

DATA PROTECTION POLICY

INTRODUCTION

This document sets out our policy on the treatment of personal data.

From 25 May 2018 the collection, storage and use of “personal data” will be governed by the General Data Protection Regulations (“the GDPR”). These are very important regulations concerning how information about individuals may be collected, used, stored and transferred. The GDPR also deals with the rights of individuals in relation to personal data.

The National Garden Scheme is registered with the Information Commissioner’s Office, the body responsible for oversight of the regulations, as a data controller. Its registration number is Z4913458. Joanne McGowan is the National Garden Scheme’s nominated data protection representative. If you have any questions relating to this policy, please raise them in the first instance with Joanne McGowan.

WHAT IS PERSONAL DATA?

Personal data is information about living individuals who can be identified. This will include, but is not limited to, a person’s name, address, contact details, date of birth, occupation. It would also include medical and other social information about that individual.

There is a special category of sensitive information, which has to be treated in a particular manner. This is defined by the Regulations as information about race or ethnic origins, political opinions, religion, trade union membership, health, sexual matters and past or present criminal allegations or proceedings.

The following list provides examples of the sort of personal data concerning you, our staff, volunteers, garden owners, suppliers, supporters, stakeholders and garden visitors, which we may record and hold in our files and records. It is produced as a guide only and is not an exhaustive list:-

- Names, addresses, date of birth and contact telephone numbers of staff, volunteers, garden owners, their relatives, and other relevant parties
- Staff records, education and training records, employment, family, financial and health details
- Employment references for head office staff
- Mailing lists and marketing database of our staff, volunteers, garden owners, suppliers, supporters, stakeholders and garden visitors.
- Accounts and records containing personal details of our staff, volunteers, garden owners, suppliers, supporters, stakeholders and garden visitors.

PROCESSING PERSONAL DATA

The GDPR apply to all “processing” of personal data. Processing is given a wide definition. It includes collecting and recording information, storing information, retrieving it or transmitting it to others and destroying it.

Data processing applies to electronic collection and recording of information as well as to the collection of information in a hard copy. The scope of the GDPR are not without limit though. Their purpose is to ensure that personal data is held and used with due accuracy, confidentiality and propriety. That does not necessarily include every incidental reference to an individual. If you have any doubts on whether information amounts to “personal data” you should seek guidance from Joanne McGowan.

THE SIX MAIN DATA PROTECTION RESPONSIBILITIES.

The GDPR set out six main responsibilities. Data should be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) 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;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is 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; and
- f) 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.”

WHAT DOES THIS ALL MEAN IN PRACTICE?

Not only do we have to be aware of the kind of personal data that we are processing but we must also have in mind that we have a lawful basis upon which to process any personal data. There are six lawful bases on which to process data, no one form being more important than another, three of which (c,d and e) are very unlikely to ever apply to us. However, whereas in the past it was common to rely upon "consent" as a basis for processing data, it is likely that in future we shall rely upon the grounds of contract or legitimate interest.

(a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for the purposes of a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for our 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.

If you feel you will be using an individual's data in a manner which is not covered by our guidelines then you must get in touch with Joanne McGowan first. This is particularly important in the context of using any sensitive data (see paragraph headed "What is Personal Data?"). It is essential that you follow our Guidelines for Data Protection and GDPR when dealing with individual's personal data at any time. These can be found in our online resource centre or by request to Joanne McGowan.

DATA SUBJECT ACCESS REQUESTS (DSARs)

All individuals who are the subject of personal data under the Act are entitled to:

- Ask what information is held about them and why
- Ask how to gain access to it
- Ask who we might pass this on to
- Be informed on how to keep it up to date

If we receive a Data Subject Access Request then it must be notified **IMMEDIATELY** to Joanne McGowan.

EMPLOYEE and VOLUNTEER RESPONSIBILITIES

We take our duties and responsibilities under the Act very seriously. It is the duty of every manager and all support staff and volunteers who handle personal data to be aware of what they need to do to comply with the GDPR. All employees are required to attend all training sessions in respect of the care and handling of personal data.

All employees and volunteers are responsible for:

- Checking that the personal data that is entered onto our computer database, marketing database or mailing list, and any other records, is accurate and kept up to date;
- Checking that any changes to information (such as changes of address or change of name) are promptly updated on our computer systems and any other relevant database or filing system.

ADDITIONAL DUTIES FOR MARKETING

All undertaking marketing activities must be aware of all our obligations under the Act as well as under the Privacy and Electronic Communications (EC Directive) Regulations 2003.

We endorse the Information Commissioner's "Guidance for marketers on the Privacy and Electronic Communications Directive (EC Directive) Regulations 2003"¹.

Training and guidance will be provided to all staff who are engaged in marketing activities.

RESPONSIBILITIES FOR DATA PROTECTION WITHIN THE NATIONAL GARDEN SCHEME

Responsibility for overall data protection policy and compliance within The National Garden Scheme is with Joanne McGowan. However, she is not solely responsible for the application of the provisions of the GDPR across the organisation. It is everyone's responsibility to understand the requirements of and implement the provisions of the GDPR.

¹ Here is a weblink to this publication <https://ico.org.uk/for-organisations/guide-to-pecr/>. It is relevant to you if you send electronic marketing messages (by phone, fax, email or text

Your Personal Data

In the process of working with you, we will inevitably hold Personal Data about you. In broad terms, Personal Data about you might concern:

- your identity, characteristics or behaviour.
- Any recorded information likely to have an impact on your rights and interests.
- Any recorded information used to determine or influence the way in which you are treated or evaluated.
- Any recorded expressions of opinion in relation to you.
- Any recorded indication of our intentions or the intentions of anyone else, in relation to you.

The following lists are not supposed to be comprehensive, but are supposed to be a guide to the sorts of Personal Data that we are going to hold. Broadly, there are going to be two types of data:

- Factual or raw data, and
- Data where an opinion, or evaluation or record of an intention is recorded.

The distinction is not important, and sometimes it might be argued that the data which we hold falls into one category of the other.

The sort of factual or raw data which we are going to hold might be your:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Start date.
- Location of employment or workplace.
- Copy of driving licence.
- Previous performance information.
- Compensation history (pay and expenses).
- Employment records or volunteer role (including job titles, work history, working hours, and professional memberships).
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems including
 - calls made to and from the landline and mobile phones registered to you,
 - computer logins,
 - email usage, and
 - your history of access to the internet.

- Photographs.

In addition if you are an employee we will hold.

- Recruitment information (including copies of right to work documentation, and other information included in a CV or cover letter or as part of the application process).
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Current salary, annual leave, pension and benefits information.
- Copies of your passport or other identity documents such as your driving licence

The sorts of locations in which Personal Data where opinions, intentions or evaluations might be contained are:

- References.
- Interview records.
- Training records.
- Minutes of any meetings at which your performance or conduct (good, bad or otherwise) was referred to.
- Correspondence (both internal and external) in which your performance or conduct (good, bad or otherwise) was referred to.
- Personal Development interviews.
- Disciplinary and grievance information, including material put together for any disciplinary and grievance meetings.
- Redundancy/exit processes.

We may also collect, store and use the following special categories of more “sensitive” personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions and offences.

We may process the information we hold about you on the basis that you have expressly consented to such processing, but we may also process the information because, it is necessary for us to do so having regard to the various legal obligations which we shall have towards you, or because we have other legal obligations towards other third parties.

If you have any concerns or questions about data held concerning you then please refer these to Joanne McGowan in the first instance, or Georgina Waters or George Plumptre thereafter.