



# General Data Protection Policy (GWHR11)

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This Policy applies to all Groundwork South and North Tyneside, Windmill and TEN North East staff, Trustees, learners and volunteers (hereafter referred to as Groundwork).

## Policy Statement

Groundwork needs to keep certain information about its employees, participants, learners and others in order to allow it to conduct its legitimate business.

It is necessary to process information so that employees can be recruited and paid, performance, achievements and health and safety monitored, courses, activities and programmes organised in order to fulfil contracts, and to comply with legal obligations to funding bodies and other government agencies.

Groundwork processes personal data both as a Data Controller and as a Data Processor.

To comply with the Data Protection Legislation, and specifically with General Data Protection Regulations (GDPR), personal information is collected and used fairly, stored safely, and not disclosed to any other person or organisation unlawfully. To do this, Groundwork complies with the requirements of the Data Protection Act 1998 and GDPR 2018.

Groundwork is transparent about the purposes for which personal data is processed and has clear Privacy Notices (see Appendix 1), Information Asset Register and Data sharing agreements.

Groundwork embraces the concept of Privacy by Design and has systems in place to ensure that any new system / activity which will see large amounts sensitive data being processed, undergoes a Privacy Impact Assessment (PIA).

Groundwork is currently registered with the Information Commissioner's Office and complies with the legal requirement to pay the relevant ICO fee only.

Groundwork South and North Tyneside (including Windmill) ZA121969

TEN North East Limited Z7659186

Groundworks entry on the register can be viewed at [http://www.ico.gov.uk/for\\_organisations.aspx](http://www.ico.gov.uk/for_organisations.aspx)

The Lawful Bases upon which the Groundwork relies for its processing of personal data are primarily:-

**Contract:** the processing is necessary for a contract we have with the individual and funding bodies, or because they have asked us to take specific steps before entering into a contract.

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**Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

**Public task:** The processing is necessary for Groundwork to carry out its official functions. In some circumstances, consent may be requested from data subjects.

## Principles

Groundwork adopts the principles outlined within GDPR and has systems and processes to ensure compliance with these.

Groundwork ensures that personal data is:-

1. Processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
5. 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
6. 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.

## Key Terms

**Consent** – requires that there is an active agreement between the organisation and the data subject. Where consent is obtained, it must be explicit and not implied if the subject does not actively object.

**Data controller** – A data controller determines the purposes and means of processing personal data.

**Data processor** – A processor is responsible for processing personal data on behalf of a controller

**Data subject** – An identifiable natural person who can be identified, directly or indirectly from data held.

**Personal data** – Personal data means information about a natural person who can be identified from that information and other information which is in, or likely to come into, the data controller's possession

**Processing** – Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on data.

**Relevant Filing System** – This is a set of information about individuals, held manually or on a computer, which is structured either by name or by another criterion, such as a course title so that specific information is readily accessible to the person using or processing.

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**Sensitive Data (Special Category)** – Data is considered sensitive if it about an individual’s race, political opinions, religious beliefs, trade union membership or non-membership, their physical or mental health, sex life or criminal record.

**Data subjects rights** – Under GDPR, data subject’s rights are enhanced. Individuals can ask to see the information about themselves that is held on computer and in some paper records. They have the right to receive this information in an electronic, accessible format, free of charge, within 1 month of the request being made. Data subjects also have the right to withdraw consent and to have their personal data erased. As Groundwork relies less on consent and more on ‘contract’ and ‘legitimate interests’ as a lawful basis for processing, subject requests will always be viewed in conjunction with the prevailing lawful bases.

**Privacy Impact Assessment** – a procedure by which each new system / activity undergoes a risk assessment to identify any potential risks to personal data, along with action planning of activities to mitigate risks.

## **Responsibilities and duties**

### **The Board of Trustees/Governors**

It is the responsibility of the Board of Trustees/Governors and the Chief Executive to:

1. Ensure that Groundwork has a nominated Data Protection Lead.
2. Ensure that appropriate systems and procedures exist in order to comply with Data Protection legislation.
3. Ensure that the college provides all employees, volunteers, learners and other relevant users with information about the Data Protection Policy and Procedures

### **Data Protection Lead**

It is the responsibility of the Data Protection Lead to:

1. Monitor data protection compliance against privacy rights, data protection law (including General Data Protection Regulations) and internal data protection policies, ensuring that compliance checking activities are undertaken regularly.
2. Report to the Quality and Compliance Committee quarterly regarding the organisation’s compliance with Data Protection Policy and Procedures.
3. Chair quarterly GDPR working group meetings with representatives from all aspects of the organisation.
4. Arrange and monitor training and awareness-raising.
5. Provide support and information to the organisation and those processing its data, regarding their legal obligations.
6. Provide advice and actively support the process of Privacy Impact Assessments, ensuring privacy by design is embedded into all Groundwork developments.
7. Monitor and provide guidance as necessary in relation to data security breaches.
8. Liaise with data subjects and provide timely responses to requests.
9. Maintain appropriate records to enable the organisation to be able to demonstrate compliance with the law.

### **Learners**

It is the responsibility of all learners and participants to:

1. Ensure that all personal data provided to Groundwork is accurate and up to date.
2. Ensure that changes to personal data e.g. address or name, are notified to the appropriate person (e.g. teacher, coach, activity leader).

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## **Employees (including volunteers)**

It is the responsibility of all employees and volunteers to:

1. Check that any information that they provide to Groundwork in connection with their employment is accurate and up to date.
2. Inform Groundwork of any changes to information which they have provided, e.g. changes of address. Groundwork cannot be held responsible for any errors in staff members' personal information resulting from the failure of members of staff to do this.
3. Ensure that any personal data they hold about learners or participants complies with the Data Protection Principles and that the systems in which personal data is stored (relevant filing system) is notified to the Data Protection Lead for inclusion in the Information Asset Register. In particular, staff must ensure that such data is accurate, up-to-date, fair, securely stored and not excessive in relation to its purpose.
4. Ensure that 'sensitive data' (i.e. that relating to the student's physical or mental health, sexual life, political or religious views, trade union membership, or ethnicity or race) is only held with the approval of the Data Protection Lead and Chief Executive. Such processing must be in line with the lawful basis for processing. The exception to this is when the employee is satisfied that the processing of such data is necessary because it is in the vital interests of the data subject.
5. Keep personal data confidential – it must not be accessed by or disclosed to any learner, participant or other employee who does not have authorisation to access the information. Employees should note that unauthorised access or disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases. Unauthorised access or disclosure by a staff member knowingly in breach of this policy could result in prosecution of the individual concerned.
6. Check, prior to recording personal data, that the data to be recorded is fair, necessary, accurate, securely storable, and not 'sensitive'.

## **Data Protection Procedures**

These include procedures relating to:-

Consent statement use

Privacy Impact Assessments

Notification and amendments to the Information Asset Register

## **Authorisation**

This Data Protection Policy has been adopted by the Board of Trustees/Governors as follows:

Signed:

Name:

Role:

Signed:

Name:

Role:

Date:

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# Privacy Notice

Groundwork South and North Tyneside and TEN North East are registered data controllers/processors with the Information Commissioners Office.

Groundwork South and North Tyneside (including Windmill) ZA121969

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We collect and process personal data for the following purposes;

1. Financial Transactions
2. Human Resource and Employment functions
3. Governance compliance
4. Programme registration, delivery and evaluation
5. Health & Safety
6. Security – including CCTV
7. Online sales
8. Membership
9. Contractual agreement

## Employees

We have a contractual reason to collect and process Employee data which includes;

- Bank details for payroll & expenses. Bank details are held for the duration of employment and are shared with our Payroll provider Charlton and Co. Accountants, HMRC for tax and benefits purposes and Aegon and NEST (pension providers).
- Contract & Salary information
- Appraisals & 121s
- Recruitment/ application forms.
- Vehicle/ driving information
- DBS records
- Right to Work checks
- Sickness records and fit notes

We will communicate with employees via email, phone and letter where we have a contractual reason or legitimate interest to do so.

Our General Data Protection Policy is provided to all employees and is available in electronic format on G Drive.

## Volunteers

We have a contractual reason to collect and process Volunteer data which includes;

- Bank details for expenses, this will be shared with our payroll provider, Charlton and Co. Accountants, to process payments.
- Volunteer agreement
- Appraisals & 121s
- Recruitment/ application forms
- Vehicle/ driving information

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- DBS checks, the application is shared with Helping Hands Agency who process the checks.
- Right to Work checks

We will communicate with volunteers via email/ letter/ phone (as preferred) about upcoming training, events and company news where we have a legitimate interest to do so.

We will distribute marketing information via email where volunteers have opted in to receive it. In this instance email addresses will be shared with mailchimp, the privacy notice is available at:

<https://mailchimp.com/legal/privacy/>

Our General Data Protection Policy is provided to all volunteers on induction.

## **Participants and Learners**

We have a contractual reason to collect and process Participants and Learners data which includes;

- Contact details to keep in touch about activities, events and programme information
- Educational history to inform learning plans and individual targets
- Health data to inform activity plans and individual targets
- Bank details to reimburse expenses as appropriate
- Emergency contact details

We will communicate with volunteers via email/ letter/ phone (as preferred) about upcoming training, events and company news where we have a legitimate interest to do so.

We will distribute marketing information via email where participants have opted in to receive it. In this instance email addresses will be shared with mailchimp, the privacy notice is available at:

<https://mailchimp.com/legal/privacy/>

Our General Data Protection Policy is provided to all Participants and Learners at the start of their relevant course/programme/activity.

## **Principles**

Groundwork ensures that personal data is:-

7. Processed lawfully, fairly and in a transparent manner in relation to individuals.
8. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
9. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
10. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
11. 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
12. 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.

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The information we hold will not be stored for any longer than necessary to fulfil our contractual obligations (usually seven years maximum). We will not use images more than three years old for new marketing, advertising, website updates and social media.

Any requests regarding information we hold on you can be sent to our Data Protection Lead:

The Eco Centre, Windmill Way, Hebburn. NE31 1SR [natalie.currer@groundwork.org.uk](mailto:natalie.currer@groundwork.org.uk)

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