



POLICIES AND PROCEDURES

DATA PROTECTION POLICY

1. Introduction

Shakiry Charity for Social Solidarity (Shakiry Charity) recognises the need for the correct and lawful treatment of Personal Data. Protecting the confidentiality and integrity of Personal Data is a critical responsibility at all times.

This Document sets out how Shakiry Charity manages the Personal Data of Individuals or Service Users, Website Users or any other Data Subject who may come into contact with Shakiry Charity in the process of carrying out our work. Such information is collected and dealt with appropriately whether collected on paper, stored in a computer database, or recorded on other material. There are safeguards to ensure this under the Data Protection Act 1998.

This Data Protection Policy applies to all Trustees, Staff and Volunteers. This policy must be read, understood and complied with by everyone when processing Personal Data on behalf of Shakiry Charity. Any contravention of this Policy (or related policies) could result in disciplinary action being taken by Shakiry Charity.

2. Data Protection Law

This refers to the General Data Protection Regulation ((EU) 2016/679) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time in the UK and any successor legislation to the GDPR or Data Protection Act 1998.

3. Disclosure

Data Subjects will be made aware in most circumstances how and with whom and what personal information will be shared. This will be stated in our Privacy Notice(s).

There are circumstances where the law allows Shakiry Charity to disclose data (including sensitive data) without the consent of a Data Subject.

These include:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of a Data Subject or other person
- c) When a Data Subject has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion.
- f) Providing a confidential service where the consent of a Data Subject cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Shakiry Charity may be required to share data with agencies such as the local authority, funding bodies and other voluntary agencies.

4. Data Protection Principles

Shakiry Charity regards the lawful and correct treatment of personal data as critical to achieving successful working outcomes, and to maintaining the confidence of those whose personal data we hold as well as organizations with whom we are associated.

To this end, Shakiry Charity will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal data:

- a) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) shall be processed in accordance with the rights of Data Subjects under the Act,

- g) shall be kept secure by Shakiry Charity (the Data Controller) who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal data,
- h) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of a Data Subject in relation to the processing of personal data.

5. Lawfulness and Fairness

Shakiry Charity will, through appropriate management and 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 fulfil 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 under the Act. These include:
 - a. The right to be informed that processing is being undertaken,
 - b. The right of access to one's personal data,
 - c. The right to prevent processing in certain circumstances and
 - d. The right to correct, rectify, block or erase information which is regarded as wrong information.
- Take appropriate technical and organisational security measures to safeguard personal data;
- Ensure that personal data if transferred abroad (Iraq) has adequate safeguards in place;
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information;
- Set out clear procedures for responding to requests for information;

6. Data collection

Shakiry Charity 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, Shakiry Charity will ensure that a Data Subject:

- a) Clearly understands why the information is needed.
- b) Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing.
- c) As far as reasonably possible, grants consent, either written or verbal for data to be processed.
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress.
- e) Has received sufficient information on why their data is needed and how it will be used.

7. Informed consent

A Data Subject must be informed and clearly understand how, and for what purpose Shakiry Charity will use, process, disclose, protect and retain their personal data, and then give their consent.

8. Data Storage – processing for limited purposes.

Information and records relating to Individuals/Service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required according to statute law, and will be disposed of appropriately.

It is Shakiry Charity's 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.

9. Data access and accuracy

A Data Subject has the right to access the information Shakiry Charity holds about him/her. Shakiry Charity will also take reasonable steps to ensure that this information is kept up to

date by asking Data Subjects whether there have been any changes. Where data is inaccurate or obsolete, or invalid, it must be deleted without delay. Data held must be relevant to the purpose for which it was collected.

10. Processing for limited purposes

Personal Data may only be collected for specified, explicit and legitimate purposes, and may not be processed in any manner other than that compatible with Shakiry Charity lawful basis. Data must at all times be adequate, relevant and limited to what is required. A Processor may only process personal data to comply with his job requirements.

11. Protecting Data

Personal Data must be securely stored against unlawful processing, and against loss, damage and theft.

In addition, Shakiry Charity will ensure that:

- Everyone processing personal data understands that they are contractually responsible for following good data protection practice.
- Everyone processing personal data is appropriately trained to do so.
- Everyone processing personal data is appropriately supervised.
- Anybody wanting to make enquiries about handling personal data knows what to do.
- That enquiries related to handling personal data are dealt with promptly and courteously.
- That the processes whereby we collect and store personal data are clearly managed.
- That methods and performance in relation to handling personal data are regularly assessed and evaluated.
- That staff are aware that any breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

12. Reporting a Breach

In the capacity of Data Controller, Shakiry Charity is required by Law to have procedures in place, and to notify any personal data breach to the ICO Regulator within 72 hours, and at the same time to inform the Data Subject. If any Staff, Volunteer or Trustees suspect a

Data Breach, they are required to immediately contact senior management and not attempt to investigate the matter themselves.

13. Transfer Limitation

Data Protection restricts data transfers to countries outside the EEA (European Economic Area) in order to ensure that the level of Data Protection given to individuals is not undermined. A transfer occurs when Personal Data originating in one country is transmitted, sent, viewed or accessed in or by a different country.

Personal Data may only be transferred outside the EEA if one of the below conditions apply:

- a. The country outside of the EEA ensures an adequate level of protection for the rights and freedom of a Data Subject.
- b. Appropriate safeguards are in place such as standard contractual clauses approved by the European Commission or a certification mechanism.
- c. A Data Subject has provided explicit consent to the proposed transfer after being informed of potential risks
- d. The transfer is necessary for the performance of a contract between Shakiry Charity and a Data Subject, for reasons of public interest, to establish, exercise or defend legal claims, or to protect the vital interests of a Data Subject where the Data Subject is physically or legally incapable of giving consent, and to protect Shakiry Charity's legitimate interests.

14. Data Subjects Rights and Requests

Data Subjects hold Rights as to how Shakiry Charity process and manage their Personal Data. This may include the right to:

- a. The Right to be Informed about the processing of personal information;
- b. The Right to have personal information Corrected if it is inaccurate and to have incomplete personal information completed;
- c. The Right to Object to processing of personal information, in particular to data processed for direct marketing purposes, and to data processed in accordance with our legitimate interest basis;
- d. The Right to Restrict Processing of personal information;

- e. The Right to have personal information Erased (the “Right to be Forgotten”). Personal information may be deleted or removed where there is no good reason for Shakiry Charity to continue processing it;
- f. The Right to Move, Copy or Transfer personal information (“Data Portability”);
- g. Right in relation to Automated Decision Making which has a legal effect or otherwise significant effect;
- h. The Right to Withdraw. Under specific circumstances where consent to the collection, processing and transfer of personal information may be given for a specific purpose, an individual has the right to withdraw such consent for that specific processing at any time.
- i. The Right to Complain to the Information Commissioner’s Office, which enforces data protection laws. <https://ico.org.uk/>

The identity of the individual requesting Data under any of the Rights listed above must be verified. Personal Data will not be disclosed to anyone without identification and authorization.

15. Audit

Systems, Processes and Data must be regularly reviewed to ensure they comply with this Policy. **This should be undertaken on a 2 year basis.**

16. Direct Marketing

The Right to Object to direct marketing is offered to a Data Subject. Any objection to direct marketing from a Data Subject, must be dealt with immediately. If a Data Subject opts out at any time, their personal data must be suppressed as soon as possible. Suppression involves retaining just enough information to ensure that marketing preferences are respected in the future.

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 the Data Protection Act 1998.

Glossary of Terms

a. Data Controller/Data Processor

Shakiry Charity acts in the capacity of both Data Collector and Processor. Shakiry Charity is required to maintain records of personal data and processing activities, and will have legal liability if responsible for breach.

A **Data Controller** determines what purposes Personal Data held, will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

A **Data Processor** is responsible for processing Personal Data on behalf of The Data Controller.

c. Data Subject

This definition refers to any identifiable individual whose Personal Data is being held or processed by Shakiry Charity. Data Subjects includes donors/sponsors, employees, volunteers, supporters, orphans, widows families and any other individual or Service User that has a right to privacy and data protection. A Data Subject may be a nationals or residents of any country, and may have legal rights regarding their personal data.

e. Data Protection Act 1998

Legislation which provides a framework for responsible behaviour by those using personal data in the United Kingdom.

f. Personal Data

Information about living individuals that enables them to be identified – e.g. name, address. It does not apply to information about organisations, companies and agencies, but applies to named persons, such as individual employees, volunteers, service users.

g. Sensitive Data

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

h. Processing or Process

Processing involves using personal data. It includes organising, amending, retrieving, using, disclosing and erasing personal data. It may also involve transmitting or transferring to a third Party.

i. Information Commissioner

The United Kingdom Information Commissioner who is responsible for implementing and overseeing the Data Protection Act 1998.

j. Explicit Consent

Freely given, specific and informed agreement by a Data Subject in the processing of personal data about her/him. Explicit consent is needed for processing sensitive data.

k. Encryption

Encryption encodes data so that only users with access to that data can read the information. Encryption provides a safeguard against the unauthorised or unlawful processing of personal data, especially in cases where it is not possible to implement alternative measures.

l. Notification – Notifying the Information Commissioner about the data processing activities of Shakiry Charity, as certain activities may be exempt from notification.

m. Direct Marketing

Direct marketing is a legitimate use of personal information.

Privacy and Electronic Communication Regulations 2003 (PECR) restricts the circumstances in which you can market people and other organisations by phone, text, email or other electronic means. So when sending electronic marketing messages remember - you have to comply with both the data protection law and PECR.

n. Privacy and Electronic Communication Regulations 2003 (PECR)

PECR sits alongside the Data Protection Act. It gives people specific privacy rights in relation to electronic communications.

There are specific rules on:

- marketing calls, emails, texts and faxes;
- cookies (and similar technologies);
- keeping communications services secure; and
- customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.