



Burton Albion Community Trust
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SECTION	Operations
POLICY /PROCEDURE	Data Protection Policy Statement
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DATE OF REVIEW	May 2021

Data Protection Policy

1. Introduction

Burton Albion Community Trust (BACT) is required to collect and use certain types of information about the Individuals and/or Members who access our wide range of services. This enables us to carry out our work effectively and safely whilst offering a quality experience to those who come into contact with us.

2. Data Protection Principles

BACT is committed to processing data in accordance with its responsibilities under the Data Protection Act 1998 ("DPA 98"), the forthcoming Data Protection Act 2018 and Article 5 of the General Data Protection Regulation (GDPR). This legislation requires that personal data shall be:

- a. Processed lawfully, fairly and in a transparent manner;
- b. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. 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;
- e. 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; and
- f. 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.





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3. General Provisions

- a. This policy applies to all personal data processed by BACT and includes the personal data of:
 - *Internally*: Job applicants, employees, trustees, volunteers and former employees.
 - *Externally*: Member representatives and individuals who access our services and programmes.
- b. As the Data Controller under the DPA 98 and 2018, BACT determines what purposes the personal data it holds, will be used for.
- c. BACT will register with the Information Commissioner's Office (ICO) to notify them of the data it holds or is likely to hold, and the purposes it will be used for.
- d. We may be obligated to comply with the Freedom of Information Act 2000 through existing contractual arrangements or any new contracts we are commissioned to undertake.
- e. This policy shall be reviewed at least biennially.
- f. The BACT designated Data Protection Officer (DPO) is Matt Hancock (Head of Community), they can be contacted via email: matt.hancock@burtonalbionct.org; phone: (01283) 246 2017 or at the following address: Burton Albion Community Trust, Burton Albion Community Football Centre, Princess Way, Burton on Trent, DE13 0AR.

The key responsibilities of the DPO are to:

- Oversee changes to systems and processes;
- Monitor compliance with the GDPR;
- Report on data protection and compliance with legislation to trustees;
- Liaise, if required, with the Information Commissioner's Office (ICO).

4. Lawful, fair and transparent processing

BACT will ensure that data is collected and processed within a lawful, fair and transparent way as per the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form either electronically or in hardcopy.





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When collecting data, BACT will ensure that the Individual/member:

- a. Clearly understands the purposes for why the information is needed and what it will be used for
- b. Is made aware of the consequences of deciding not to give consent to processing
- c. Grants explicit consent for their data to be processed using opt in / opt out selection
- d. Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e. Will be advised that they can revoke their consent at any time and be advised how to do so.

5. Lawful purposes

- a. All data processed by BACT will be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests
- b. BACT shall record the appropriate lawful basis against the data it processes in the **Record of Processing Activities (ROPA) document**.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of informed opt-in explicit consent shall be kept with the personal data held on Views and/Sharepoint
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent will be clearly available and systems will be in place to ensure such revocation is reflected accurately on BACT systems e.g. Views, Mailchimp.

6. Disclosure

- a. BACT may have to share data with other agencies such as public sector authorities, funding bodies and other voluntary agencies, but will only do so with express consent. The Individual/member will be made aware how and with whom their information will be shared.
- b. There are circumstances where the law allows BACT to disclose data (including sensitive data) without the data subject's consent. These include:
 - Carrying out a legal duty or as authorised by the Secretary of State
 - Protecting vital interests of an Individual/member or other person
 - The Individual/member 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





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- Providing a confidential service where the Individual/members consent cannot be obtained or where it is reasonable to proceed

7. Data Minimisation

- a. BACT shall ensure that the personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- b. BACT will not hold personal data on the off-chance that it might be useful in the future. This will only happen if it is permissible to hold such information for a foreseeable event that may never occur e.g. contacting a next of kin in the event of an accident.

8. Data Accuracy

- a. BACT shall take reasonable steps to ensure that any personal data we obtain is clear and accurate.
- b. BACT will take all reasonable steps to ensure that information provided is kept up to date by asking data subjects whether there have been any changes. Where data pertains to member information delivery staff will be expected to check data accuracy on an ongoing basis.
- c. Where changes have been made we will ensure systems and records are updated promptly.
- d. All Individuals/Members have a responsibility in helping the organisation to keep their data accurate and up to date.

9. Storage

- a. BACT will ensure that personal data is only kept for as long as it is needed or required by statute. This will be reinforced through adherence to its Record Management Policy and Data Retention Schedule.
- b. BACT will detail within its Data Retention Schedule what data should/must be retained, for how long, and why to ensure all legal requirements are complied with e.g. Company & Charity Law, Employment Law.
- c. Data will be held in as few places as necessary and staff should not create additional duplicating files/folders within Sharepoint or on their computer desktop.
- d. The Record Management Policy will highlight where data is stored, whether that be electronically on a computer database or in hardcopy and ensure proportionate and appropriate safeguards are in place.





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10. Individual & Other Rights

BACT will adhere to the GDPR rights for individuals (incl. member representatives) which stipulate:

- a. The **right to be informed** about the collection and use of their personal data. BACT will provide individuals/member organisations with privacy information including the purposes for processing their personal data, our retention periods for that data and who it will be shared with.
- b. The **right to access** their personal data and supplementary information so they can be aware of and verify the lawfulness of the processing. To submit a subject access request the individual/member should apply in writing detailing the information they require access to, this should then be sent to the Data Protection Officer. In some cases BACT may need to ask for proof of identity before processing the request, if this is the case we will inform the individual which documents we require.

BACT will respond to a request within one month from the date of receipt and this will normally be in an electronic format, unless requested otherwise. If a subject access request is manifestly unfounded or excessive the organisation is not obliged to comply with it. Alternatively, the organisation can agree to respond but will charge a fee based upon the administrative cost of responding to the request.

- c. The **right to rectification or erasure** allows individuals to request that any inaccurate personal data is rectified/updated or that their data is permanently erased. A request for rectification or erasure should be made in writing to the BACT Data Protection Officer (as above) who will complete the request within one month from the date of receipt. Electronically held data will be irretrievably deleted, hardcopy data will be shredded and disposed of securely.
- d. The **right to restrict processing** enables individuals to restrict or stop how their data is being processed whereby it's no longer necessary for the purposes of the processing; if the individual's rights override the organisation's legitimate grounds for processing data (where the organisation relies on its legitimate interests as a reason for processing data) or if there is a dispute relating to this override of individuals rights.
- e. The **right to object** to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling) and direct marketing (including profiling). Individuals can also complain to the Information Commissioner if they think BACT has failed to comply with data protection legislation.





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11. Data Security

- a. BACT takes the security of data seriously and has internal controls in place within its **Data Security Policy** to protect against loss, accidental destruction, misuse or disclosure and to ensure data is not accessed except by employees / volunteers in the undertaking of their duties.
- b. Where the organisation engages third parties to process personal data on its behalf, such parties do so, on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.
- c. Data protection is an explicit part of the Risk Management Policy and the associated Risk Assessment Form which is completed for all relevant events, projects and sessions.
- d. BACT will ensure that personal data held on computer databases and electronic devices are secured with password protection and encryption protocols.
- e. Where personal data is required to be kept in hardcopy format e.g. Personnel files these will be secured in lockable storage.

12. Data Breach

- a. BACT's data breach security procedures form part of the **Data Security Policy**.
- b. If BACT 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
- c. If the breach is likely to result in a high risk to the rights and freedoms of individuals, BACT will tell the affected individuals that there has been a breach and provide them with information about the likely consequences and mitigation measures taken.

13. Transfer

- a. BACT will ensure that personal information is not transferred outside the European Economic Area (EEA) without reassurance of adequate safeguards being in place from third parties holding this data on BACT's behalf.
- b. Where BACT are required to share/transfer data to other bodies we shall only do so with the express consent of the data subject. The only instance whereby this would be invalid is if we have to disclose data under the circumstances stipulated in section 6.b above.





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14. Accountability

BACT take responsibility for complying with the GDPR, at the highest management level and throughout our organisation. We will keep evidence of the steps we take to comply with the GDPR and will put in place appropriate technical and organisational measures to safeguard personal information. This will include:

- Adopting, implementing and reviewing our data protection policy and underpinning policies on a regular basis
- Taking a 'data protection by design and default' approach - to ensure data protection measures are in place throughout the lifecycle of our processing operations;
- Securing confirmation of satisfactory safeguards being in place with organisations that process personal data on our behalf;
- Maintaining documentation of our processing activities;
- Implementing appropriate security measures and recording/reporting personal data breaches;
- Ensuring data protection safeguards are an integral part of our risk assessment processes

15. Staff Responsibilities & Training

The organisation will provide training on BACT's data protection responsibilities to all staff, volunteers and trustees as part of their induction process.

In the course of their employed/voluntary role staff and volunteers may have access to the personal data of others and where this is the case the organisation relies on individuals to help meet its data protection obligations.

Individuals who have access to personal data are required to:

- a. Understand that they are contractually responsible for adhering to good data protection practice.
- b. Only access data that they have authority to access and only for authorised purposes
- c. Not disclose data except to individuals who have appropriate authorisation whether internal or external to the organisation.
- d. Keep data secure by complying with the rules on access to premises, computer access, including password protection, secure file storage and ongoing deletion/shredding of documents that are no longer required for the purpose intended.





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- e. Not to remove personal data or portable devices containing or that can be used to access personal data from the organisation's premises without adopting appropriate security measures such as encryption/password protection and not leaving devices unattended or within vehicles.
- f. Not to store personal data on local drives or on personal devices that are used for work purposes.

A failure to observe these requirements may lead to disciplinary action which will be dealt with under the organisation's disciplinary policy.

16. Underpinning Policies & Procedures

This policy is underpinned by the following:

Records Management Policy and Data Retention Schedule
Confidentiality and Information Sharing Policy
Risk Management Policy & Risk Register

IF THERE ARE ANY MORE THEN PLEASE ADD.

Glossary of Terms

Data Controller – The person who (either alone or with others) decides what personal information SCVYS will hold and how it will be held or used.

Data Protection Act 1998 / 2018 – The UK legislative framework for the responsible collection, use and storage of personal information.

Data Protection Officer – The person(s) responsible for ensuring that SCVYS follows its data protection policy and complies with the Data Protection Act 98/2018 and GDPR.

Individual/member – The person whose personal information is being held or processed by SCVYS for example: a client, an employee, a volunteer or supporter, group or leader.

Informed consent – Is a freely given, specific, unambiguous and informed agreement by an Individual/member in the processing of their personal information.

Notification – Notifying the Information Commissioner about the data processing activities of SCVYS, as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 and the General Data Protection Regulation. <https://ico.org.uk/for-organisations/guide-to-data-protection/>

Processing – means collecting, amending, handling, storing, disclosing or destroying.

Personal Information – Information about living individuals that enables them to be identified – e.g. name, address, online identifiers (IP address). It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within SCVYS.





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Special categories of personal data – refers to data about:

- Racial or ethnic origin
- Political affiliations/opinions
- Religious or philosophical beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Biometric data
- Criminal record or proceedings

