

# Biddulph Youth and Community Zone

## **Data Protection Policy**

Adopted by the Board: Feb 2018

Reviewed by the Board: Nov 2019

Next Due for Review: Nov 2021

## **Contents**

Introduction

Information covered by the Acts

Data Protection Principles

Conditions

Legitimate Interests Assessment

Special Category Data

Information we collect

Individuals' Rights

Legal Requirements

No Commercial Disposal to Third Parties

Our Commitment to Data Protection

Further Information

## **Introduction**

This policy explains how Biddulph Youth and Community Zone Limited ('BYCZ') handles personal data. In order to operate efficiently, we must collect and store information about people with whom we work. These may include members of the public, service users, members, current, past and prospective employees and volunteers, premises hirers, event organisers, partner organisations, funders and suppliers. In addition, we may be required by law to collect and use information in order to comply with the requirements of our funding bodies or central or local government bodies. This personal information must be handled properly under the Data Protection Act and the General Data Protection Regulation (GDPR) ('the Acts'). The Acts regulate the way that we handle 'personal data' that we collect in the course of carrying out our activities and gives certain rights to people whose 'personal data' we may hold.

We consider that the correct treatment of personal data is integral to our successful operation and to maintaining the trust of the persons we deal with. We fully appreciate the underlying principles of the Acts and support and adhere to their provisions. We are registered with the Information Commissioner as a 'data controller' under reference ZA266982. We will carry out data protection impact assessments, adopt appropriate security measures and work towards appropriate certifications.

## **Information covered by the Acts**

The Acts use the term 'personal data'. For information held by BYCZ, personal data essentially means any recorded information held by us and from which a living individual can be identified. It will include a variety of information including names, addresses, telephone numbers, photographs of people and their property, biometric data, IP addresses, social media profiles and other personal details. It may include any expression of opinion about a living individual or any indication of our intentions about that individual.

## **Data Protection Principles**

We will comply with the data protection principles of the Acts by making sure that personal data is:

1. fairly and lawfully processed in a transparent manner
2. collected for specified, explicit and legitimate purposes only
3. adequate, relevant and limited to what is necessary to achieve those purposes
4. accurate and kept up to date, ensuring that inaccurate data can be rectified or erased
5. not kept for longer than is necessary
6. processed in a manner that ensures appropriate security, including protection against unlawful processing, accidental loss or destruction.

## **Conditions for Processing**

We will ensure that at least one of the following conditions are met before we process or share any personal data:

1. the individual has given clear consent to the processing (usually by specific and informed agreement at the point we collect their personal data)
2. the processing is necessary for the performance of a contract we hold with the individual
3. the processing is necessary for us to comply with the law (e.g. safeguarding duties)
4. the processing is necessary to protect vital interests of the individual (e.g. health and safety).
5. the processing is necessary to carry out public functions
6. the processing is necessary in order to pursue our legitimate interests or those of third parties (unless the protection of an individual's rights overrides that interest)

## **Legitimate Interests Assessment**

We have carried out a legitimate interests assessment and consider our legitimate interests are the pursuit of our charitable objectives, including the wider public benefit in providing and promoting education, training, recreation and healthy living for young people; and (b) promoting community cohesion by providing facilities and services for persons in need because of their age, health, unemployment or economic circumstances, as well as the need to raise funds to pursue these objectives. We consider the processing of personal data is an appropriate way for us to further these interests. In considering the impact of the processing, we are satisfied that individuals' rights would not override these interests, since we are transparent about the way we process data, the individuals have the opportunity to withdraw consent or opt out at any time, and because we have adopted appropriate safeguards to minimise the impact.

## **Special Category Data**

Under the Acts, one of a set of additional conditions must be met for processing or sharing 'special category data'. This includes information about racial or ethnic origin, biometric data, political opinions, religious and other beliefs, trade union membership, physical or mental health condition, sex life, criminal proceedings or convictions. We will always ensure that one of the following additional conditions are met before we process any such sensitive data:

1. the individual has explicitly consented to the processing
2. we are required by law to process the information for employment or social security purposes
3. we need to process the information in order to protect the vital interests of the individual or another person, where that person is unable to give their consent
4. the processing is necessary to deal with the exercise or defence of legal claims

5. processing is necessary for preventive or occupational health reasons, subject to appropriate safeguards; or
6. processing is necessary for reasons of substantial public interest for public health or research purposes proportionate to our objectives, subject to appropriate safeguards.

### **Information we collect**

Information provided by individuals is collected and stored securely by Biddulph Youth and Community Zone Limited. We are registered with the Information Commissioner's Office (Reg. No. ZA120881). We collect this information to enable us to fulfil any contract we hold with service users, to provide better services to our service users and the public in Biddulph, to administer membership records, to promote education, recreation and healthy lifestyles and monitor the effectiveness of our programmes, to safeguard vulnerable service users, to maintain our accounts and records, to prevent fraud and misuse of public funds, and to report to our funders on our charitable objectives. We will usually keep this information during the time of a service user's involvement with our services and usually for a period of up to 6 years afterwards.

The information may include their name and contact details email address, social media accounts, gender, ethnicity family information, photo, details of disabilities and medical conditions, name of GP, financial, education and employment details, details of activities they take part in.

In some circumstances, we may share information about them with our partner organisations in order to provide them with appropriate services and with our funders to monitor outcomes related to our programmes. In some circumstances we may need to share information about them with their family or with statutory bodies, schools and other voluntary organisations, if their health or welfare is at risk. We may also share information with our technology suppliers and service providers to provide the services.

We and our partners will hold this information in confidence and comply with all our responsibilities under the General Data Protection Regulation and Data Protection Act. By signing up, service users agree to these terms. If a service user is under 13 years of age, a parent or guardian must agree to this. Data subjects have a right to withdraw their consent at any time and can update their preferences at any time by visiting [www.bycz.org](http://www.bycz.org).

### **Opt in for Marketing Communications**

We must normally obtain permission to use electronic marketing channels with our members and supporters. We will do this by asking them to complete an opt in form as shown below:

“We and our partner organisations would like to send you information about our services and events from time to time by post, by telephone, email, SMS text and social media direct messaging to ensure you get the best from our services. If you agree to being contacted in this way, please tick the relevant boxes below. Please select all that apply – from a cost saving perspective, your email address and mobile number are the most cost-effective way to make contact- thank you).

Post  Email  Phone  SMS Text  Social media

### **Individuals’ rights**

We will ensure that individuals are given their rights under the Acts including:

- the right to be informed about the personal data we collect and for what purposes
- the right to access their personal information from us free of charge within 1 month, except in limited circumstances
- the right to have mistakes in their data rectified (usually within 1 month)
- the right to have their data erased from our systems, except in limited circumstances
- the right to restrict our processing of personal data, where the individual requests or objects
- the right to data portability, allowing individuals to obtain and re-use their data in certain circumstances
- the right to withdraw their consent to our processing or sharing their data for marketing or research purposes
- rights to challenge any automated decision-making and profiling
- the right to claim compensation from us for damage and distress caused by any breach of the Acts

### **Legal requirements**

While it is unlikely, BYCZ may be required to disclose user data by a court order or to comply with other legal requirements, such as a requirement to make a referral to the Disclosure and Barring Service where a child or vulnerable adult suffers harm, or someone connected with BYCZ receives a relevant conviction. We will use all reasonable endeavours to notify persons affected before we do so, unless we are legally restricted from doing so.

### **No commercial disposal to third parties**

BYCZ will not sell, rent, distribute or otherwise make user data commercially available to any third party, except as described above, or with prior permission from the data subject.

## **Our commitment to Data Protection**

We will ensure that:

- everyone managing and handling personal information in BYCZ and our partners understands that they are responsible for following good data protection practice and ensuring confidentiality
- there is someone with specific responsibility for data protection in the organisation
- staff who handle personal information are appropriately qualified, supervised and trained
- queries about handling personal information are promptly and courteously dealt with
- people know how to access their own personal information
- methods of handling personal information are regularly assessed and evaluated
- any disclosure of personal data will be in compliance with approved procedures
- we take all necessary steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure
- all contractors and partners who are users of personal information supplied by us will be required to commit to abide by the requirements of the Acts with regard to information supplied by us, including entering into an appropriate data processing agreements
- we will carry out data protection impact assessments, adopt appropriate security measures and work towards appropriate certifications

We have appointed the Centre Manager to lead on data protection for BYCZ. This person is responsible for ensuring that the policy is effectively implemented.

## **Further information about data protection rights**

You can obtain further information about data protection rights and obligations and how to make a complaint from the Information Commissioner's Office – [www.ico.org.uk](http://www.ico.org.uk)

## **Contact us at:**

Biddulph Youth and Community Zone Limited  
Church Street  
Biddulph  
Stoke on Trent ST8 6NE  
[www.bycz.org](http://www.bycz.org)  
Tel 01782 244288