



# 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

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Policy Owner – FoMECP Executive Committee

Policy Holder – FoMECP Membership Secretary

## Policy Amendment Record

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# INFORMATION

## 1. INTRODUCTION

- 1.1. Charity Commission documents provide guidance to individual charities, such as The Friends of Mount Edgcumbe 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 FoMECP Constitution. In relation to data protection, the Charity Commission documents state "The Trustees should have in place appropriate policies governing receipt, access, use and storage of information ensuring compliance with Data Protection legislation. Procedures should also include the use of computers, hard drives, USB and data storage devices."
- 1.2. This policy is based on the data protection laws of the European Union - the General Data Protection Regulations (GDPR) and outlines the Data Protection Policy of FoMECP. The policy sets out how the FoMECP Executive Committee seeks to comply with its data protection obligations and to ensure Trustees, volunteers and members understand the rules governing the use of personal data which they have either provided or process in the course of their involvement with the charity.
- 1.3. Separate Policies have been prepared dealing specifically with FoMECP General Policy, Finance and Reserves.
- 1.4. A copy of all policies will be provided to all Trustees, by request to the Secretary and published on the FoMECP website.

## 2. SCOPE

- 2.1. This policy applies to all FoMECP Trustees, volunteers, and the individuals about whom the FoMECP processes personal information.
- 2.2. All Trustees and volunteers must be familiar with this policy and comply with its terms.
- 2.3. This policy may be supplemented or amended from time to time as a result of additional/new legal requirements or guidelines from other organisations (e.g. Uk Government, Charity Commission etc.). Any changes made will be approved by the Executive Committee and presented at the next available AGM.
- 2.4. This policy 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, they meet current legal responsibilities and are not too onerous or disproportionate. The results of the review will be reported at the next available AGM.

## 3. DEFINITIONS

- 3.1. In this policy the words/terms in bold below have the following specific meanings

**Legitimate purposes**

Means the legitimate purposes for which the FoMECP collects and processes personal data. They are:

- Registering new members of the FoMECP and maintaining an accurate and up-to-date register of all FoMECP members.

- Distributing the FOMECP journal to all members.
- Providing FoMECP-related information to its members either on a collective or individual basis through postal services, email or via the website.
- Providing information on FoMECP-related events (e.g. boat/coach trips etc.) to members and non-FoMECP members who have purchased tickets for such events.
- Maintaining contact with, and distributing information to, FoMECP Trustees and volunteers – e.g. distributing monthly minutes/other committee meeting material or volunteer rosters.
- Providing an electronic and hard copy list of members to the Mount Edgcumbe Management Team for use by FoMECP volunteers and Mount Edgcumbe employees verifying membership details of members visiting Mount Edgcumbe House & Gardens. The list is to be limited to name (including children/dependants if applicable), postcode and membership number
- Maintaining electronic or manual lists of personal data relating to sponsors, exhibitors and/or participants of FoMECP-related events – e.g. Annual Car Rally, Easter Egg Hunt, Halloween and organised trips
- Maintaining a list of individuals who enter FoMECP-run raffles, lotteries or draws.
- Advertising FoMECP merchandise (polo shirts, sweaters, etc.) to members who have explicitly agreed to receive such information.
- Publicising the contact details of committee members and/or FoMECP event organisers in the FOMECP journal or other publicity material (e.g. posters/banners).

**Personal data** Means information relating to natural (living) persons who can be identified (directly or indirectly) from the information in question, or from that information in combination with other information.

Personal data may also include special categories of more sensitive data that requires stronger legal protection, e.g. health, criminal records etc. However, the FoMECP does not collect or process such data.

**Processing data** Means obtaining, recording, holding or doing anything with it, such as organising, using, altering, retrieving, disclosing or deleting it.

The GDPR applies to the processing of personal data that is wholly or partly by automated means (e.g. using a computer), or the processing forms part of a paper filing system.

**Computer** Means equipment operating automatically in response to instructions given for that purpose.

**Filing System** Also known as manual or paper-based records and means 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 Controller** Means the individual(s) who are the main data processing decision-makers within an organisation- i.e. they exercise overall control over the purposes and means of the processing of personal data.

The data controller for FoMECP is a collective responsibility held by all members of the Executive Committee.

Controllers shoulder the highest level of compliance responsibility, and must comply with, and demonstrate compliance with, all the data protection principles as well as the other GDPR requirements.

Supervisory authorities, such as the UK Information Commissioner's Office (UK ICO) may take action against a controller(s) regarding a breach of its obligations.

#### **4. REGISTRATION**

- 4.1.** As a Charity Commission registered charity (No. 295261), with a relatively small membership, the FoMECP is not required to register with the UK data protection regulator – i.e. UK ICO. However, this does not dilute, in any way, the charity's legal responsibility to meet all relevant data protection requirements.

### **POLICY**

#### **5. GENERAL PRINCIPLES**

- 5.1.** GDPR places legally binding responsibilities on organisations/businesses who use an individual's personal data and sets out 7 key principles: lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality (security) and accountability.
- 5.2.** To meet these general principles, the FoMECP Executive Committee must:
- 5.2.1. Ensure that they have identified an appropriate lawful basis for processing personal data – see section 3.1 (legitimate purpose definition) above – and must not do anything generally unlawful with the personal data they process.
  - 5.2.2. Consider how processing personal data may affect the individuals concerned, and only handle the data in ways that the individuals would reasonably expect them to do so – they must also not deceive or mislead people when they collect their personal data.
  - 5.2.3. Be transparent at all times – i.e. ensure all potential FoMECP members are aware from the onset what their personal information will be used for and how long it will be retained – see also paragraph 10.1
  - 5.2.4. Ensure that all existing/potential members are aware (and reminded at least annually) that FoMECP collects personal data it actually needs for its specified purpose, and that individuals can request erasure or alteration of the data at any time.
  - 5.2.5. Maintain all personal data as accurately as possible.
  - 5.2.6. Carefully consider how long personal data is required to be kept and ensure it is deleted/removed when no longer required.

- 5.2.7. Ensure that the integrity and confidentiality of personal data held has appropriate security measure in place to protect it.
- 5.2.8. Ensure that Trustees receive appropriate training - and volunteers receive briefings (verbal and/or written) - sufficient to meet their GDPR responsibilities.
- 5.2.9. Nominate a Trustee to act as the primary point of contact for all data protection matters.
- 5.2.10. The practical steps that the FoMECP Executive Committee can take to comply with these principles are explained in the rest of this policy.

## **6. PERSONAL DATA MANAGEMENT**

**6.1.** The FoMECP Membership Secretary is designated as the primary point of contact for all FoMECP-related data protection matters.

**6.2.** The FoMECP Membership Secretary is to maintain a master database (e.g. a suitable spreadsheet) of the FoMECP membership. To meet GDPR requirements, the master database is subject to the following controls:

6.2.1. The database must only contain members' personal data that has been freely provided and comprises only information that is required to meet FoMECP's legitimate purpose for processing the data.

6.2.1.1. Bank details (i.e. sort code and account number) provided by members as part of the joining process or when requesting payments by bank standing order are not to be held with other personal data (e.g. name, address, email etc.) on the master database. See also paragraph 8.5 below.

6.2.2. Only the following Trustees are permitted to process copies of the master database:

- Chairperson
- Vice Chairperson.
- Secretary.
- Treasurer.
- Membership Secretary.

6.2.2.1. Trustees not listed in paragraph 6.2.2 above are authorised to process subsets of the master database in order to carry out FoMECP-related tasks, e.g. maintaining lists of volunteers, gift aid contributors or members/individuals attending FoMECP-run events etc.

6.2.3. The database is held on a computer that is:

- Owned by the Trustee who has been authorised to process the data.
- Stand-alone – i.e. not connected to a distributed network.

- Password-protected with a strong password (minimum of 8 characters including upper/lower case, numerals and special characters). Passwords must be changed on a regular basis, and should not be written down or given to others.
- Within reason, protected against malicious code and computer viruses.

6.2.4. A copy of the master database is to be held on the FoMECP secure 'Google Drive'

- Archives of the master database are to be kept for a maximum of 2 years.

**6.3.** Hard copies of FoMECP-related personal data are only to be produced/processed if required to meet FoMECP's legitimate purpose (as detailed in 3.1. above) and subject to the following controls:

6.3.1. Hard copies of the master database (and subsets) are kept to a minimum, secured under lock and key when not in use, and securely destroyed (shredded) when no longer required.

**6.4.** Trustees and volunteers must take precautions when transporting (e.g. to committee meetings, events etc.) computers or paper filing systems holding FoMECP-related personal data.

## **7. FoMECP-RELATED PERSONAL DATA**

**7.1.** The personal data currently being processed by FoMECP Trustees & volunteers consists of:

- The names, address, telephone number and, where provided, email addresses of all members of the FoMECP.
- The names of members' dependants (including date of birth)/guardians where such information has been provided.
- The bank details (branch address, sort code and account number) where such information has been provided.
- The name, address, telephone number (and email address where provided) of FoMECP volunteers.
- The name, address, telephone number (and email address where provided) of sponsors, exhibitors and entrants to the classic car rally held annually in Mount Edgumbe Country Park.
- The name, address, telephone number (and email address where provided) of members and other individuals participating in FoMECP-run events, e.g. Easter egg hunt, Halloween and organised trips (boat trips etc.).
- The name, address, telephone numbers (and email address where provided) of entrants to FoMECP-run raffles/lotteries/draws.
- The postal and email addresses of members who have agreed to receive information relating to FoMECP merchandise.

**7.2.** As nominated data controllers, the FoMECP Executive Committee is to conduct regular reviews (at least annually) of the FoMECP's legitimate purpose for processing personal data; the methods of collecting data; the type of data held and the length of time the data is retained to ensure the data remains consistent with the charity's needs and data protection legal responsibilities are maintained.

**7.3.** FoMECP-related personal data must not be used for direct marketing purposes, with the exception of the FoMECP merchandise referenced in the legitimate purposes (see definitions - paragraph 3.1) and must not be divulged to 3<sup>rd</sup> parties for marketing purposes.



## **8. DATA COLLECTION**

- 8.1.** The primary source of personal data collection is through membership application forms - available on the FoMECP website, or in hard-copy format from the Friends' lodge and several retail outlets operating in Mount Edgcumbe Country Park.
- 8.2.** Individuals completing application forms and providing the information are to be made fully aware they are providing the information freely; they are aware of FoMECP's legitimate purpose for holding the information and that they can request removal/alteration of the data at any time by contacting the FoMECP Membership Secretary.
- 8.3.** All applications forms used are subject to the following controls:
  - 8.3.1. The forms must contain a statement informing the applicant that their personal data will be stored electronically and, where applicable in a hard-copy filing system, and that the details of the point of contact in FoMECP who the applicant can contact to request removal or alteration of the data held about them.
  - 8.3.2. Completed forms are forwarded to the FoMECP Membership Secretary for action.
  - 8.3.3. The forms are to be secured under lock and key when not in use and destroyed within 12 months of the date of receipt of the form.
  - 8.3.4. Forms that contain details of an individual's participation in the HM Government Gift Aid scheme are to be forwarded to the Treasurer for action. The forms, and Gift Aid submissions to HMRC are to be retained in line with statutory requirements.
- 8.4.** Trustees and volunteers in the Friends' Lodge or at FoMECP events where memberships application forms are completed, are to ensure that completed FoMECP application forms are not left in open view and are forwarded to the Membership Secretary as soon as possible.
- 8.5.** Application forms containing individuals' bank details (branch name, sort code and account number) are not to be transferred to electronic records.
  - 8.5.1. Forms containing bank details are to be held by the Membership Secretary in a paper filing system, secured when not in use and destroyed (shredded) within 12 months of the date of receipt.

## **9. DATA RETENTION**

- 9.1.** Personal data must not be retained for any longer than necessary and securely destroyed when no longer required.
- 9.2.** In general terms, personal data relating to members is required to be retained for the period an individual remains a member.

- 9.3.** Retention of personal data relating to individuals who participate in FoMECP-organised events (e.g. car rally, Halloween, organised trips etc.) will depend upon the circumstance/reasons the data was obtained. The sub-committees managing an event must determine how long the data is required to be retained.
- 9.4.** Application forms held in a paper filing system are to be retained for a maximum of 12 months.
- 9.5.** In all instances, personal data must be securely destroyed when it is no longer needed. If the data is stored electronically (including back-ups), the record(s) are to be deleted. If the information is held in paper filing system it must be shredded.

## **10. DATA ACCESS**

- 10.1.** Individuals, have a legitimate reason to access personal data held by the FoMECP and must be provided with regular reminders – via the Friends’ journal, FoMECP website and on all membership application forms – that they have a legal right to view any personal data held about them, and to request its removal or alteration.
- 10.2.** In some cases, third parties – e.g. UK ICO, Charity Commission and Mount Edgcumbe Park Management etc. – may also have legitimate reasons to request access the personal data relating to FoMECP members and/or participants of FoMECP-run events.
- 10.3.** Trustees and volunteers must not divulge any personal information relating to FoMECP members or participants in FoMECP-run events, other than information that is already available in the public domain – e.g. from the FoMECP website.
- 10.4.** All requests for access to personal data held by the FoMECP are to be forwarded, in the first instance, to the FoMECP Membership Secretary for action.

## **11. EMAIL & POST USAGE**

- 11.1.** FoMECP distributes information to members and non-members using email, postal services or on its website.
- 11.2.** Trustees and FoMECP event organisers must ensure postal addresses are checked and verified before using them to distribute information.
- 11.3.** Information posted on the FoMECP website must not contain any personal information details.
- 11.4.** Emails to multiple addressees must only be undertaken using a secure mail distribution system (e.g. Mailchimp). If, for whatever reason, it is not possible/practical to use a secure mail distribution service for 2 or more addressees, the ‘blind carbon copy’ (Bcc) facility must be used for all addressees.

## **12. POLICY BREACHES & REPORTING**

- 12.1.** Any loss of FoMECP-related personal information, or actual/suspected breaches of this policy are to be reported to the FoMECP Membership Secretary, who in turn is to:
- Immediately report the matter to the FoMECP Chairperson and agree course of action.
  - (If required) conduct an initial enquiry to establish the basis of the loss/breach.

- If the enquiries indicate that a breach has occurred, inform the Chairperson and provide recommendations on the course of action to be taken – e.g. reporting to relevant authorities (e.g. police, UK ICO and Charities Commission etc.), further investigation requirements (if applicable), review the design & effectiveness of relevant data protection controls and, if applicable, recommend relevant changes.
- Provide a written briefing of either actual or suspected breaches for presentation at the next available FoMECP committee meeting.