



GENERAL DATA PROTECTION REGULATION (GDPR) GUIDELINES AND PROCEDURES FOR BAR 'N' BUS

Policy Information		
Version Number	V1	Policy Operational Date: July 2018
Policy Prepared by	CEO (Jamie Sawtell)	
Approved/Adopted by:	Date:	Signed (on behalf of the board):
Board of Trustees		Print:
Policy Review Date:	June 2019	

General Data Protection Regulation (May2018) supersedes the Data Protection Act 1998. ~~The~~ Bar-'n' Bus Trust (Bar-'n'-Bus) has updated its policies and procedures to reflect the new rights of individuals under GDPR, namely:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

Bar 'n' Bus keeps information on its staff, members and users, in order to meet our legal obligations and keep individuals safe when they are participating in our activities. Our reasons for keeping this information are covered by the lawful bases allowed in GDPR, namely:

(a) **Consent:** The individual has given clear consent for you to process their personal data for a specific purpose.

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

(c) **Legal obligation:** The processing is necessary for you 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 you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) **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. (This cannot apply if you are a public authority processing data to perform your official tasks.)

Audit of data held

Bar 'n' Bus has conducted an audit of the personal and sensitive data that we hold in the organisation. This audit can be found as Annexe A to this policy.

Designated person responsible for GDPR compliance

The Data Protection Officer responsible for GDPR compliance at Bar 'n' Bus is:

Jamie Sawtell, Chief Executive Officer

Procedures

Data Collection

- Bar 'n' Bus explains to people whose personal data we store how we intend to use that data through our **privacy statement which** is clearly accessible on our website and data forms.
- Bar 'n' Bus gains active consent from individuals for holding their personal information by:
 - Requiring the person (or their parent/carer for those under the age of 13) to sign to say they consent at the point at which data is collected
 - We verify that the person giving consent on behalf of a young person under the age of 13 has the right to do so
 - Seeking consent on an annual basis for those on mailing lists – and removing people from data bases if they do not respond.
 - We keep records that demonstrate that individuals have given active consent for us to store and use their personal data
- Our forms and templates include a standard form of wording to ensure that individuals understand what the purpose of the collection of the data is and what will happen to that data. Importantly, our forms ensure that all individuals give their explicit consent when they supply information regarding medical conditions or are consenting to the use of their data for commercial purposes. Good evidence of explicit consent is a box ticked on a form.
- For people under the age of 13 we ensure that the child's parent or carer give their consent by completing a paper form. We have a similar process for the carers of vulnerable adults who cannot give an agreement themselves
- We will also store limited information about young people without consent in order to uphold good, safe-working practice – e.g. Name, Address, Emergency Contact Number. This is particularly necessary when a young person 'drops in' to a session for the first time or when parents are non-responsive to contact.
- Our privacy statement is written in terms which can be easily understood by our members/users and their families/carers
- Our staff and volunteers have been **trained** in using the personal data we collect only for the purposes that we state we use it for
- We store personal information securely, on password protected devices and/or in locked cabinets in secure premises. Only approved individuals have access to this data
- If someone withdraws consent for us to store and use their personal data, we immediately remove their data from our management information systems and shred any paper documents we hold concerning their personal information.
- We review our data collection and storage systems every 2 years, to ensure that they remain fit for purpose

How we handle personal and sensitive data

Bar 'n' Bus ensures that any confidential information is handled sensitively, stored appropriately and destroyed when no longer used.

1. We ensure that sensitive information, whether on computer file or paper copies, is kept securely with access strictly controlled and limited to persons who need to have access to this information in the course of their work.
2. Sensitive data which could be a risk to individuals if in the public domain (e.g. health records, employment history) is held on fully secured devices, encrypted with a password.
3. Confidential information will only be used for the specific purpose for which it was requested and with the person's full consent (although see below for information relating to safeguarding the welfare of children, young people or vulnerable adults).
4. Once the information is no longer needed, confidential information will be destroyed by secure means (e.g. shredding, pulping or burning).

Information relating to the welfare of children, young people or vulnerable adults

Bar 'n' Bus works with children, young people or vulnerable adults with respect to their welfare, and we inform people that:

- Information will only be forwarded on 'a need to know' basis in order to safeguard the child/young person/vulnerable adult
- Giving such information to others for the protection of the child/young person/vulnerable adult is not a breach of confidentiality if it follows the agreed processes of local safeguarding authorities
- We cannot guarantee total confidentiality where the best interests of the child/young person/vulnerable adult are at risk
- Primary carers, children, young people and vulnerable adults have a right to know if a report is being made to the Health Services or police, unless informing them could put the child/young person/vulnerable adult at further risk. If a decision is taken not to inform primary carers of such a report, reasons for that decision will be recorded
- Images of a child/young person under the age of 18/vulnerable adult/ will not be used for any reason without the consent of their parent/carer
- Images of members over 18 will not be used without their consent. We cannot, however, guarantee that cameras/videos will not be used at public events

Procedures are in place for recording and storing data in line with our privacy statement.

Information on employees and volunteers

Bar 'n' Bus holds information on its employees as required by government departments. We also hold data about our volunteers to enable us to respond to their needs and meet the requirements of our funders (where appropriate). We hold information on employees and volunteers for the duration of their employment/volunteering with us, and for 6 years after they have left our organisation.

Employees and volunteers can ask to see any information that we hold about them. Bar 'n' Bus will respond to such requests in a timely manner, within 30 days of receiving the request.

Dealing with a Data Protection Request

- Under GDPR, anyone can ask if an organisation holds personal information about them, through a Subject Access Request (SAR) – Annexe D. Bar 'n' Bus will respond to their request within 30 days. This includes written records as well as data held on computer systems.
- The person has the right to know:
 - What information is being used
 - Why it's being used
 - Where it came from
 - Who can see the information
- Bar 'n' Bus will send them a hard copy, if possible, such as a letter or print out, unless both parties agree otherwise
- Bar 'n' Bus will make sure the recipient can understand the information, i.e. explain what any codes mean
- Bar 'n' Bus follows the advice of the Information Commissioner on what type of personal data must be disclosed if an organisation receives a subject access request. The key steps that must be followed when deciding whether to disclose personal data are that data should be disclosed if:
 - (i) A living individual can be identified from the data.
 - (ii) The data relates to the identifiable living individual, whether in personal or family life, business or profession.
 - (iii) That data is obviously about a particular individual.
 - (iv) The data linked to the individual provides particular information about that individual.
 - (v) The data is used to inform or influence actions or decisions affecting an identifiable individual.
 - (vi) The data had biographical significance in relation to the individual.
 - (vii) The data focuses or concentrates on the individual as its central theme rather than some other person.
 - (viii) The data impacts or has the potential to impact on an individual whether in a person, family, business or professional capacity.
- Particular care will be taken when disclosing information if a third party can be identified from the data. Special provisions apply in such circumstances.
- A full procedure flowchart can be found in Annexe C.

Transferring information to third parties:

- Bar 'n' Bus only shares information on our members and users with third parties when a suitable contract is in place with any 'data processors' processing personal data on the organisation. This includes funders and sport governing bodies. All requests to provide data for one of these reasons must be supported by completion of a Data Confidentiality Agreement (Annexe B) and all such disclosures must be specifically authorised by the Data Protection Officer.
- Bar 'n' Bus does not transfer data to third parties unless we have authorisation (usually that the individual has given consent, or the recipient is an authorised 'data processor')
- Bar 'n' Bus does not put personal data on the Internet without the individual's consent.

Significant data breach

In the event of a significant data breach, such as lost or misplaced personal files, computers or memory sticks holding such information Bar 'n' Bus will inform the relevant authorities and the individuals involved within 72 hours. Authorities will be given full details of the breach and actions to be taken to mitigate the impact.

ANNEXE A: Audit of data held by Bar 'n' Bus

Data type (eg Name & contact details)	For whom this data is held (eg members, users, employees, volunteers, donors)	How the data is held (eg computer database, logbook, register)	Reason for holding this data (eg safety on activities, communication with members)	Length of time this information is kept
Name, address, email, salary details, employment history, bank details, DBS	Employees	Computer Files, Paper Copies	Contractual Obligation for administration of employment, safeguarding	Duration of employment and 6 years after
Name, address, email, phone number, role, DBS	Volunteer Staff	Computer Files, Paper Copies	Contractual Obligation for administration, safeguarding	Duration of involvement and 6 years after
Name, address, email, bank account details	Donors	Computer Files, Paper Copies	Consent obtained for administration	6 tax years after last donation
Name, address, email	Newsletter Subscriber	Computer Files and Online Platform	Consent obtained for administration	Whilst subject is 'subscribed'
Name, address, email, medical history	Youth Work Attendees	Computer Files, Paper Copies	Safety, safeguarding, communication	Reviewed each year
Name, Counselling notes	Youth Counselling Client	Case Files	Safeguarding & Information	Reviewed each year

Date of last policy review and data audit

Date of next policy review data audit

ANNEXE B: Data Confidentiality Agreement



Date:

Parties:

The Bar n Bus Trust, a registered charity under number 1055210 and a company registered in England & Wales under company number 2961054

of Hadleigh Farm Estate, Castle Lane, Hadleigh, Essex, SS7 2AP

And

Name:	
Address:	
Details:	

1. Each of the parties to this Agreement intends to disclose information (the Confidential Information) to the other party for the purpose of

(the Purpose).

2. Each party to this Agreement is referred to as 'the Recipient' when it receives or uses the Confidential Information disclosed by the other party.
3. The Recipient undertakes not to use the Confidential Information disclosed by the other party for any purpose except the Purpose, without first obtaining the written agreement of the other party.
4. The Recipient undertakes to keep the Confidential Information disclosed by the other party secure and not to disclose it to any third party except to its employees who need to know the same for the Purpose, who know they owe a duty of confidence to the other party and who are bound by obligations equivalent to those in clause 3 above and this clause 4.
5. The undertakings in clauses 3 and 4 above apply to all of the information disclosed by each of the parties to the other, regardless of the way or form in which it is disclosed or recorded but they do not apply to: a) any information which is or in future comes into the public domain (unless as a result of the breach of this Agreement); or b) any information which is already known to the Recipient and which was not subject to any obligation of confidence before it was disclosed to the Recipient by the other party.



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6. Nothing in this Agreement will prevent the Recipient from making any disclosure of the Confidential Information required by law or by any competent authority.
 7. The Recipient will, on request from the other party, return all copies and records of the Confidential Information disclosed by the other party to the Recipient and will not retain any copies or records of the Confidential Information disclosed by the other party.
 8. Neither this Agreement nor the supply of any information grants the Recipient any licence, interest or right in respect of any intellectual property rights of the other party except the right to copy the Confidential Information disclosed by the other party solely for the Purpose.
 9. The undertakings in clauses 3 and 4 will continue in force indefinitely as long as 'the Purpose' is being undertaken.
 10. This Agreement is governed by, and is to be construed in accordance with, English law. The English Courts will have non-exclusive jurisdiction to deal with any dispute which has arisen or may arise out of, or in connection with, this Agreement.

Signed by duly authorised representative of Bar 'n' Bus

Signature

Name

Position

Date

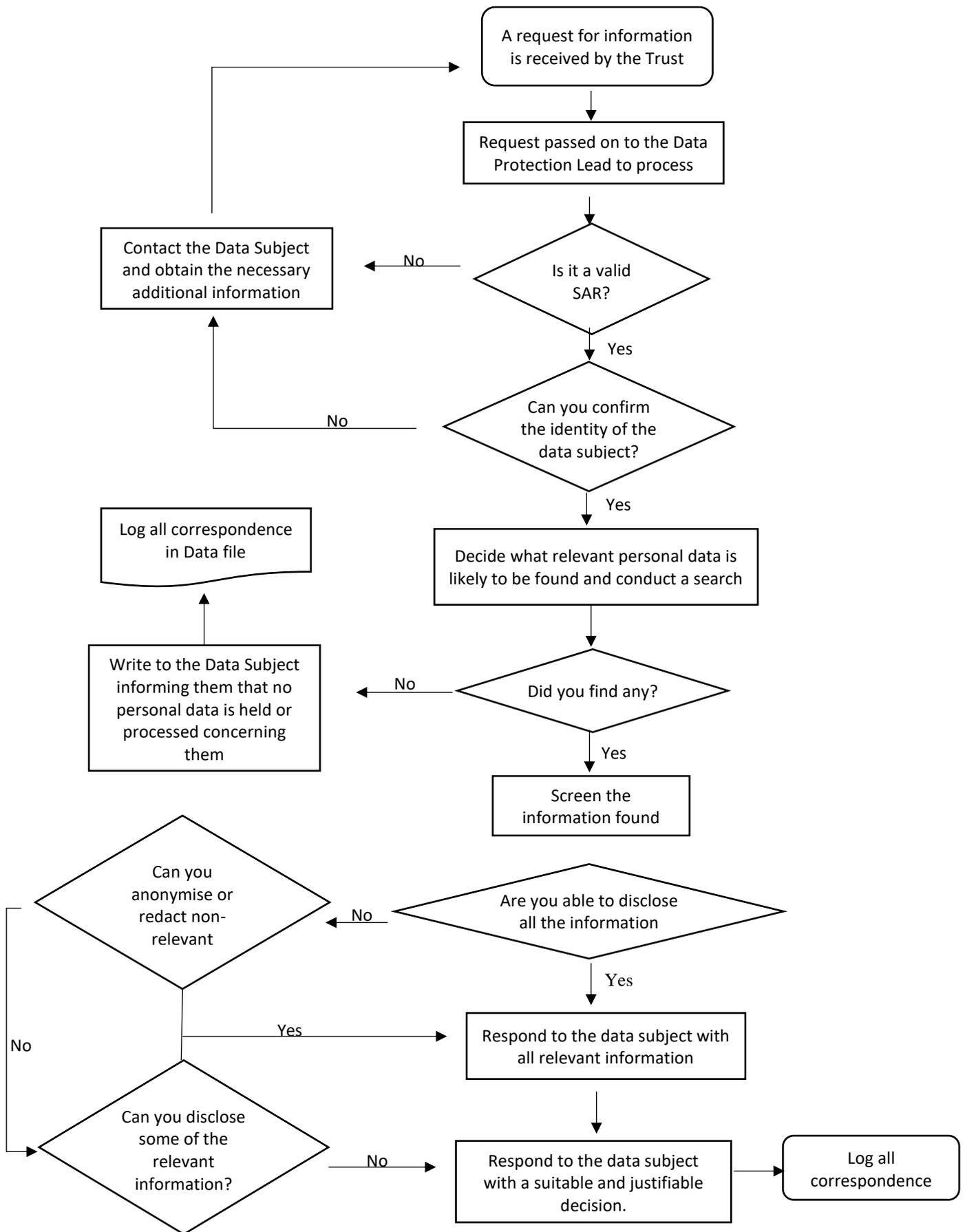
Signed by duly authorised representative of _____

Signature

Name

Position

ANNEXE C: Subject Access Request Procedure



Annexe D: Subject Access Request Form

SUBJECT ACCESS REQUEST FORM



You should complete this form if you want us to supply you with a copy of any personal data we hold about you. You are currently entitled to receive this information under the Data Protection Act 1998 (DPA) and will continue to be under the EU General Data Protection Regulation (GDPR), which came into effect on 25 May 2018. We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

We will endeavour to respond promptly and in any event within one month of the latest of the following:

- Our receipt of your written request;
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request.

SECTION 1: Details of the person requesting information

Full Name:	
Address:	
Telephone Number:	
Email Address:	

SECTION 2: Are you the data subject?

Please tick the appropriate box and read the instructions which follow it.

YES: I am the data subject. I enclose proof of my identity (see below). **(please go to section 4)**

NO: I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see below). **(please go to section 3)**

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

1. Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
2. Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

SECTION 3 Details of the data subject (if different from section 1)

Full Name:	
Address:	
Telephone Number:	
Email Address:	

SECTION 4: What information are you seeking?

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require.

Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with section 8(2) of the DPA, not to provide you with copies of information requested if to do so would take “disproportionate effort”, or in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

SECTION 5: Information about the collection and processing of data

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data
- To whom your personal data are disclosed
- The source of your personal data

SECTION 6: Declaration

Please note that any attempt to mislead may result in prosecution.

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application is true. I understand that it is necessary for Bar 'n' Bus Trust to confirm my / the data subject's identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Print: _____

Signed _____

Date _____

This form should be marked as 'Private and Confidential' and posted to:

The Data Protection Lead, Bar 'n' Bus Trust, Hadleigh farm Estate, Castle Lane, Hadleigh, Essex, SS7 2AP