

Charity of Thomas Dawson Data Protection Policy and Notice

Introduction

The Charity of Thomas Dawson (CoTD) is the 'data controller' for the purposes of the UK General Data Protection Regulation (UK GDPR). Our data protection lead is the General Manager of the CoTD whose contact details are in Schedule 2.

CoTD collects and uses certain types of personal information about the following categories of individuals (there are no public donors):

- trustees involved in governance and delegated committees;
- employees who enact the management of its affairs on behalf of the trustees;
- external professional advisers and service providers including solicitors, providers of banking and investment advice and property management services;
- tenants of properties owned by CoTD;
- teachers including headteachers and other professional or volunteer representatives of educational and community organisations; and
- other individuals who apply to the CoTD for grants and representatives of other charitable trusts who come into contact with the CoTD through its activities.

CoTD will process this personal information in the following ways:

- collect the full names, email addresses, workplace addresses and other necessary contact details such as telephone numbers of all categories of individuals listed above
- in respect of tenants of CoTD properties, appropriate references and financial information necessary for the assessment and management of tenancy agreements;
- information about business and pecuniary interests;
- in some instances we may also collect, store and use information that falls into "special categories" of more sensitive personal data from individuals or organisations including schools applying for grant funding. This may include information about (where applicable) disability and access requirements. In all circumstances, the confidentiality and processing of all personal information with regard to children will be the responsibility of the schools and other community organisations;
- information shall be held and controlled for the legitimate processing of such data to ensure effective communications in the reasonable pursuance of the charitable, public benefit functions of the Charity as a grant making organisation, dedicated to supporting its beneficiaries; and
- undertake other processing when required to comply with any statutory and other legal obligation.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the UK General Data Protection Regulation (the "GDPR") and other related legislation. It will apply to information regardless of the way it is used or recorded and applies for as long as the information is held.

The GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria (so you would be able to use something like

the individual's name to find their information). This policy shall be reviewed at least every [two years] or earlier if the Trustees think this is necessary to reflect best practice, or amendments made to GDPR legislation.

CoTD holds personal information for specific purposes only. This includes establishing and maintaining effective governance, meeting statutory obligations, ensuring the effective management of tenancies of the properties owned and managed by CoTD and to enable the Trustees to make fair and equitable assessments and management of grant applications and financial awards it makes to organisations and individuals.

The Principles of Data Protection

The Trustees, staff and agents of the CoTD are committed to processing data in accordance with their responsibilities under the GDPR.

The six key principles of personal data protection are:

- 1.) data should be processed lawfully, fairly and in a transparent manner;
- 2.) it must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- 3.) It must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 4.) Data must be accurate and kept up to date. Every reasonable step will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
- 5.) Data must be 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; and
- 6.) Data must be 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.

Individuals have a right to be informed about how CoTD uses their personal data. CoTD supports and complies with this right by providing a 'privacy notice' to individuals where we are processing their personal data (see Schedule 1).

This privacy notice explains how we collect, store and use personal data. The privacy notice is applicable to all areas of activity that CoTD undertakes including educational grant applications (group and personal) and current and prospective tenants.

The legal basis for processing personal data

We only process personal data for specific purposes. Namely:

- 1.) The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regard to entering into a contract with the individual. For CoTD this would typically mean tenancy agreements;
- 2.) The processing is necessary for the performance of a legal obligation to which we are subject. For example, CoTD has a legal obligation to store information including grant applications and tenancy and trustee details in accordance with the requirements of the Charity Commission; and
- 3.) Individuals have given their consent so that we can administer individual grants.

How we Manage Personal Data

In accordance with the principles of data protection, CoTD ensures that the personal data it holds is

- 1.) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 2.) we ensure that personal data is kept for no longer than necessary and the storage and archiving systems we use consider and incorporate the appropriate statutory guidelines as to how specific data e.g. financial data should/must be retained, for how long, and why;
- 3.) we ensure that personal data (paper copy, electronic) is stored securely using appropriate and secure processes; and
- 4.) access to personal data is limited to personnel who need access. Appropriate data security arrangements are in place and are reviewed by the Trustees. When personal data is deleted this is done safely such that the data is irrecoverable.

CoTD will take reasonable steps to ensure that trustees, employees and third party advisers and service providers will only have access to personal data where it is necessary for them to carry out their duties. All such persons will be made aware of this Policy and their duties under the GDPR. CoTD will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons

How we ensure fair and transparent data access for individuals

Individuals have the right to access their personal data (a “subject access request”). All requests will be dealt with in a timely manner and will be done so in accordance with the procedure set out in Schedule 2.

Following the procedure set out in Schedule 2, if you make a subject access request, and if we do hold information about you, we will:

- give you a description of it, tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this; and
- Give you a copy of the information in an intelligible form.

Under data protection law, individuals have certain other rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

If you have any concerns or wish to exercise any of these rights, please contact our General Manager.

When would Personal Data be disclosed to a Third Party?

CoTD may receive requests from third parties (i.e. those other than the data subject, CoTD's employees, Trustees, professional advisers and service providers) to disclose personal data it holds about individuals. This information will not be disclosed unless one of the specific exemptions under the GDPR which allow disclosure applies.

All requests for the disclosure of personal data must be sent to the General Manager who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of the requesting third party before making any disclosure

The following instances are when CoTD would typically authorise disclosure of personal data to a third party:

- 1.) To give a confidential reference for a current or former employee;
- 2.) When we are required to do so by law, statutory authority or regulator like the Charity Commission;
- 3.) For the purpose of, or in connection with, legal proceedings (including prospective proceedings) or obtaining legal advice; and
- 4.) For the assessment of any tax or duty.

Other Rights of Individuals

CoTD has an obligation to comply with the rights of individuals under the law, and takes these rights seriously.

The process for determining these rights and next steps is set out in Schedule 3

These are where individual objects to the processing of their data (there is no legitimate reason for its use), rectification (right to request the correction of inaccurate data), right to erasure (permanent deletion of data) and the right to portability (if you want your information to be sent to another organisation).

The process for ensuring these rights are supported is set out in Schedule 3.

What happens if there is a breach of GDPR

Any breaches of this policy, including a breach of any of the data protection principles shall be reported as soon as it is discovered, to the General Manager.

Once notified, the General Manager shall assess the extent of the breach, risks to the data subjects as a consequence of the breach, any security measures in place that will protect the information and any measures that can be taken immediately to mitigate the risk to the individuals.

Unless the General Manager concludes that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of CoTD, unless a delay can be justified.

The Information Commissioner will be informed of the details of the breach, including the volume of data at risk, the number and categories of data subjects, contact point for any enquiries (which shall usually be the General Manager or the Chair of the Trustees), likely consequences of the breach and measures proposed or already taken to address the breach.

If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals the General Manager shall notify those impacted by the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.

Individuals will be notified of the nature of the breach, who to contact with any questions and measures taken to mitigate any resulting risks.

The General Manager shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the trustees and a decision made about implementation of those recommendations.

Transferring data internationally

CoTD will store some or all your personal data in countries outside of the UK (for example Xero Accounting Software servers and Wordpress website servers are hosted in the United States). These are known as “third countries”. We will take additional steps to ensure that your personal data is treated just as safely and securely as it would be within the UK and under the Data Protection Legislation as follows:

- CoTD will only store or transfer personal data in or to countries that are deemed to provide an adequate level of protection for personal data. For further information about adequacy decisions and adequacy regulations, please refer to the Information Commissioner’s Office.

Use of your personal information for marketing purposes

CoTD does not use personal information for marketing purposes.

Complaints

CoTD take any complaints about its collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us via the General Manager

Alternatively, you can contact the Information Commissioner’s Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Date approved by the CoTD Board: 9th November 2021

Date when due for review by the CoTD Board: 9th November 2022

Schedule 1: Privacy Notice

DATA PRIVACY NOTICE

The Charity of Thomas Dawson, Oxford

1. Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data (data subject). Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the UK General Data Protection Regulation (the "UK GDPR") and the Data Protection Act 2018 (the "DPA 2018").

2. Who are we?

The **Charity of Thomas Dawson (CoTD)**, Oxford is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes.

3. How do we process your personal data?

The **CoTD** complies with its obligations under the "GDPR" by keeping personal data up to date;

- by storing and destroying it securely;
- by not collecting or retaining excessive amounts of data;
- by protecting personal data from loss, misuse, unauthorised access and disclosure
- by ensuring that appropriate technical measures are in place to protect personal data whether it is held as hard copy or in electronic format. .

We use your personal data for the following purposes: -

- Processing applications (group or individual) for the award of an educational grant.
- Administration of an educational grant post award.
- Processing applications for a tenancy of a property owned and managed by **CoTD**.
- Administration of existing tenancies including all aspects of property maintenance, rent management and extension/ termination of tenancies.

4. What is the legal basis for processing your personal data?

- Legitimate interests of the data controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject
- Legal obligation, to store grant applicants (group and individual), tenants, landlords and trustees' details in accordance with Charity Commission regulations
- Explicit consent of the data subject so that we can administer individual grants.

5. Sharing your personal data

Personal data will be treated as strictly confidential and will not be shared outside of the purposes set out in point 3.

6. How long do we keep your personal data¹?

We keep data in accordance with the statutory guidelines for specific data and to ensure that records are available in case of query or dispute regarding grant educational grant awards or individual tenancies.

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7. How and where do we store or transfer your personal data?

COTD may store some of your personal data in countries outside of the UK (for example we use Xero Accounting Software and Wordpress website software whose servers are hosted in the United States). These are known as “third countries”. We will take additional steps to ensure that your personal data is treated just as safely and securely as it would be within the UK and under the Data Protection Legislation.

8. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data: -

- The right to request a copy of your personal data which the **CoTD** holds about you;
- The right to request that the **CoTD** corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for the **CoTD** to retain such data;
- The right to object to the processing of personal data and therefore the right to withdraw your consent to such processing at any time. In the specific instance of a grant application this may result in the suspension or withdrawal of an application as the grant cannot be administered without the stated, required information. The **CoTD shall in its communications inform you clearly if information is optional or mandatory.**
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing. As above this request may result in the suspension or withdrawal of an application pending resolution of the dispute.
- The right to lodge a complaint with the Information Commissioners Office.

9. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

10. Contact Details

To exercise all relevant rights, queries or complaints please contact:

General Manager
Charity of Thomas Dawson
Charity no: 203258
St Clement's Centre
Cross Street, Oxford
OX4 1DA

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Schedule 2: How we manage applications to see personal data

All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a “filing system”.

All requests should be sent to the General Manager at the address below and shall be dealt with in a timely manner at the latest within one month of receipt.:

General Manger
Charity of Thomas Dawson
St Clements Centre,
Cross Street
Oxford
OX4 1DA

Any individual may appoint another person to request access to their records. In such circumstances CoTD must have written evidence that the individual has authorised the person to make the application and the General Manager must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations,

A subject access request must be made in writing. The CoTD may ask for any further information reasonably required to locate the information.

An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

All files must be reviewed by the General Manager before any disclosure takes place. Access will not be granted before this review has taken place.

Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

Schedule 3 – Rights of Individuals

Right to object to Processing

An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest where they do not believe that those grounds are made out.

Where such an objection is made, it must be sent to the General Manager. Within 7 working days of receipt the General Manager will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.

The General Manager shall be responsible for notifying the individual of the outcome of their assessment within 20 working days of receipt of the objection.

Right to rectification

An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the General Manager. Within 7 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data and communicated to the individual. The individual shall be given the option of a review to the Trustees or may appeal direct to the Information Commissioner.

An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

Right to erasure

Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:

- where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;
- where consent is withdrawn and there is no other legal basis for the processing;
- where an objection has been raised under the right to object, and found to be legitimate;
- where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met); and
- where there is a legal obligation on CoTD to delete

The General Manager will make a decision regarding any application for erasure of personal data and will balance the request against the exemptions provided for in the law. Where a decision is made to erase the data, and this data has been passed to other controllers, and/or has been made public, reasonable attempts to inform those controllers of the request shall be made.

Right to portability

If an individual wants to send their personal data to another organisation they have a right to request that CoTD provided their information in a structured, commonly used, and machine readable format.

If a request for this is made, it should be forwarded to the General Manager who within 7 working days of receipt, will review and revert as necessary.