

**DATA PROTECTION**

**POLICY AND PROCEDURES**

**Jan 2019**

**Vrs. 02 (JB)**

**Introduction**

The Isle of Wight Gardens Trust (IWGT) is committed to a policy of protecting the rights and privacy of individuals, the IWGT needs to collect and use certain types of Data in order to carry out our work. This personal information must be collected and dealt with appropriately.

Currently, the Data Protection Act 1998 (DPA) governs the use of information about people (personal data). This will be superseded by the General Data Protection Regulations (GDPR) which come into effect on 25th May 2018.

Personal data can be held on computer or in a manual file, and includes email, minutes of meetings, records and photographs. The IWGT will remain the data controller for the information held. The IWGT and volunteers acting on its behalf will be personally responsible for processing and using personal information in accordance with the current Data Protection Act up to May 24th and then the GDPR from May 25th onwards.

Management committee members (Trustees) and volunteers running the IWGT who have access to personal information, will be expected to read and comply with this policy document and our data protection procedures.

**Purpose**

The purpose of this policy is to set out the IWGT commitment and procedures for protecting personal data. The IWGT regards the lawful and correct treatment of personal information as very important to our successful working, and to maintaining the confidence of our membership and others who we have contact with.

**Data Protection Legislation**

The current Data Protection Act and the forthcoming General Data Protection Regulations have a number of key principles relating to the processing of personal data which the IWGT will comply with. These are that data must be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals;

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial 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 any personal data that is inaccurate, having regard to the purposes for which they are processed, is 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; 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.

The GDPR introduces specific requirements which are different from the current Data Protection Act. These are:

* The need to obtain explicit consent from persons whose data is being collected and to be clear as to how and for what purpose this data will be used. If data is being collected for more than one purpose each purpose must be clear and obtain explicit consent.
* A new 'right to be forgotten' whereby any person whose data is held by us can at any point demand that we erase their data from our records.
* The right for an individual to obtain a copy of all the information that is held on them by an organisation.
* The requirement to report any suspected breaches of data protection where these 'result in a risk for the rights and freedoms of individuals' to the Information Commissioner within 72 hours of them occurring.
* Potential significant increases in penalties for any proven non compliance.
* A requirement to have 'privacy by design' where data protection considerations are built into the design of new systems from the outset.

**Ensuring Data Protection within the IWGT**

Whilst access to personal information is limited to the Management Committee (Trustees) at the IWGT, our activities may include occasions where additional tasks involve the collection of personal details from our wider membership and the public.

In such circumstances we will let people know why we are collecting their data and once we have their consent we will only use their data for that purpose and keep it for no longer than is needed for that purpose.

The following is a current list of data sets held by the IWGT where details of individuals are recorded:

1. **Membership Database** - a password protected spreadsheet containing names, addresses, telephone numbers, email addresses and records of the type of membership subscription held. This information enables us to function as a Charitable Incorporated Organisation with a membership. It is used to communicate with our membership in relation to our work, events and for our Annual General Meeting.
2. **Members Email List** - used through Mail Chimp by the creation of a circulation list to send messages to IWGT members.
3. **Facebook Friends** - People who have subscribed to our Facebook Page '@iowgardenstrust) to see our posts about events and activities.
4. **Trustees List** - a spreadsheet containing information on the current active Trustees including name, address, telephone number, partners name, email address and role on Management Committee if applicable. This information is used by the Trustees only for the purposes of running the operations of the Management Committee.
5. **Membership Application Forms** - These include names, addresses, telephone numbers, email addresses and subscription level. These are scanned and sent to the Membership Secretary by the Treasurer.

Original copies of the forms are retained.

1. **Booking Forms for Events** - These include details such as names, addresses and contact details of members or others attending events which we have organised. The details are used in order to communicate with the attendees and to allow us to know who will be attending the event.
2. **Enquiries received via our website** - Emails sent to via our generic email addresses (contact@iowgardenstrust.co.uk, events@iowgardenstrust.co.uk). This records the enquirers email and the email is forwarded to relevant Trustees and/or volunteers for action.
3. **IWGT Inventory (Records)** - information on individual parks, gardens and designed landscapes in the Isle of Wight. These may include information (names) of current and previous owners/occupants and persons/organisations involved in the design and landscaping. This information is predominantly an historic record, it is used to gain an understanding of significance and value of sites and features and has been contributing evidence for designation through the Local List held by the Isle of Wight Council or National Register of Historic Parks and Gardens held by Historic England. It is also used to inform our comment on planning applications which have potential direct impact on sites or their wider setting. Records are held electronically and in paper form. They are available on request to owners and/or their agents in relation to sites and proposed changes. This helps us to establish a supportive and working relationship in an effort to influence future change seeking to ensure that it conserves or enhances important features.

**Responsibilities**

The IWGT is the Data Controller, and is legally responsible for complying with law, which means that it determines what purposes personal information held will be used for.

The Management Committee (Trustees) will take into account legal requirements and ensure that it is properly implemented, and will through appropriate management, strict application of criteria and controls:

* Observe fully conditions regarding the fair collection and use of information
* Meet its legal obligations to specify the purposes for which information is used
* Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
* Ensure the quality of information used
* Ensure that the rights of people about whom information is held, can be fully exercised
* Take appropriate technical and organisational security measures to safeguard personal information
* Establish procedures for responding to requests for information.

Data protection is standing item on the agenda of Management Committee meetings in recognition of the importance placed on this issue by the IWGT.

Trustees will be made aware of their role and responsibility in Data Protection matters as set out in this Policy and Procedures document and will be required to sign a form to indicate their acceptance to abide by these in all matters in relation to IWGT operations.

In activities where volunteers are undertaking work which may include the collection or use of personal data, we will provide a copy of our Data Protection Policy and Procedures, give appropriate training and require them to sign a form as a record of their agreement to comply with these.

**Data Collection**

***Informed consent***

Informed consent is when

* a person clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
* and then gives their consent.

IWGT will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, IWGT will ensure that the Data Subject:

* Clearly understands why the information is needed
* Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
* Grants explicit consent, preferably in written form or alternatively verbally for data to be processed
* Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
* Has received sufficient information on why their data is needed and how it will be used

**Data Storage**

Information and records relating to individuals will be stored securely and will only be accessible to authorised persons.

Information will be stored for only as long as it is needed or if applicable required by statute and will be disposed of appropriately.

It is the IWGT responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to data protection law.

**Data Subject Access Requests**

**Disclosure**

The IWGT does not share personal data with third parties. If this were to change at any point in the future we would not do so without first obtaining the consent of the individual.

The IWGT regards the lawful and correct treatment of personal information as very important to our successful working, and to maintaining the confidence of our membership and those with whom we deal.

The IWGT intends to ensure that personal information is treated lawfully and correctly.

Should we receive any requests from an individual to obtain a copy of any data which we hold on them, we will aim to action as quickly as possible and certainly within one calendar month.

**Risk Management**

The consequences of breaching Data Protection can cause harm or distress to individuals if their information is released to inappropriate people, or they could be denied a service to which they are entitled. Volunteers should be aware that they can be personally liable if they use any personal data inappropriately. This policy is designed to minimise the risks and to ensure that the reputation of the IWGT is not damaged through inappropriate or unauthorised access and sharing.

**Destroying personal data.**

Personal data should only be kept for as long as it is needed i.e. only keep that data for the duration of administering an event or project or for the purposes of dealing with an individual's membership. We will ensure that this information is confidentially destroyed.

**Further information**

If members of the public/or stakeholders have specific questions about information security and data protection in relation to the IWGT please contact the Secretary: contact@iowgardenstrust.co.uk

The Information Commissioner’s website (www.ico.gov.uk) is another source of useful information.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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