to be changed
- **Right to erasure** - individuals have the right to request the deletion or removal of their personal data where there is no compelling reason for its continued processing
- **Right to restrict processing** – individuals have the right to ‘block’ or suppress the processing of personal data. It can still be stored but not further process it.
- **Right to data portability** – the individuals are able to obtain and reuse their personal data for their own purposes across different services. This allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way.
- **Right to object** – individuals have the right to object to processing on legitimate interest of the performance of a task in the public interest, direct marketing and processing for purposes of scientific/historical research and statistics.

CVS Cheshire East is fully committed to facilitating the rights of individuals under the GDPR (‘applicants’) to their personal data, while bearing in mind the need to protect other individual’s rights of privacy.

All individuals are able under the GDPR to request to obtain

- Confirmation that their data is being processed
- Access to their personal data and
- Other supplementary information which CVS will make available in the privacy notice

Individuals have this right so that they are aware of and can verify the lawfulness of the processing.

If any request involves providing information relating to another individual (a ‘third party individual’) then CVS Cheshire East reserves the right to not comply with the request unless:

- the third party has consented to the disclosure or

- it is reasonable in all the circumstances to comply with the request without the consent of the third party individual.

CVS Cheshire East would expect to provide many requests within the course of normal business for example, checking contact phone numbers and email addresses. These would be dealt with informally, however we will check the identity of the applicant.

When responding to a formal request CVS Cheshire East will require:

- Information to be sure of the applicants identity. If the organisation has cause to doubt the identity of the applicant additional reasonable evidence will be requested.
- Any additional information to enable us to find the relevant records. If additional information is needed from the applicant this will be done promptly.

CVS would in most cases provide this information free of charge however the organisation reserves the right to charge £10 for the records dependent on the amount of information requested. If this is the case we will inform the applicant promptly. CVS Cheshire East will aim to respond to all requests within 10 calendar days, up to a maximum of 1 calendar month; if a fee is applicable or the request is deemed to be complex or numerous then CVS may extend this period by a further 2 months.

If CVS Cheshire East holds no personal information on the applicant then this will be reported.

CVS Cheshire East will not make any changes to information once a request has been received. All terms or codes will be explained within the response.

CVS may not provide the information if the request is found to be manifestly unfounded or excessive. CVS would explain this clearly to the individual outlining their right to raise a complaint either internally to CVS or with the ICO.

CVS may not be able to grant one of the rights due to legal or contractual requirements. CVS would explain this clearly to the individual outlining their right to raise a complaint either internally to CVS or with the ICO.

Rights related to automated decision making including profiling – CVS Cheshire East would not expect to receive any requests under this right as it does not carry out automated decision making or profiling based on personal data.

Reporting Personal Data breaches

CVS Cheshire East will comply with all duties laid out by the ICO on reporting data breaches. Where it is required reporting will take place within 72 hours of CVS becoming aware of the breach.

As an action of good practice CVS will inform individuals of any breach which impacts their data and those where the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms CVS will inform these individuals without undue delay.

The full procedure on this can be found in the Data Breach process.

Review

This policy will be reviewed periodically to take into account changes in the law and guidance issued by the Information Commissioner

Related policies/procedures

Data Processing and Retention policy

Data Breach process

Appendix 1 – Lawful Basis

Consent

Name of service	Categories of personal data	Intended use of data	Shared with 3rd Party
E-bulletin sign up	email address	Send E-bulletin	No
Voice e-bulletin	email address	Send E-bulletin	No
Membership of networks	email address	Send information about Network, invites and relevant VCFS information	No
	Job title		No
	Name		No
Training courses	Name	Send information about the training course	No
	email address		No
	Organisation worked for		No
	Postal Address	Send any follow up information or request for evaluation	No
GRIPP Webform	email address	Send a copy of the completed GRIPP Healthcheck to	No
Volunteer Application	Name	Send information over to the Volunteering Organisation - Once an application is made.	Yes
	Address		Yes
	email address		Yes
	Gender		Yes
	date of birth		Yes
	Do they hold driving licence		Yes
	Info about type of volunteering	Yes	
	Employment status	Monitor the demographics of the individuals registering	Yes
	Ethnicity*	Yes	
Additional needs*	Yes		
Volunteer e-newsletter	email address	Send E-bulletin	No
New Leaf sign up	Name	Contact them regarding the New Leaf Programme	Yes - New Leaf
	Email address		Yes - New Leaf
	Employment status	Send information over to Volunteering Organisation	Yes - New Leaf
	NI number	Yes - New Leaf	
	Address	Use for monitoring or	Yes - New

		claim purposes for the programme	Leaf
	Phone number		Yes - New Leaf
	Gender		Yes - New Leaf
	ID - passport etc		Yes - New Leaf
Sport England Project	name	Contact them regarding the project	Yes - Sport England / CVA - anonymised to Sport England
	address	Send information to volunteering organisations for placements	
	email		
	age		
	gender	Send information over to the funder - Anonymised with a number	
	parental status	Potential case study	

Legitimate Interest

Name of service	Categories of personal data	Intended use of data	Shared with 3rd Party
General data collected to record the activities delivered against individuals.	Name	Contact regarding development / Volunteering / Voice work delivered by CVS	No
	Address		No
	Phone number		No
	Email		No
	Relationship to organisation		No
	Role in organisation	This is our general development work delivered to members e.g. a meeting about funding advice.	No

Legal

Name of service	Categories of personal data	Shared / Managed by third party
HR - Current Employees	Contact details	SAS Daniels
	Emergency contact details	SAS Daniels & on sharepoint
	Holiday record	SAS Daniels
	performance management details	Saved in Sharepoint
	CV information	Paper copy in filing cabinet
	Disability *	Paper copy in filing cabinet
	Copy of Passport	Paper copy in filing cabinet

	Car insurance details	Paper copy in filing cabinet
	Gender	SAS Daniels
	marriage status*	SAS Daniels
	Criminal record - if applicable	Paper copy in filing cabinet
	Ethnicity*	SAS Daniels
Finance - Payroll	Bank details	Shires – Ends March 2020
	Pension details	Shires– Ends March 2020
	Pay details	Shires– Ends March 2020
	Sickness record	Shires– Ends March 2020
	HMRC details	Shires– Ends March 2020
HR - Volunteers	Contact information	Sharepoint / Civi
	Emergency contact information	Sharepoint / Civi
	email address	Sharepoint / Civi
	Gender	Sharepoint / Civi
	date of birth	Sharepoint / Civi
	Do they hold driving licence	Sharepoint / Civi
	Info about type of volunteering	Sharepoint / Civi
	Employment status	Sharepoint / Civi
	Ethnicity*	Sharepoint / Civi
	Additional needs*	Sharepoint / Civi
HR - Applicants (unsuccessful)	CV information	Paper copy in filing cabinet
	Contact details	Paper copy in filing cabinet
	Ethnicity*	Paper copy in filing cabinet
	Disability *	Paper copy in filing cabinet
	Age	Paper copy in filing cabinet
	Gender	Paper copy in filing cabinet
	Sexuality*	Paper copy in filing cabinet
	marriage status*	Paper copy in filing cabinet

Appendix 2 – Acquisition of Personal data

Acquisition of Personal Data	Method to share	When this is shared
The purpose(s) for which the data is being gathered	Email / webpage / leaflet /Form with the information.	At the time of consent
The purpose(s) for which the data is being gathered	Email / webpage / leaflet /Form with the information	At the time of consent
obtain their explicit consent using clear language, especially if special category data is being collected	Email / webpage / leaflet /Form with the information	At the time of consent
Inform them that CVS Cheshire East will be the data controller for the Act	Privacy notice on website or available on request	At all times
Inform them of any third party data processors who will manage their data	Privacy notice on website or available on request	At all times
disclose the identities of any other persons or organisations to whom the data may be disclosed	Privacy notice on website or on the consent section of sign up	At all times / at point of sign up
The retention period used to determine the retention period	Link to Data retention policy on the privacy notice on website	At all times
The existence of each data subjects rights	Privacy notice on website or available on request	At all times
They have the right to withdraw consent at any time, where relevant, and how to do this	Email / webpage / leaflet /Form with the information	At the time of consent and on each e-bulletin
The right to lodge a complaint with the ICO	Privacy notice on website or available on request	At all times
Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data	Privacy notice on website or on the consent section of sign up	At all times / at point of sign up