

## **Newcomen Collett Foundation**

### **Data Protection Policy**

#### **1. General Statement of the Charity's Duties**

The Charity (ICO Registration Number: Z3232746) is required to process relevant personal data in four situations

- i. grant applicants
- ii. job applications and processing of areas of employment
- iii. appointment and processing of governors
- iv. processing of tenancies, leases and licences.

The Charity shall take all reasonable steps to process relevant personal data in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy, any reference to grant applicants includes current past or prospective applicants. We process personal information to enable us to provide grants and to support and manage our staff, governors and property.

#### **2. Data Protection Officer**

The Charity has reviewed the General Data Protection regulations (GDPR) and concluded that it is not required to appoint a Data Protection Officer. However, the Charity is aware of its obligations under the GDPR and has sufficient staff and resources to ensure that all personal data is processed in compliance with this Policy and the GDPR.

#### **3. Personal Data**

Personal data is data relating to a living individual who can be identified from the data. Personal data includes both automated data and data in manual filing systems.

The Charity receives personal data from the school or individual directly, through information supplied on grant application forms, on employee job applications and other forms and through emails and other communications from employees and governors and from tenants directly or via agents.

#### **4. Special Category Data**

Special category data is personal data which the GDPR says is more sensitive, and so needs more protection. The Charity may, from time to time, be required to process special category data regarding a grant applicant, employee or potential employee, governor or potential governor or tenant. Special category data includes information about an individual's physical or mental health, race or ethnic origin, political or religious beliefs, sex life, trade union membership, genetic data and biometric data.

Where special category data is processed by the Charity, the explicit consent of the appropriate individual will generally be required through he or she indicating agreement on the grant application form or in an appropriate format for employees, governors or tenants. In the case of uniform grants for minors, consent will be supplied by the school.

## 5. The Principles

The Principles are contained in the GDPR. These state that personal data shall be:

- i. Processed lawfully, fairly and in a transparent manner in relation to individuals;
- ii. Collected for specified, explicit and legitimate purposes;
- iii. Adequate, relevant and limited to what is necessary;
- iv. Accurate and up to date;
- v. Kept in a form which permits identification for no longer than is necessary;
- vi. Processed in a manner that ensures appropriate security of the personal data;
- vii. Not transferred to other countries without adequate protection.

## 6. Accountability

The Charity, in accordance with its responsibilities, complies with the principles contained within the GDPR:

- i. The Charity has policies on data protection and on data retention.
- ii. All governors and staff have been made aware of their responsibilities in respect of personal data.
- iii. All grant applications are processed through the online software, FlexiGrant, which enables a full record of data processing to be maintained. When papers are sent to governors for grant decisions, personal data is kept to a minimum. Papers emailed to governors and staff for governor meetings are sent to individual's Newcomen email addresses and subject to encryption. Bank details are kept in electronic format on the server.
- iv. The charity uses data impact assessments where appropriate.

## 7. Lawful Processing

Data is processed with the consent of the data subject. This is supplied at the time a grant application is made in the case of grant applicants or at the time that a job application is submitted in the case of prospective employees or when an employment contract is signed or when a governor is appointed. Consent is specific, granular, clear, prominent, opt-in, properly documented and easily withdrawn. A child under 16 cannot give consent and so consent is required from a person holding parental responsibility.

Data is processed where processing is necessary for the purposes of the Charity's legitimate interests e.g. in respect of tenants and in accordance with the law

Special category data is processed with the explicit consent of the data subject or of the person holding parental responsibility.

## 8. Rights for individuals

Individuals have the following rights:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object

- Rights in relation to automated decision making and profiling

Individuals are supplied with the following information at the time that grant applications are made:

- Identity and contact details of the controller
- Purpose of the processing and the lawful basis for processing
- The legitimate interest of the controller where applicable
- Retention period of data
- The existence of each data subject's rights
- The right to withdraw consent at any time
- The right to lodge a complaint with a supervisory authority
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation

## **9. Rights of Access**

Individuals have a right of access to information held by the Charity. Any individual wishing to access their personal data should put their request in writing to the Charity. The Charity will respond to any such written requests without delay and in any event, within one month.

Certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals, information which the Charity reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege.

## **10. Exemptions**

Certain data is exempted from the provisions of the Data Protection Act, which includes the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the Charity.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the Charity

## **11. Accuracy**

The Charity will endeavour to ensure that all personal data held in relation to an individual is accurate.

Individuals may notify the Charity of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

## **12. Right to be Forgotten**

In certain circumstances, individuals can ask for the Personal Data the Charity holds about them to be erased from its records. For example, if an individual has objected to the Charity's use of their data, and the individual's interests outweigh the Charity's legitimate right to retain the data. This right is not an absolute right and data protection law also contains exemptions. If an exemption applies, the Charity can either fully or partly refuse to comply with the request. For example, the Charity can refuse to comply with the objection if the Charity has a legitimate reason to continue processing their data that overrides the individual's objection or if the Charity is in a dispute with the individual and needs to retain the data to defend its case.

## **13. Security**

The Charity will take reasonable steps to ensure that members of staff will only have access to personal data relating to grant applicants where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the GDPR. The Charity will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## **14. Breach notification**

A personal data breach means a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The Charity shall comply with the requirements of the GDPR and notify the relevant authority of a data breach where it is likely to result in a risk to the rights and freedoms of individuals. Individuals will be notified of a breach if the breach is likely to result in a high risk to the rights and freedoms of individuals.

## **15. Enforcement**

If an individual believes that the Charity has not complied with this Policy or acted otherwise than in accordance with the GDPR, they should utilise the Charity's complaints procedure and should also notify the Charity using the following contact details:

The Clerk to the Governors  
Newcomen Collett Foundation  
Marshall House  
66 Newcomen Street  
London SE1 1YT

clerk@newcomencollett.org.uk

## **16. Information Commissioner's Office (ICO)**

Further information can be found on the ICO website [ico.org.uk](http://ico.org.uk) or by telephoning the ICO helpline 0303 123 1113