



The Friends of Mount Edgumbe Country Park

Registered Charity No. 295261

Patron: The Earl of Mount Edgumbe



Friends of Mount Edgumbe Policy Document

DATA PROTECTION POLICY

Policy Details

Policy Name – Data Protection

Policy Status – APPROVED

Policy Vers No – 1.1

Policy Owner – Ged Edgcumbe

Policy Amendment Record

Date	Version No. & Status	Reason for Amendment	Revised Status
29 Jun 2017	0.1 Draft	New Policy	N/A
11 Jul 2017	0.2 Draft	Amendments from NR	Draft
20 Sep 2017	0.3 Draft	Amendments from NR	Draft for Circulation
5 Nov 2017	0.4 Draft	Amendments from Committee	Draft/Final
2 Dec 2017	0.5 Draft	Rewording of Introduction Section to align with other FoMECP policy documents.	Draft/Final
13 Dec 2017	1.0	Final version agreed at Committee	FINAL/Draft
4 Mar 2018	Approved 1.1	Approved by the AGM	APPROVED

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INFORMATION

1. INTRODUCTION

- 1.1. Charity Commission documents provide guidance to individual charities, such as The Friends of Mount Edgumbe Country Park (FoMECP) to enable them, through their Trustees, to achieve their aims by ensuring that assets are properly used, that funds are spent effectively and that its organisational and financial affairs are well managed in accordance with the Constitution.
- 1.2. This document outlines the Data Protection Policy of FoMECP and applies to all Trustees, members and volunteers. It has been produced in order to comply with the guidance provided in the Charity Commission document CC8: Internal finance controls for charities which states that "The Trustees should have in place appropriate policies governing access, use and storage of electronic information ensuring compliance with Data Protection legislation. Procedures should also include the use of computers, hard drives, USB and data storage devices."
- 1.3. The Charity Commission accepts that not all controls will be appropriate to all charities; they should be proportionate to the risks involved and will not be relevant where they are not appropriate.
- 1.4. Separate Policies have been prepared dealing specifically with FoMECP General Policy, Finance and Reserves.
- 1.5. A copy of all policies will be provided to all Trustees.
- 1.6. The policy within this document will be reviewed annually to ensure that the internal workings of the charity are effective and that they are relevant to, and appropriate for, the charity and not too onerous or disproportionate.

2. DATA PROTECTION OVERVIEW

The Data Protection Act 1998 (DPA 1998) and the EU's General Data Protection Regulation (GDPR)¹, places legally binding responsibilities on organisations/business' who use an individual's personal data as part of that organisation's /business' operating model. This policy has been produced to ensure that the Friends of Mount Edgumbe Country Park (FoMECP) registered charity meets its legal obligation in respect of the DPA 1998; the policy is broken down into 3 parts. The first part provides an overview of the DPA 1998 to help the Trustees, volunteers and members of the FoMECP understand the fundamentals of the Act. The second part of the policy is further subdivided into 3 parts, and details: a) the type of personal data held/used by the FoMECP and the purposes for which it is held, b) the designated Trustees of the FoMECP authorised to process FoMECP-related personal data, and c) the controls in place to protect that personal information. The third part details policy breaches and reporting requirements.

This policy statement applies to all FoMECP Trustees, volunteers, and the individuals about whom the FoMECP processes personal information.

¹ The UK Government has agreed that the EU's General Data Protection Regulation (GDPR) will replace DPA1998 in May 2018 – this document complies with GDPR requirements.

3. DPA 1998 REQUIREMENTS

- 3.1.** The UK's national data protection authority is the Information Commissioner's Office (ICO), which is a non-departmental public body that reports directly to Parliament and is sponsored by the Department for Culture, Media and Sport.
- 3.2.** The DPA 1998 controls how organisations, businesses or the government use personal information.
- 3.3.** The Act provides the following definitions, which relate directly to the FoMECP:
- **Data Controller** - Any individual/organisation that controls personal data.
 - **Personal Data** - covers any data that can be used to identify a living individual that includes their name and address, telephone number or email address. The Act applies only to data that is held or intended to be held, on computers ('equipment operating automatically in response to instructions given for that purpose'), or held in a 'relevant filing system'.
 - **Computers** – equipment operating automatically in response to instructions given for that purpose.
 - **Relevant Filing System** - Also known as manual records i.e. a set of records, which are organised by reference to the individual/their criteria, and are structured in such a way as to make specific information readily accessible.
 - **Data Subject** - An individual who is the subject of the personal data, for example, employees, members, claimants etc.
 - **Processing** - Obtaining, recording or holding personal data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.
 - **Trustees** – Members of the Executive Committee or members of a Sub-Committee of FoMECP.
- 3.4.** Everyone responsible for processing personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:
- Used fairly and lawfully.
 - Used for limited, specifically stated purposes.
 - Used in a way that is adequate, relevant and not excessive.
 - Kept accurate.
 - Kept for no longer than is absolutely necessary.
 - Handled according to people's data protection rights.
 - Kept safe and secure.
 - Not transferred outside the European Economic Area without adequate protection.

There is stronger legal protection for other more sensitive information, e.g. health, criminal records etc. but the FoMECP do not store or use such data.

- 3.5.** The Data Protection Act creates rights for those who have their data stored, and responsibilities for those who store, process or transmit such data. The person who has their data processed has the right to:
- View the data an organisation holds on them. A 'subject access request' can be obtained via the ICO.
 - Request that incorrect information be corrected. If the request is ignored, a court can order the data to be corrected or destroyed, and in some cases compensation can be awarded.
 - Require that data is not used in any way that may potentially cause damage or distress.
 - Require that their data is not used for direct marketing.

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4. Personal Data Processed by FoMECP and Purpose For Holding

- 4.1.** Authorised FoMECP Trustees (see 4.2 below) process the following personal data:
- The name, address and telephone number of all members of the FoMECP.
 - The email address of members where such information has been provided.
 - The names of dependants/guardians where such information has been provided.
 - The bank details (address, sort code and account number) where such information has been provided.
 - The name, address, telephone number (and email address where provided) of sponsors and entrants to the classic car rally held annually in Mount Edgcumbe Country Park.
- 4.2.** All personal data processed is freely provided by members when a) first applying for membership or b) when amending/renewing membership or c) requesting that a bank standing order is set up for renewal of membership.
- 4.3.** The FoMECP-related personal data is processed on computers and in relevant filing systems.
- 4.4.** The FoMECP Membership Secretary maintains the 'master'² FoMECP-related personal data dataset.
- 4.5.** The personal data is processed for the following legitimate purposes:
- Maintaining an accurate and up-to-date register of all FoMECP members.
 - Distributing a tri-annual journal to all FoMECP members.
 - Providing Friends'-related information to FoMECP members either on a collective or individual basis.
 - Maintaining contact with, and distributing information to, FoMECP Trustees – e.g. distributing monthly minutes or other committee meeting material.
 - Providing a list for FoMECP volunteers and Mount Edgcumbe employees to verify membership details with members visiting Mount Edgcumbe House & Gardens.
 - Maintaining a list of sponsors and exhibitors of FoMECP-related events – e.g. Annual Car Rally.

5. FoMECP Trustees Authorised to Process Personal Data

- 5.1.** The FoMECP Membership Secretary is designated as the primary point of contact for all FoMECP-related data protection/privacy matters.
- 5.2.** The FoMECP Trustees authorised to process all³ FoMECP-related personal data on either a computer or in a relevant filing system for the legitimate purposes detailed in paragraph 3.5 above are the:
- Chairman.
 - Vice Chairman.
 - Secretary.
 - Treasurer.
 - Membership Secretary.
- 5.3.** Trustees not authorised to process 'all' FoMECP-related personal data (i.e. the remainder of the FoMECP committee) may process small subsets of the Friends' personal data dataset, e.g. lists of committee members' and/or volunteers' addresses, phone numbers or emails, or attendees of FoMECP organised events.

² The 'master' dataset is an excel spreadsheet that contains the complete list of member's contact details – i.e. name, address, phone number(s), email (where provided) & dependents names (where provided) – no bank details are included in the 'master' dataset.

³ The term 'all' is interpreted as being either the full list of Friends' personal data data-set, or a significant part thereof.

6. FoMECP Data Protection Controls

- 6.1. The FoMECP registered charity recognises and accepts its responsibility as set out in the DPA 1988 and sub-legislation therein. The charity, as a data controller, will take all reasonable steps to meet this responsibility and to promote good practice in the handling and use of personal information.
- 6.2. The Trustees authorised to process all FoMECP-related data will comply with the data protection principles set out in the DPA 1988, and detailed in sub-para 2.4 above.
- 6.3. FoMECP-related personal data must only be used for the legitimate purposes outlined in sub-para 3.4 above and is not to be used for under any circumstances for direct marketing or advertising purposes.
- 6.4. The Membership Secretary is to amend the 'master' dataset whenever new member applications are processed and when informed of changes to the details held on existing members. Any changes are to be notified to relevant FoMECP Trustees.
- 6.5. The Membership Secretary is to maintain up-to-date back up lists of the FoMECP-related personal data 'master' dataset on a USB memory stick. The memory stick is to be secured under lock and key when not in use.
- 6.6. When personal data held on existing members is no longer required – e.g. non-renewal of membership or a member requests data is removed etc. – the data is to be deleted from all records.
- 6.7. FoMECP members will be regularly informed:
 - That personal data is held on computers and in relevant filings systems.
 - Of the legitimate purposes for holding the data.
 - That they have the right to request amendment or removal of their personal data, and the point of contact to action such requests.
- 6.8. Data access requests received from the ICO or directly from FoMECP members are to be referred to the FoMECP Membership Secretary.
- 6.9. Any request from non-FoMECP sources for FoMECP member's personal data is to be denied and referred to the Membership Secretary for action.
- 6.10. The contact details (name, address, phone number and email) of FoMECP members and the banking details (sort code and account number) are not to be held electronically in the same dataset (e.g. on the same Excel spread sheet).
- 6.11. FoMECP-related personal data is only to be processed on the authorised Trustee's (see sub-para 4.2 above) computers if the following conditions are met:
 - The Trustee owns the computer.
 - The computer is standalone – i.e. not part of a distributed network.
 - The computer is password protected using a strong password (minimum of 8 characters comprising an upper and lower characters and one symbol (e.g. numeral, &, £, ! etc.).
 - The personal data dataset medium (MS Word document, Excel spread sheet etc.) is password protected using a strong password.
 - The computer is, within reason, protected against malicious attack.
- 6.12. Relevant filing systems containing FoMECP-related personal data are to be kept under lock and key when not in use.
- 6.13. Application forms that contain an applicant's personal contact data and bank details are to be processed and retained, under lock and key, for a maximum of six months, after which they are to be destroyed.
- 6.14. FoMECP relevant filing systems are to be destroyed in a secure manner (e.g. shredded).
- 6.15. Trustees and volunteers must take precautions when transporting (e.g. to committee meetings etc.) computers or relevant filing systems holding FoMECP-related personal data.
- 6.16. Volunteers in the Friends' Lodge or at FoMECP events (e.g. Christmas Fair) are to take precautions to ensure that completed FoMECP application forms are not left in open view and are forwarded to the Membership Secretary as soon as possible.

- 6.17.** The list of members provided to Mount Edgcumbe staff for membership verification checks is to be limited to name, postcode and membership number.

7. Policy Breaches and Reporting

- 7.1.** Any loss of FoMECP-related personal data, irrespective of the quantity lost, is to be reported to the FoMECP Membership Secretary without delay.
- 7.2.** The FoMECP Membership secretary is to inform the Chairman of any losses of FoMECP-related personal data and provide recommendations on the course of action to be taken.
- 7.3.** Any actual/suspected breaches of this policy are to be reported to the FoMECP Membership Secretary, who in turn is to conduct enquiries into the nature of the breach and action as follows:
- Immediately report the matter to the FoMECP Chairman.
 - If the enquiries indicate that a breach has occurred, inform the Chairman and provide recommendations on the course of action to be taken – e.g. report the incident to relevant authorities, review the design & effectiveness of relevant data protection controls etc.
 - Report both actual and suspect breaches at the next available FoMECP committee meeting to enable discussion, if appropriate, on lessons learnt, improvement to existing controls or requirement for new controls.