

# Friends of Sheen Common - Data Protection Policy

## Introduction

The Friends of Sheen Common (FOSC) is a small not-for-profit voluntary organisation. FOSC has undertaken the Information Commissioners Registration Self- assessment (<https://ico.org.uk/for-organisations/register/self-assessment/>), and has determined that FOSC is exempt from the requirement to register (as defined in the Data Protection Act 1998).

FOSC collects and uses information from members and potential members in the course of its work and the delivery of the service it provides. The purpose of this policy is to outline how FOSC processes such information subject to its obligations under the General Data Protection Regulations and other relevant legislation.

## General Data Protection Regulation

The **General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679) is a regulation by which the European Government Authorities, intend to strengthen and unify data protection for all individuals within the European Union (EU). The GDPR will apply in the UK from 25 May 2018. The government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

The GDPR aims primarily to give control back to citizens and residents over their personal data and to simplify the regulatory environment by unifying the regulation within the EU. It was adopted on 27 April 2016. It becomes enforceable from 25 May 2018, after a two-year transition period.

## GDPR - Principles Applying To The Collection Of Personal Data

Article 5 of the GDPR requires that personal data shall 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 are inaccurate, having regard to the purposes for which they are processed, are 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 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;

- (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.

Article 5(2) requires that “the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

### **How We Use Personal Data**

All personal data is treated strictly in accordance with the terms of the General Data Protection Regulation. This means that, as outlined below, confidentiality will be maintained and appropriate security measures are taken to prevent unauthorised disclosure.

Under GDPR FOSC is defined as the data controller and the committee are therefore responsible for implementing this policy and the procedures it sets out.

### **GDPR – Lawful Basis for Processing Data**

The FOSC have undertaken a ‘Legitimate interests Assessment’, the results of which are recorded as Appendix A of this document. The FOSC therefore declare that they process membership data on the basis of ‘legitimate interests’.

### **GDPR – Data Privacy Statement**

In accordance with the requirements of the GDPR, the FOSC have issued a ‘Data Privacy Statement’, which is attached to this document as Appendix B. The Data Privacy Statement will be used on FOSC forms where data is collected from members or potential members.

### **Policy Review**

This policy will be reviewed at least annually by the FOSC management committee to reflect best practice in response to changes in relevant legislation or an identified failing in its effectiveness.

## Appendix A

### FOSC – GDPR Legitimate Interests Assessment

The GDPR recognises that there are legitimate reasons for processing personal data that the other conditions for processing do not specifically deal with. The “legitimate interests” condition is intended to permit such processing, provided that certain requirements are met.

The first requirement is that FOSC must need to process the information for the purposes of their legitimate interests.

The second requirement, once the first has been established, is that these interests must be balanced against the interests of the individual(s) concerned. The “legitimate interests” condition will not be met if the processing is unwarranted because of its prejudicial effect on the rights and freedoms, or legitimate interests, of the individual. The legitimate interests of FOSC do not need to be in harmony with those of the individual for the condition to be met. However, where there is a serious mismatch between competing interests, the individual’s legitimate interests will take priority.

The final requirement is that the processing of information under the “legitimate interests” condition must be fair and lawful and must comply with all the data protection principles.

As FOSC does rely on legitimate interests, the specified ‘three-part test’ has been undertaken to confirm that it does apply. This is known as a legitimate interests’ assessment (LIA). An LIA is a type of light-touch risk assessment based on the specific context and circumstances, which helps FOSC to ensure that their processing of members’ data is lawful.

The Legitimate Interests Assessment undertaken by FOSC has been recorded below to demonstrate compliance in line with the accountability obligations under Articles 5(2) and 24 of the General Data Protection Regulations.

### Legitimate Interests Assessment

#### First test; identify the legitimate interest(s).

#### Why do you want to process the data – what are you trying to achieve:

*Ensure members are aware of meetings and other events which, as members, they are entitled to attend. Provide members with the material and information which is integral to their membership as identified in our constitution, on our website and in other material.*

#### Who benefits from the processing? In what way?

*The FOSC, to ensure effective communication with its members. The members to ensure they get the benefits of membership.*

#### Are there any wider public benefits to the processing?

*No.*

**How important are those benefits?**

**N/A**

**What would the impact be if you couldn't go ahead?**

*The FOSC could not function as an organisation*

**Would your use of the data be unethical or unlawful in any way?**

*No.*

**Second test; the necessity test.**

**Does this processing actually help to further that interest?**

*Yes*

**Is it a reasonable way to go about it?**

*Yes*

**Is there another less intrusive way to achieve the same result?**

*No.*

**Third test; the balancing test;**

(Consider the impact of your processing and whether this overrides the interest you have identified)

**What is the nature of your relationship with the individual?**

*They are voluntary members*

**Is any of the data particularly sensitive or private?**

*No*

**Would people expect you to use their data in this way?**

*Yes*

**Are you happy to explain it to them?**

*Yes*

**Are some people likely to object or find it intrusive?**

*No*

**What is the possible impact on the individual?**

*None*

**How big an impact might it have on them?**

*None*

**Are you processing children's data?**

*No*

**Are any of the individuals vulnerable in any other way?**

*Not that we are aware of.*

**Can you adopt any safeguards to minimise the impact?**

*Not beyond general data security precautions*

**Can you offer an opt-out?**

*No*

**CHECKLISTS**

- ✓ We have checked that legitimate interests is the most appropriate basis.
- ✓ We understand our responsibility to protect the individual's interests.
- ✓ We have conducted a legitimate interests assessment (LIA) and kept a record of it, to ensure that we can justify our decision.
- ✓ We have identified the relevant legitimate interests
- ✓ We have checked that the processing is necessary and there is no less intrusive way to achieve the same result.
- ✓ We have done a balancing test, and are confident that the individual's interests do not override those legitimate interests.
- ✓ We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.
- ✓ We are not using people's data in ways that they would find intrusive or which could cause them harm, unless we have a very good reason.
- ✓ If we process children's data, we take extra care to make sure we protect their interests.
- ✓ We have considered safeguards to reduce the impact where possible.
- ✓ We have considered whether we can offer an opt out.
- ✓ We keep our LIA under review, and repeat it if circumstances change
- ✓ We include information about our legitimate interests in our privacy notice.

## Appendix B

### FOSC Data Privacy Statement

This statement explains how information about you is used. References to 'you' means the person who is providing information to Friends of Sheen Common for the purposes of becoming a member of the Friends of Sheen Common.

The data we hold on our members is only that which we require to communicate and conduct the business of the Friends of Sheen Common and which you gave to us when you became a member. It extends only to name, address, email address, telephone number and interests on the Common. We will keep that information safely and will not share it with third parties. We will use and process this information only for the following purposes:

- To send you information about the Friends of Sheen Common and its activities
- To comply with legal, regulatory, and corporate governance obligations and good practice

We believe that this falls within 'legitimate interest' as defined by the regulations and that we are not required to obtain a specific 'opt-in'. However, you may change your details or unsubscribe at any time, either by using the link at the bottom of every email or by contacting the Secretary directly. We will then delete your details and you will cease to be a member.

Our Data Protection Policy can be viewed at <https://e-voice.org.uk/fosc/>. If you have any further questions or concerns, please contact [savagerichmond@gmail.com](mailto:savagerichmond@gmail.com). If we cannot satisfy you, you can take matters up with the Information Commissioner.