



# GDPR Compliant Hope4 Data Protection Policy & Procedures

## Over view & legal basis for policy

The General Data Protection Regulations (GDPR) passed on 27<sup>th</sup> April 2016 came into force on 25<sup>th</sup> May 2018. They place a legal obligation on Hope4 (Rugby) Ltd to implement regulations which are tighter, from a data subjects point of view. They build on the 1998 Data Protection Act and give new power to Data Subjects & new responsibilities & accountabilities to data controllers & processors.

Below is the Hope4 (Rugby) Ltd policy & procedures to enable us to be compliant with GDPR

## Principles of GDPR

Article 5 of the GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purpose
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and, where necessary, kept up to date;
- 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;
- 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.

## Definitions

**Data subject** means an individual who is the subject of personal data.

**Personal data** means data which relate to a living individual who can be identified –

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

**Sensitive personal data** means personal data consisting of information as to -

- a. the racial or ethnic origin of the data subject,
- b. the political opinions of the data subject,
- c. the religious beliefs or other beliefs of a similar nature of the data subject,



- d. whether s/he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- e. the physical or mental health or condition of the data subject,
- f. the sexual life of the data subject,
- g. the commission or alleged commission by her/him of any offence, or
- h. any proceedings for any offence committed or alleged to have been committed by her/him, the disposal of such proceedings or the sentence of any court in such proceedings.

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

**Data Controller** means ... a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

**Data Processors** 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.

### Privacy Notice

This is a copy of all the information which an organisation holds on an individual Data Subject and which the data subject can request.

We/Us is taken to mean Hope4 (Rugby) Ltd

## 1. Lawfulness, fairness and transparency

### 1.1 Information we hold

We hold personal data on;

Staff, Directors, Volunteers, Service Users, Donors. The nature of the information we hold can be found in Appendix 1 (Information Audit).

The information is collected directly from the individuals in either paper or electronic format and stored in either locked filing cabinets or a secure computer's hard disc drives or on Homeless Link's InForm database & is backed up using secure access Dropbox accounts



## 1.2 Lawful bases for processing personal data

We will use the following lawful basis for processing personal data;

- a. Staff – ‘Contract’ as we will be entering into a contractual obligation with our staff.
- b. Clients – ‘Legitimate Interest’ as the processing is necessary for our legitimate interests or the legitimate interests of a third party so that we can carry out a prime function of alleviating poverty & helping homeless & badly housed people in the borough of Rugby.
- c. Volunteers & Donors – ‘Consent’ this gives us the possibility of sharing their personal data with other organisations who may be able to help through ‘Data Portability’, but only after informed consent had been obtained to share their information.
- d. All volunteers will complete an application form & sign it, this form will give the consent for processing personal data to enable us to use their skills & expertise to best facilitate the organisations prime function. This information will be stored in paper format, in locked filing cabinets & electronically on the organisations password protected computers.
- e. If consent is withdrawn then within 1 month of receipt of the legitimate request all personal data except name & date of birth will be erased, if the request is from an organisation the dates of consent & withdrawal will be recorded. A record of the erasure will be stored both electronically & in paper along with the date of consent withdrawal. All other information will be destroyed.
- f. Ongoing consent will be tested each year where consent is used as the lawful basis ie for volunteers & donors

## 1.3 Registration

- a. Hop4 (Rugby) Ltd of 8 Newbold Rd, Rugby, Warwickshire. CV21 2LJ is registered with the Information Commissioners office – Registration number: Z3003964 – from the 1<sup>st</sup> February 2012 as a Data Controller. The Rugby Foodbank & the Rugby Winter Shelter also come under this registration.

## 2. Individuals' rights

### 2.1 Right to be informed including privacy notices

- a. We will provide all individuals with Privacy notices within 1 month of completing any of our application forms or contracts. The Privacy Notice will show all the information that we hold on that individual & show the date on which they gave their consent for us to process that information.



- b. If a 3<sup>rd</sup> party organisation that we work with provide us with any information on a data subject then we will issue a Privacy Notice to that individual within 1 month or receipt.
- c. If any data subject requires a copy of the information we hold on them then within 1 month of a legitimate request we will provide a copy of that information free of charge.
- d. Legitimate requests for copies of data held on an individual will need to in writing (Email is acceptable) and backed up with a proof of identity (Driving licence or Passport).

## 2.2 Right to rectification and data quality

- a. If any of the information we hold on a data subject is inaccurate then we will change our records providing that the data subject can prove that the data is wrong. We will record the date & nature of the change in a log of data changes. Once the changes have been made a new Privacy Notice will be issued. These changes will be completed within 1 month of the original, legitimate request.

## 2.3 Right to erasure including retention and disposal

- a. Data Subjects have the right to have their personal data erased if:
- b. the personal data is no longer necessary for the purpose which it was originally collected or processed it ;
- c. We are relying on consent as your lawful basis for holding the data, and the individual withdraws their consent;
- d. We are relying on legitimate interests as your basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- e. We are processing the personal data for direct marketing purposes and the individual objects to that processing;
- f. We have processed the personal data unlawfully (ie in breach of the lawfulness requirement of the 1st principle);
- g. We have to do it to comply with a legal obligation;
- h. We will comply with any request by a Data Subject for erasure either verbally or in writing within 1 month of receipt of the legitimate request. If the request is verbal the data subject will be given a certificate of compliance, which shows what has been requested, by whom, proof of identity & the date on which the request was made. The certificate will also make it clear that if they change their mind within 2 weeks & communicate this to us the erasure will not take place & a revised certificate will be issued.
- i. In normal circumstances we would erase data subject records in the time limits shown below;
- j. Employed Staff – 6 years from termination of contract. However next of kin & emergency contact information will be deleted within 3 months of leaving.



- k. Volunteers – 6 years after ceasing to volunteer. However next of kin & emergency contact information will be deleted within 3 months of leaving.
- l. Clients - With the likelihood that some service users will become homeless again, often only a short period of time after becoming housed we will keep the information for 3 years before deletion.
- m. Donors – 6 years from the date of last donation.
- n. Directors – 6 years from the time they left the Board of Directors
- o. A data subject withdraws consent
- p. Withdrawal of consent will be treated like an erasure as above.

## 2.4 Right to restrict processing

- a. Individuals have the right to request us to restrict the processing of their personal data in the following circumstances:
  - i. the individual contests the accuracy of their personal data and we are verifying the accuracy of the data;
  - ii. the data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR) and the individual opposes erasure and requests restriction instead;
  - iii. we no longer need the personal data but the individual needs you to keep it in order to establish, exercise or defend a legal claim; or
  - iv. the individual has objected to us processing their data under Article 21(1), and we are considering whether our legitimate grounds override those of the individual.
  - v. Although this is distinct from the right to rectification and the right to object, there are close links between those rights and the right to restrict processing:
- b. if an individual has challenged the accuracy of their data and asked for you to rectify it (Article 16), they also have a right to request us to restrict processing while we consider their rectification request; or
- c. if an individual exercises their right to object under Article 21(1), they also have a right to request us to restrict processing while we consider their objection request.
- d. So we will automatically restrict the processing whilst we are considering its accuracy or the legitimate grounds for processing the personal data in question.

## 2.5 Right of data portability

**Patron: The Right Rev Dr Christopher Cocksworth, Bishop of Coventry**

Hope4 (Rugby) Ltd, The Hope Centre, 8 Newbold Road, Rugby CV21 2LJ  
Registered Charity in England and Wales (1126487)  
Company Limited by Guarantee (6614898)





- a. We will comply with all legitimate data portability requests.

## 2.6 Right to object

Individuals have the right to object to:

- a. processing based on legitimate interests or direct marketing (including profiling);  
If the individual can demonstrate an objection on “grounds relating to his or her particular situation”. then we will stop processing the personal data unless:  
We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims.
  - i. We will inform individuals of their right to object “at the point of first communication” where we use ‘Legitimate Interests’ as a lawful basis and in our privacy notices.
  - ii. This will be “explicitly brought to the attention of the data subject and will be presented clearly and separately from any other information.

## 2.7 Rights related to automated decision making including profiling

- a. We do not use automated decision-making processes

# 3. Accountability and governance

## 3.1 Accountability

- a. This Data Protection Policy is intended to ensure compliance with the 1998 Data Protection act & the 2016 General Data Protection Requirements. It will be reviewed annually.
- b. We train all our staff and volunteers to be aware of the implications of Data Protection for the roles they carry out within Hope4 (Rugby) Ltd. We keep records of this on their individual records.

## 3.2 Data processor contracts

- a. We use the following data processors;
  - i. Homeless Link – InForm
  - ii. Swann Systems Accounting & payroll
- b. We have a contract with none of them at the moment.

## 3.3 Information risks



- a. We manage all data with care in a secure way and mitigate any risks to this data in the following ways
- b. Paper data is secured in locked filing cabinets, which are housed in secure locked storage rooms. When any paper information is brought out of storage it is the responsibility of that individual to keep it secure & safe and return it as soon as practicable. At no point will it be left around un-attended.
- c. Electronic data is stored on computers in the Hope Centre. Access is restricted by password. It is also backed up to 2 password protected Dropbox accounts When data is erased it will be erased for all backup and storage places.

### **3.4 Data Protection & Privacy by Design**

- a. We aspire to the ICO 'Privacy by Design' and are taking the necessary steps to ensure that all our data processes, data handling & training work towards this end.

### **3.5 Data Protection Impact Assessments (DIPA)**

We will perform Data Protection Impact Assessments in the following circumstances;

- a. For using New technologies.
- b. Process personal data which could result in a risk of physical harm in the event of a security breach.
- c. Process personal data without providing a privacy notice directly to the individual.

### **3.6 Data Protection Officers**

- a. We do not have a data protection officer and have no plans to appoint one.

### **3.7 Management Responsibility**

- a. One of the directors has responsibility for Data Protection & it's implementation, currently this is Phil Clucas. All directors and senior staff understand their responsibilities & accountabilities under GDPR and are aware of their responsibilities for the proper, lawful & transparent use of personal data within Hope4 (Rugby) Ltd. The



## 4. Security policy

### 4.1 International transfers

- a. We do not currently transfer information outside the EU

### 4.2 Breach notification

- a. If any data breach is suspected we would begin an investigation & at the same time inform those Data Subjects who might be affected what has happened & the maximum & minimum levels of exposure to their data.

### 4.3 Data Storage.

We will store personal data in a secure manner always, whether it is in paper or digital format. Data is currently stored in two formats; Paper & Digital.

#### a. Paper

- i. Clients paper records – These will be kept in a locked filing cabinet, which in turn will be kept in a secure room where only appropriate people will have access, these will include the Manager, Keyworkers, the Administrator & Directors.
- ii. Employees paper records - These will be kept in a locked filing cabinet, which in turn will be kept in a secure room where only appropriate people will have access, these will include the Manager & Directors.
- iii. Volunteers paper records - These will be kept in a locked filing cabinet, which in turn will be kept in a secure room where only appropriate people will have access, these will include the Manager, the Administrator & Directors.
- iv. Donors paper records - These will be kept in a locked filing cabinet, which in turn will be kept in a secure room where only appropriate people will have access, these will include the Manager, the Accountant & Directors.

#### b. Digital

- i. Clients digital records will be stored on Hope Centre administration computers, which are password protected for each user separately. Service User records will also be stored in 'Homeless Link' Inform data base, which is covered by a Service Level Agreement copies of which are kept at the





- centre. Only the Manager, Keyworkers & Directors will have access to these records.
- ii. Employee records digital records will be stored on Hope Centre administration computers, which are password protected for each user separately. Only the Manager, the Accountant & Directors will have access to these records.
  - iii. Volunteer records digital records will be stored on Hope Centre administration computers, which are password protected for each user separately. Only the Manager, the Administrator & Directors.
  - iv. Donor digital records will be stored on Hope Centre administration computers, which are password protected for each user separately. Only the Manager, the Accountant & Directors.

#### 4.3 Data backups

We back up our digital data on a regular basis both onsite & off site, currently using Dropbox. Both onsite & offsite data is securely stored using strong passwords. We are exploring remote backups which are within the EEA jurisdiction.

#### 4.4 CCTV

We have a CCTV system which records activity around the building. We do this for security & safety of the people who use the premises. We keep records for 1 month before they are erased. Only the Manager, Keyworkers, the Administrator, Trusted Volunteers & Directors can view the recorded data. This data will be shared with the Police if there is suspicion of illegal, unlawful or dangerous activities happening.

Approved by Directors

Date: 8<sup>th</sup> May 2019

Review Date: May 2022

Signed on behalf of the Board of Directors of Hope4 (Rugby)

Signature: