

Data Protection Policy

Purpose

The purpose of this policy is to explain why and how ELH NM protects personal data it collects, holds and processes in order to comply with GDPR and the data protection principles.

Who does this policy apply to?

ELH NM is both the data controller and a data processor. This policy applies to both roles. The Controller says how and why personal data is processed (see data audit for more details).

The Processor acts on the controller's behalf and has specific obligations and legal liability if there is a data breach.

ELH NM processes its data itself, and also uses third party processors (DLIT, Civi-CRM, NEST pension) who are not subject to this policy. However, ELH NM has to be satisfied that the third party processors have policies and procedures in place to meet their specific obligations and legal liabilities under GDPR.

Guiding principles

We use personal data in compliance with the 8 Data Protection Principles.

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.

5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing or personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data 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 freedoms of data subjects in relation to the processing of personal data.

Responsibility

The trustees of ELH NM have responsibility for GDPR compliance.

All trustees, volunteers and any freelance workers or employees will be trained in GDPR compliance.

Personal Data

Personal data is any information relating to an identifiable person who can be directly or indirectly identified by particular reference to an identifier.

For example, ELH NM collects the names, addresses, e-mail addresses and telephone numbers, of its users to send relevant emails and a fortnightly ebulletin. We also collect the names, e-mail addresses and telephone numbers of our volunteers and employees.

Data about our users is checked annually upon renewal for accuracy and amended as necessary and employees are asked to keep us updated should their personal details change.

Minors and consent

Minors need particular protection when collecting and processing their personal data because they may be less aware of the risks involved however we do not knowingly collect personal information from minors.

Should this change or ELH NM becomes aware that it has personal data from minors, we will design specific privacy notices with this in mind.

Privacy Notice

This notice explains how we collect data, how we use and store information and what it means for individuals. This will be published on our website and a link sent out via e-mail to all new users, volunteers, referees and newsletter subscribers the first time they are in contact with us. It will be reviewed annually. It is found [here](#).

Lawful basis for processing data

ELH NM regularly reviews its data audit and lawful basis. The document identifies what data is collected and processed, for what purpose and the lawful basis for such processing.

Where legitimate interests is relied upon as the lawful basis for processing data, a legitimate interest assessment is undertaken in line with ICO guidance and recorded.

Compliance with GDPR

ELH NM regularly reviews and updates its data register to ensure all processing is GDPR compliant. This register provides details on the personal data processed by ELH NM, why it is being processed, the categories of individuals and categories of personal data, the retention schedules. Security measures are found in our [Data Security Policy](#).

Retention of data

Details of data retention, destruction and deletion are found in the data register.

Rights under GDPR

Individuals have the following rights under GDPR and can contact us at any time to make a request in line with any of these rights at contact@upourstreet.org.uk

- The right to be informed

We meet this right through our [privacy notice](#) which is published on our website and sent to all members, volunteers, referees, or third parties whose data we collect and process. This notice supplies information about how we process personal data which is free of charge, easily accessible and easy to understand. Our privacy notice contains the information which should be supplied to individuals. The privacy notice is reviewed annually.

- The right of access

Individuals can contact ELH NM at any time to obtain confirmation of how their data is being processed, access to their personal data and the other information required to be made available in our privacy notice. We give this information free of charge and within one month of receipt. We reserve the right to charge a 'reasonable fee' when a request is clearly excessive or repetitive, or individuals are asking for further copies of the same information. We will verify the identity of the person making the request by asking security questions, before giving this information. For example, asking them for their full name and email address.

- The right to rectification

Individuals can contact ELH NM at any time to ask that their personal data be rectified if it is inaccurate or incomplete. We will complete this within one month of receipt of the request.

- The right to erasure

We will comply with any requests to erase personal data and stop processing in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The personal data has to be erased in order to comply with a legal obligation.

- The right to restrict processing

Should an individual make such a request, we will follow the guidelines regarding when this right applies and the process to take found on the [Information Commissioner's Website](#)

- The right to data portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

- The right to object

In relation to ELH NM, individuals have the right to object to processing on the basis of legitimate interests or direct marketing (our ebulletin). We will stop processing data for direct marketing purposes (our ebulletin) as soon as we receive the objection. We will stop processing data on the basis of our legitimate interests unless there are reasons not allowed under the GDPR, which are found [here](#).

- Rights in relation to automated decision making and profiling

We do not use automated decision making or profiling.

Third parties

When we use third parties companies we remain responsible for the storing and processing of the personal data we give them.

When ELH NM contracts employees and freelance contractors to carry out tasks on its behalf, those workers are bound by contract to protect personal data and comply with all ELH NM data protections policies and security measures. ELH NM remains responsible for their actions.

Data breaches

A data breach occurs when there is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. For example, sending personal data to an incorrect recipient or disclosing personal data unnecessarily.

Security – measures taken to prevent data breaches

ELH NM puts in place and regularly reviews security measures to protect personal data. These measures are contained within our [Data Security Policy](#) and also our [Cyber Security Policy](#).

In the event of a data breach

The trustees are responsible for managing any data breaches or suspected data breaches. Should any volunteer, employee or any other person suspect a data breach, the trustees should be notified as soon as possible. The trustees will then determine whether a breach has occurred and if so, decide what the next steps are.

1. Trustees decide if a data breach has occurred and record their decision in writing.
2. Trustees take measures to deal with the breach including mitigating any possible adverse effects and record these measures in writing.
3. Trustees establish the likelihood and severity of the resulting risk to people's rights and freedoms, including adverse effects on the individuals such as emotional distress and physical and material damage and record their decision in writing.
4. If the data breach is likely to result in risks to those rights, then the ICO must be informed of the data breach with 72 hours of becoming aware of it or give reasons for the delay.
5. If there is a high risk to the rights and freedoms of individuals, then we will inform those concerned directly and as soon as possible.

Third party data processors (Civi-CRM) have a duty to inform us as soon as possible if they suffer a data breach. If this occurs, we will follow the above steps to assess our breach-reporting obligations.

We will follow the guidance on taking all of these steps found on the [Information Commissioner's Website](#)