

Data Protection Policy

For the benevolent fund of the College of Optometrists and the Association of Optometrists

This policy sets out how The Benevolent Fund of the College of Optometrists and the Association of Optometrists (henceforward referred to as The Charity) will comply with the General Data Protection Regulations (GDPR) by covering the following areas:

1. Definition of key terms
2. Our understanding of the GDPR
3. How the GDPR fits into our objectives
4. Meeting our responsibilities under the GDPR
5. Respecting the rights of the individuals we work with under the GDPR
6. How our fundraising work complies with GDPR

1. Definition of the key terms:

Personal data: data conveying any information relating to an identified or identifiable natural person. This may include name, address, identifier numbers (e.g. telephone); it also includes online or electronically stored identifiers, if they can be used alone or in combination to identify a person. In addition, there is a category of 'sensitive personal data' which includes genetic, biometric and medical data; racial and ethnic identity; religious and political beliefs; and sexual orientation.

Data controller: the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing personal data

Data processor: a natural or legal person, public authority, agency or other body which is responsible for processing personal data on behalf of the controller

Data processing: any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

Data subject: the individual to whom the personal data belongs. This could be an applicant, beneficiary, donor, potential donor, trustee, employee, volunteer, contractor, or any other individual whose personal data are held by us.

Consent: means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2. Our understanding of the GDPR

The GDPR is an EU-wide law that replaces the previous Data Protection Act (1988). The purpose of the GDPR is to help EU citizens better understand and control how their personal data is being used, and how to raise objections if

necessary. The GDPR achieves this by placing responsibilities on data controllers and data processors; and by giving rights to data subjects who have given consent to data processing.

In the UK, compliance with the GDPR is overseen by the Information Commissioner's Office (ICO). The Charity is registered with the ICO as a data controller; our registration number is ZA219559. The Charity is also a data processor under the GDPR. The Board of The Charity has assessed the scale of our data processing and decided that the quantity of data being processed does not justify appointing a Data Protection Officer.

3. How GDPR fits into The Charity's charitable objectives

The Charity is a benevolent society that exists to give assistance to any eligible person, couple or family who is in need and fit our criteria.

Our support is usually financial, to help with an immediate crisis such as an unexpected bill or other expense, or it may be to help by supplementing income on an ongoing basis to meet regular outgoings. To carry out this work fairly and effectively, we process personal data about individuals who apply for our support and our beneficiaries. The Charity also processes personal data from our employees, volunteers, trustees and individuals working for other organisations we partner with, to ensure our organisation functions effectively. The Charity has contracts with other organisations and may need to share personal data in order to fulfil obligations made to applicants, beneficiaries, volunteers, donors, and trustees. The Charity recognises that all of these uses of personal data fall within the remit of the GDPR.

4. Meeting our responsibilities under the GDPR

The Charity will only process personal data where we have a legal basis to do so and will always respect our data subject's rights. The *lawful bases* we use to process this data are 'legitimate interests' and, in the case of sensitive data, 'special category'. The *specific condition* we use for processing 'special category' data is 'legitimate activities'. Occasionally, we may also use 'legal obligation' or 'consent' to process personal data; some examples are given below:

- When an individual applies for support from The Charity, we use 'legitimate interests' to process the information needed to contact them about their application.
- When we require information relating to an applicant's health to help us assess their needs, we use the lawful basis of 'special category' and the specific condition of 'legitimate activities' to process this data.
- If we need to process personal data to comply with a legal obligation to disclose employee salary details to HMRC, we would use 'legal obligation' as our lawful basis.
- If we want to send electronic marketing to applicants and beneficiaries, we would use 'consent' as our lawful basis, in accordance with the Privacy of Electronic Communications Regulations (PECR).

4.1 Purpose of using personal data and Disclosure

Personal data must be '*collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes*' (ICO website 2018)

The Charity uses personal data to carry out our charitable objectives as set out in section 3 above.

The Charity principally collects personal information to provide data subjects with the services, products or information they have requested. We may also keep a record of conversations we have with a data subject, feedback a data subject provides and any marketing/fundraising materials we send out to a data subject.

If we need to share data with third parties, called 'data processors', (e.g. suppliers of goods or services) in order to fulfil our agreement with an individual, we will seek permission from the individual. We may also need to disclose personal data if required to do so by law.

4.2 How we collect personal data

Personal data must be '*adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed*' (ICO website 2018)

The Charity has reviewed its data collection, processing, and storage functions to check that data are adequate, relevant and limited to that which is necessary to fulfil our charitable objectives and run our organisation effectively.

The charity receives and stores personal information supplied to us in writing, via email, via the telephone, in person or online when applying, enquiring, or registering for help, employment, trusteeship, volunteering opportunities or when attending events or donating money to the Charity. We may also receive personal information from third parties, for example, a welfare officer, charity, agency or organisation who refers you to our service.

Where beneficiaries of The Charity have provided information about their experience of our service, we will explain what the information will be used for. It will always be used anonymously unless you agree otherwise. If we wish to use your information as a case study, for communications including PR and media activity, digital and social media, campaigning, fundraising materials and internal communications, or to help us raise awareness of our service, we will ask your permission first.

4.3 Personal data must be '*accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay*' (ICO website 2018)

The Charity takes care to collect data accurately by using an application form, emails, telephone calls or documented face-to-face interviews, and has reasonable administrative procedures for amending or erasing inaccurate data as necessary.

4.4 How long we keep your personal data

Personal data must be '*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed*' (ICO website 2018)

The Charity has set out a timescale for erasing data that we no longer need for processing purposes. When no longer needed, paper records will be shredded and electronic records will be deleted or permanently anonymised.

Enquiries - that do not progress beyond this stage we keep for 1 year.

Applications and Beneficiary information we keep for 6 years after the involvement has ended. This is to ensure we meet the legal requirements for keeping financial records for accounting purposes.

Trustee information – we keep for 1 year after a Trustee has left for Annual Return purposes, in line with Charity Commission requirements.

Donor information, including Gift Aid declarations and records are kept until 6 years after the end of the accounting period they relate to.

4.5 Security of your personal data

Personal data must be *'processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.'* (ICO website 2018)

The Charity has assessed the risks to personal data. We have put in place appropriate managerial procedures to safeguard and secure the information we collect, including reasonable levels of protection for physical and electronic records.

The Charity recognises that any breach of unencrypted personal data must be reported to the ICO within 72 hours of our becoming aware of the breach.

4.6 Staff Training

The Charity will raise awareness of the GDPR regulations, its policy and the legal obligations upon it to all staff and trustees who have access to personal data.

5. Respecting the rights of the individuals we work with under the GDPR

The GDPR sets out rights for individuals (i.e. data subjects), which The Charity recognises and respects.

- 5.1. **The right to rectification:** The Charity will correct data that is wrong when told to do so by data subject
- 5.2. **The right to erasure:** The Charity will delete some, or all, of a data subject's information on request, unless it needs to be kept for legal reasons.
- 5.3. **The right to restrict processing:** The Charity will stop processing some, or all, data on request, unless there are overriding legal reasons.
- 5.4. **The right to data portability:** The Charity will provide data in a suitable format when requested to do so.
- 5.5. **The right not to be subject to automated decision-making (sometimes called 'profiling'):** The Charity will not use automated decision-making if the data subject objects.
- 5.6. **The right to access:** The Charity will respond to a written subject access request (SAR) within 30 days and will provide the data subject with whatever personal data, if any, is readily available in our records.

6. How our fundraising complies with GDPR

We may fundraise from our supporters and other groups or organisations. When we contact individuals for fundraising purposes, we are clear that fundraising is our aim. We provide individuals with access to our Privacy Statement when collecting personal data. We contact individuals by post, telephone or email.

The Charity does not pass our fundraising contacts to other parties and does not buy mailing lists for fundraising purposes.

This policy was approved by the Board on _____ and is signed on their behalf by:

Signature: _____

Name: _____

Role: _____

This document was last reviewed on 24 September 2018