

## DATA PROTECTION POLICY

### Introduction

Medway Foodbank (Help in the Community - HITC) is registered with the Information Commissioner as a controller (Reg. no: ZA195970) and is governed by the Data Protection Act 2018, UK GDPR - the retained EU law version of the General Data Protection Regulation (EU) 2016/679) (EU GDPR), and the Privacy and Electronic Communications Regulations 2003 (PECR).

### Who this policy applies to

Medway Foodbank (HITC) employees and volunteers are required to adhere to this policy which is designed to protect the personal data of Medway Foodbank (HITC) data subjects - our clients, supporters, volunteers, employees and trustees.

The guidance, **Understanding your responsibilities for Data Protection** (see Appendix 1 in the Appendices folder) is provided to help staff and volunteers comply with this policy and relevant data protection legislation.

### Key definitions

Data protection law applies to how we process people's personal information. The key terms that we need to understand are:

**Controller** – Medway Foodbank (HITC) is a controller as it collects and decides how personal information will be used.

**Principles** – These are the rules that we must follow when processing personal information.

**Processing** - This is what we do with personal information. It includes how we collect, record, store, share and use personal information.

**Personal information** – This includes personal data and special category personal data.

**Personal data** - This is information about people held in computer systems, mobile devices including laptops, tablets, telephones, or in manual records such as paper files and notebooks, e.g. name, address, date of birth, bank account details, interests.

It also includes opinions about a person. For example, notes on how you think someone has behaved, performed, or appears.

**Special category personal data** – This is information about a person's health, religion, political opinion, trade union membership, race or ethnic origin, sexuality.

A **data subject** - This is the person whose personal information is being processed, e.g. a client, supporter, employee, volunteer, trustee

A **privacy policy** – This is how we inform people about how their personal information will be used. Medway Foodbank's (HITC) privacy policy is provided on our website.

A **privacy notice** – This is a short notice when we collect personal information from people to inform them how their personal information will be used and to look at our privacy policy for more detail.

**Data processor** – This is an organisation that we use to process personal information on behalf of the Trust e.g. a print and mailing house.

**Information Commissioner’s Office (ICO)** - This is the government body responsible for enforcing data protection law in the UK.

## **Data protection principles**

All staff and volunteers are responsible for complying with the principles of data protection legislation which states that personal information must be:

1. Collected and processed in a fair, lawful and transparent way
2. Used only for the reasons it was collected
3. Relevant and not excessive
4. Kept accurate and up to date, and corrected or deleted if there are mistakes
5. Kept for no longer than it is needed
6. Kept safe to protect it from being lost, stolen or used inappropriately
7. Processed in accordance with people’s rights

In addition, the GDPR provides rules relating to the transfer of personal data to countries outside of the European Economic Area.

See Appendix 1: **Understanding your responsibilities for data protection**

## **Data subjects**

Medway Foodbank’s (HITC) data subjects include supporters, employees, volunteers, trustees and beneficiaries.

## **Data processing purposes**

Medway Foodbank (HITC) needs to process personal information about our different data subjects to:

- Process donations and gift aid claims
- Process legacies and pledges
- Enable supporters to fundraise for us
- Enable supporters to participate in events
- Manage relationships with our supporters
- Provide supporters with information about us and the work that we do
- Manage marketing and communication preferences of our supporters
- Provide support to people who need to use the food bank
- Develop case studies and stories about our beneficiaries to promote and report

on the work that we do

- Recruit and employ members of staff
- Recruit and manage volunteers
- Fulfil our legal and governance obligations as a registered charity and company

## **Legal basis for processing personal information**

Medway Foodbank's (HITC) legal basis for processing personal information is documented in detail in our **Record of Processing Activity** Appendix 2. Personal information is processed with consent where appropriate, to meet our legal obligations as an employer and registered charity, and for our legitimate interests.

Medway Foodbank (Help in the Community) may process some personal information based upon our legitimate interests. This is where the processing is required to fulfil our organisational objectives, is not to the detriment of our data subjects, and will not cause them damage or distress. We undertake legitimate interest assessments to balance the rights and interests of our data subjects with that of Medway Foodbank (HITC) to make a judgement as to whether the legitimate interest condition applies to our processing.

## **Responsibilities of staff and volunteers**

Medway Foodbank's (HITC) Data Protection Lead, who is also Project Manager, is required to:

1. Provide compliance advice to staff
2. Ensure that staff receive appropriate data protection training and guidance
3. Ensure that Medway Foodbank's data protection policies and documents are appropriate and up to date
4. Be the focal point for the administration of any subject access requests
5. Deal with data subject rights in relation to erasure, objection, restriction and rectification that staff feel unable to manage themselves
6. Log and assess all personal data breaches at Medway Foodbank (HITC)
7. Refer data breach assessments to the Board of Trustees for a final decision on whether they should be reported to the ICO
8. Renew and ensure that Medway Foodbank (HITC)'s notification with the ICO is accurate
9. Keep a central register of all organisations that Medway Foodbank (HITC) shares personal information with
10. Advise staff on the interpretation of this policy and guidelines and to monitor compliance with the policy

All staff and volunteers are responsible for:

1. Working in compliance with the data protection principles as set out in this policy and **Understanding your responsibilities for data** – App. 1

2. Ensuring that any personal information that they provide to Medway Foodbank (HITC) in connection with their employment, volunteering or other contraction agreement is accurate
3. Informing Medway Foodbank (HITC) of any changes to any personal information which they have provided, e.g. changes of address
4. Responding to requests to check the accuracy of the personal information held on them and processed by Medway Foodbank (HITC)

### **More data protection guidelines**

1. No volunteer or member of staff at Medway Foodbank will disclose personal client information to a third party unless we need to do so for carrying out our work or where it is a legal requirement to do so (which should be verified, in writing, for each instance by the Chair of the Board of Trustees).
2. New volunteers and staff will sign a **Confidentiality Agreement** App.4 relating to the Data Protection Policy as part of the application process. This will be stored with the application form in the Medway Foodbank Office.
3. No member of Medway Foodbank staff, volunteers or supporters is to share the personal contact information of anyone else in the network without the direct personal consent of the individual concerned.
4. Paper foodbank vouchers will always be handled sensitively and carefully as they contain confidential personal data. They will be stored in lockable cupboards and returned to the Foodbank office in folders/envelopes ensuring that personal data is not visible.
5. No information about Foodbank clients will ever be shared unless it is with Foodbank staff who need to know, or with statutory agencies on a legal basis e.g police, safeguarding agencies.
6. Foodbank staff and volunteers talking to clients should ensure that no unauthorised person can overhear personal information, where possible.

### **Data subject rights**

Medway Foodbank (HITC) respects the rights of its data subject including the right to:

- Be informed – we do this by including appropriate privacy notice information when collecting personal information
- Subject access - the right to view their personal information which we hold
- Object and / or withdraw consent - where the processing of personal data could cause them significant damage or distress.
- Rectification - we must correct any inaccurate or incomplete personal information when asked
- Erasure - deletion or the removal of their personal information where there is no compelling reason for its continued processing

See **Understanding your responsibilities for Data Protection** App. 1 for

information on how to respond to data subject rights.

## **Data security**

It is the responsibility of all staff and volunteers authorised to access personal data processed by Medway Foodbank (HITC) to ensure that data, whether held electronically or manually, is kept securely and not disclosed unlawfully, in accordance with this Policy. Unauthorised disclosure will usually be treated as a disciplinary matter and could be considered as constituting gross misconduct in some cases.

## **Special category data and criminal offences data – from ICO**

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/special-category-data/>

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/criminal-offence-data/>

## **Policy awareness**

Data protection awareness will be included as part of induction. Changes to policy on data protection policy or guidance will be circulated to all staff and volunteers. All staff and volunteers are expected to be familiar with and comply with the policy at all times.

## **Redress**

Anyone who considers that this policy has not been followed in respect of personal data about themselves should raise the matter with the Data Protection Lead.

## **Status of this policy**

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Medway Foodbank (HITC).

Compliance is the responsibility of all staff and volunteers. Any breach of this policy may lead to disciplinary action being taken, or even a criminal prosecution.

Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Protection Lead.

**N.B. Appendices are in separate folder.**

Other relevant documents:

Privacy Policy

Privacy notices

Signed:

Date: March 2024

Name: Linda Fiddymment

Position: Chairperson of the Board of Trustees of Medway Foodbank (HITC)

Review date: March 2025