



General Data Protection Regulation Policy

The Brunton Memorial Hall

Riverside Rise
Allington
Wiltshire
SP4 0AF

Introduction

In order to conduct its business, services and duties, The Brunton Memorial Hall Committee (TBMHC) processes a wide range of data, relating to its operations some of which it handles on behalf of partners.

In broad terms, this data can be classified as:

1. Data that is shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
2. Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
3. Confidential information about other organisations because of commercial sensitivity.
4. Personal data concerning its current, past and potential employees, committee, volunteers, and trustees.
5. Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

TBMHC will adopt procedures and manage responsibly, all data that it handles and will respect the confidentiality of both its data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition, will have specific legal responsibilities for personal and sensitive information under data protection legislation.

This Policy is linked to our Freedom of Information and Social Media and ICT Policy which will ensure information considerations are central to the ethos of the organisation.

TBMHC will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.

TBMHC will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, concerning all information which is not personal or confidential, this will be prepared to be made available to members of the community via relevant public communications and upon request. Details of information which is routinely

available can be provided upon request and will be also published on the Brunton Memorial Hall webpage.

Protecting Confidential or Sensitive Information

TBMHC recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 will, like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Brunton Memorial Hall Committee with legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner about the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary concerning the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage, using appropriate technical or organisational measures

Data Protection Terminology

Data subject: means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of TBMHC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data: means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data: includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller: means a person who (either alone or jointly or in common with other persons) (e.g. TBMHC Trustee) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor: in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data: means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- Organising, adapting or altering it
- Retrieving, consulting or using the information or data
- Disclosing the information or data by transmission,
- Dissemination or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the information or data regardless of the Technology used.

TBMHC processes personal data to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law
- Monitor its activities including the equality and diversity of its activities
- Fulfil its duties in operating the business premises including security
- Assist regulatory and law enforcement agencies
- Process information including the recording and updating details about its Trustees, employees, partners and volunteers
- Process information including the recording and updating details about individuals who contact it for information, to access a service, or make a complaint
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Committee
- Undertake research, audit and quality improvement work to fulfil its objectives and purposes.
- Carry out Committee administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

TBMHC will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and TBMHC will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person.

Who is responsible for protecting a person's personal data?

TBMHC as a charitable body has the ultimate responsibility for ensuring compliance with the Data Protection legislation. TBMHC has delegated this responsibility day to day to the Committee Secretary.

Email: villagehall@allingtonandboscombe.org.uk

Correspondence: Janet Stanford

The Committee Secretary can delegate responsibility for the development and maintenance of specific databases to an identified Trustee, subject to formal approval by TBMHC.

Diversity Monitoring

TBMHC monitors the diversity of its volunteers, employees, and Trustees, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling concerning prospective employees.

This data will always be treated as confidential. It will only be accessed by authorised individuals within the Committee and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

TBMHC will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to us

The information provided (personal information such as name, address, email address, and phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with TBMHC, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that TBMHC is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

TBMHC Right to Process Information

- General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) Processing is with the consent of the data subject, or
- Processing is necessary for compliance with a legal obligation. Processing is necessary for the legitimate interests of the Council.

Information Security

TBMHC cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

Data Breaches

TBMHC have measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur TBMHC must take notes and keep evidence of that breach. If you are aware of a data breach you must contact the Secretary or Chairman of the Committee immediately and keep any evidence, you have in relation to the breach.

If the committee discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of an individual and is deemed a Notifiable Breach, we will report it to the Information Commissioner within 72 hours of discovery.

TBMHC 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, we will tell them and provide them with information about its likely consequences and the mitigation measures we have taken.

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting the Data Protection Officer.

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Data Protection Officer.

Information Deletion: If the individual wishes the TBMHC to delete the information about them, they can do so by contacting the Committee Secretary or Data Protection Officer.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Committee Secretary or Data Protection Officer.

TBMHC does not use automated decision-making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Committee Secretary or the Data Protection Officer or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113.

TBMHC will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Charity and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Charity publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Charity will make available and hopefully make it easier for people to access it.

All formal charity meetings are subject to statutory notice being given on notice boards, social media and its website. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. TBMHC welcomes public participation and has a public participation session at each formal committee meeting. Details can be seen in the Committee's Standing Orders, which are available on its website

Occasionally, committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and the reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by the Committee but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of the Committee. In other words, decisions that would have been made by the committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of committee meetings normally open to the public. TBMHC will where possible facilitate such recording unless it is disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

TBMHC will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

TBMHC will undertake any necessary checks on trustees, staff and volunteers using the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

TBMHC has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet the obligations of the legislative framework concerning the information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practices as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability
Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

The Charity Governance Code is to aid with the Practice of Transparency, compliance of which is compulsory for Charities with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017.

TBMHC does not exceed this turnover but will never less ensure the following information is published on its Website for ease of access:

- All transactions above £100
- End-of-year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Trustees’ responsibilities
- Details of public land and building assets
- Draft minutes of committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

Confidentiality

TBMHC, staff and volunteers must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Acknowledgement

The Brunton Memorial Hall Management Committee is pleased to acknowledge Action with Communities in Rural England (ACRE) and Allington Parish Council for the use of this information for the Brunton Memorial Hall.

Links

Charity Governance Code: www.charitygovernancecode.org/en

Action with Communities in Rural England: www.acre.org.uk