

<b>Policy Name:</b>	Data Protection
<b>Date Created:</b>	This will be 27 <sup>th</sup> September 2024
<b>Next Review Date:</b>	26 <sup>th</sup> September 2025
<b>Trustee Champion:</b>	

<b>Who is covered by the policy:</b>	Staff, Volunteers, Trustees, Service Users, Subcontractors/service providers
<b>What is covered in the policy:</b>	A Data Protection Policy is a statement that sets out how the Southeast and East Asian Women's Association protects personal data.
<b>The policy: (what we do, when &amp; where)</b>	<p>The Southeast and East Asian Women's Association takes its responsibilities with regard to the management of the requirements of the General Data Protection Regulation (GDPR) very seriously. This policy sets out how we manage our responsibilities.</p> <p>The Southeast and East Asian Women's Association obtains, uses, stores and otherwise processes personal data relating to potential staff, volunteers and service users, collectively referred to in this policy as data subjects.</p> <p>When processing personal data, the Southeast and East Asian Women's Association is obliged to fulfil individuals' reasonable expectations of privacy by complying with GDPR and other relevant data protection legislation (data protection law).</p> <p>This policy therefore seeks to ensure that we:</p> <ol style="list-style-type: none"> <li>1. are clear about how personal data must be processed and the Southeast and East Asian Women's Association's expectations for all those who process personal data on its behalf;</li> <li>2. comply with the data protection law and with good practice;</li> <li>3. protect the Southeast and East Asian Women's Association's reputation by ensuring the personal data entrusted to us is processed in accordance with data subjects' rights</li> </ol>

4. protect Southeast and East Asian Women's Association from risks of personal data breaches and other breaches of data protection law.

All Southeast and East Asian Women's Association staff and volunteers are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

**Data protection principles**

Southeast and East Asian Women's Association complies with the data protection principles set out below. When processing personal data, it ensures that:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')
- it is collected for specified, explicit and legitimate purposes ('purpose limitation')
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate are erased or rectified without delay ('accuracy')
- it is 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 ('storage limitation')
- it is 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 ('integrity and confidentiality')

Southeast and East Asian Women's Association will facilitate any request from a data subject who wishes to exercise their rights under data protection law as appropriate, always communicating in a concise, transparent, intelligible and easily accessible form and without undue delay.

<p><b>Relevant Legislation and/or Key Definitions:</b></p>	<p>'Personal data' is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. A subset of personal data is known as 'special category personal data'. This special category data is information that relates to:</p> <ul style="list-style-type: none"> <li>● race or ethnic origin;</li> <li>● political opinions;</li> <li>● religious or philosophical beliefs;</li> <li>● trade union membership;</li> <li>● physical or mental health;</li> <li>● an individual's sex life or sexual orientation;</li> <li>● genetic or biometric data for the purpose of uniquely identifying a natural person.</li> </ul> <p><u>Legislation</u> General Data Protection Regulations Privacy and Electronic Communications Regulations (PECR)</p>
<p><b>Other relevant Southeast and East Asian Women's Association Policies:</b></p>	<p>Privacy Notice Data retention policy and procedure Confidentiality policy Safeguarding policy Information security Risk management policy</p>

<p><b>Process/procedures/guidance</b></p> <p>Southeast and East Asian Women's Association will:</p> <ul style="list-style-type: none"> <li>● ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the law</li> <li>● not do anything with data that you would not expect given the content of the Data Protection policy and the fair processing or privacy notice</li> <li>● ensure that appropriate privacy notices are in place advising staff and others how and why their data is being processed, and, in particular, advising data subjects of their rights</li> <li>● only collect and process the personal data that it needs for purposes it has identified in advance</li> <li>● ensure that, as far as possible, the personal data it holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible</li> <li>● only hold onto your personal data for as long as it is needed, after which time Southeast and East Asian Women's Association will securely erase or delete the personal data – Southeast and East Asian Women's Association's data retention policy sets out the appropriate period of time</li> </ul>
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- ensure that appropriate security measures are in place to ensure that personal data can only be accessed by those who need to access it and that it is held and transferred securely
- Southeast and East Asian Women's Association will ensure that all staff and volunteers who handle personal data on its behalf are aware of their responsibilities under this policy and other relevant data protection and information security policies, and that they are adequately trained and supervised.

Breaching this policy may result in disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal data in breach of Southeast and East Asian Women's Association's data protection policies may also be a criminal offence.

### **Data Subject Rights**

Southeast and East Asian Women's Association has processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under data protection law. All staff and volunteers have received training and are aware of the rights of data subjects. Staff and volunteers can identify such a request and know who to send it to.

All requests will be considered without undue delay and within one month of receipt as far as possible.

Subject access: the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office (ICO)
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

Rectification: the right to allow a data subject to rectify inaccurate personal data concerning them.

Erasure: the right to have data erased and to have confirmation of erasure, but only where:

- the data is no longer necessary in relation to the purpose for which it was collected, or
- where consent is withdrawn, or
- where there is no legal basis for the processing, or
- there is a legal obligation to delete data

Restriction of processing: the right to ask for certain processing to be restricted in the following circumstances:

- if the accuracy of the personal data is being contested, or
- if our processing is unlawful but the data subject does not want it erased, or
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or

- if the data subject has objected to the processing, pending verification of that objection

Data portability: the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if Southeast and East Asian Women's Association was processing the data using consent or on the basis of a contract.

Object to processing: the right to object to the processing of personal data relying on the legitimate interests processing condition unless Southeast and East Asian Women's Association can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

Privacy Notice: Southeast and East Asian Women's Association will have a Privacy Policy and appropriate Privacy Notices which it will make available to everyone on whom it holds and processes personal data. In the case of data obtained directly from the data subject, the Privacy Notice will be provided at the time the data are obtained. In the case that the data are not obtained directly from the data subject, the Privacy Notice will be provided within a reasonable period of the Charity having obtained the data (within one month), or, if the data are used to communicate with the data subject, at the latest, when the first communication takes place; or if disclosure to another recipient is envisaged, at the latest, before the data are disclosed.

#### **Data Breaches**

Any and all breaches of the DPA, including a breach of any of the data protection principles shall be reported as soon as it is discovered, to the and Chair of Trustees.

Once notified, the Chair shall assess:

- the extent of the breach;
- the risks to the data subjects as a consequence of the breach;
- any security measures in place that will protect the information;
- any measures that can be taken immediately to mitigate the risk to the individuals.

Unless the Chair 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 the Charity, unless a delay can be justified.

The Information Commissioner shall be told:

- details of the breach, including the volume of data at risk, and the number and categories of data subjects;
- the contact point for any enquiries;
- the 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 then the Chair shall notify data subjects of 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.

Data subjects shall be told:

- the nature of the breach;
- who to contact with any questions; and
- measures taken to mitigate any risks.

The Chair 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.

#### **Record of breaches**

Southeast and East Asian Women's Association records all personal data breaches regardless of whether they are notifiable or not as part of its general accountability requirement under the Data Protection Act 2018. It records the facts relating to the breach, its effects and the remedial action taken.

#### Responsibility for the processing of personal data

The Trustees of Southeast and East Asian Women's Association take ultimate responsibility for data protection.

If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the data protection lead in the following ways:

Name Sarah reid

Address Southeast and East Asian Women's Association

Email sarahreid@seeawa.org.uk