



**EAGLE'S NEST**  
awakening potential, inspiring dreams

## **Data Protection Policy**

Approved on: 18<sup>th</sup> June 2021

To be reviewed by: June 2024

This policy was approved at a trustee meeting via zoom, (COVID-19 measure). All trustees were present and agreed the policy.

## **Introduction**

Eagle's Nest Project needs to collect and use certain types of information about young people and other individuals who support or access support from the Charity.

## **Data Protection Principles**

Eagle's Nest Project regard the lawful and correct treatment of personal information as very important and therefore ensure that personal information is treated lawfully and correctly. To this end, Eagle's Nest Project fully endorses and adheres to the Principles of Data Protection, as detailed in the Data Protection Act 1998 ("DPA 98") and article 5 of the General Data Protection Regulation (GDPR). This legislation requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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;
- 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; and
- 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.

## **General Provisions**

This policy applies to all personal data processed by Eagle's Nest Project and includes the personal data of:

- Employees (staff and volunteers)
- Supporters and fundraisers
- Users of our service, their families and the organisations that refer them to us.

As the Data Controller under the DPA 98 and 2018, Eagle's Nest Project determines for what purposes the personal data it holds will be used. This is outlined on documentation when data is collected. This policy shall be reviewed at least every three years.

The EAGLE'S NEST PROJECT designated Data Protection Officer (DPO) is Jan Appleton (Director). She can be emailed at [jan.appleton@eaglesnestproject.or.uk](mailto:jan.appleton@eaglesnestproject.or.uk) or telephoned on 07474-576569. The key responsibilities of the DPO are to:

- Oversee changes to systems and processes;
- Monitor compliance with the GDPR;
- Report on data protection and compliance with legislation to trustees;
- Liaise, if required, with the Information Commissioner's Office (ICO).

## **Lawful, fair and transparent processing**

Eagle's Nest Project will ensure that data is collected and processed within a lawful, fair and transparent way as per the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form either electronically or in hardcopy.

When collecting data, Eagle's Nest Project will ensure that the Individual/organisation:

- Clearly understands the purposes for why the information is needed and what it will be used for
- Is made aware of the consequences of deciding not to give consent to processing
- Grants explicit consent for their data to be processed using opt in / opt out selection
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Will be advised that they can revoke their consent at any time and be advised how to do so.

### **Lawful purposes**

All data processed by Eagle's Nest Project will be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests. Where consent is relied upon as a lawful basis for processing data, evidence of informed opt-in or other explicit consent shall be kept with the personal data held. Where communications are sent to individuals based on their consent, the option for the individual to unsubscribe will be clearly available.

### **Disclosure**

Eagle's Nest Project may have to share data with other agencies such as public sector authorities, funding bodies and other voluntary agencies, but will only do so with express consent. The Individual/member will be made aware how and with whom their information will be shared.

There are circumstances where the law allows Eagle's Nest Project to disclose data (including sensitive data) without the data subject's consent. These include:

- Carrying out a legal duty or as authorised by the Secretary of State
- Protecting vital interests of an Individual/member or other person
- The Individual/member has already made the information public
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes – i.e. race, disability or religion
- Providing a confidential service where the Individual/members consent cannot be obtained or where it is reasonable to proceed

### **Data Minimisation**

Eagle's Nest Project shall ensure that the personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. They will not hold personal data on the off-chance that it might be useful in the future. This will only happen if it is permissible to hold such information for a foreseeable event that may never occur e.g. contacting a next of kin in the event of an accident.

### **Data Accuracy**

Eagle's Nest Project shall take reasonable steps to ensure that any personal data we obtain is clear and accurate. Eagle's Nest Project will take all reasonable steps to ensure that information provided is kept up to date by asking data subjects whether there have been any changes. Where changes have been made we will ensure systems and records are updated promptly. All individuals, parents and organisations have a responsibility in helping Eagle's Nest Project to keep their data accurate and up to date.

### **Storage**

Eagle's Nest Project will ensure that personal data is only kept for as long as it is needed or required by statute. This is outlined in the privacy statement. Data will be held in as few places as necessary and staff should not create additional duplicating files/folders within cloud storage or on their computer desktop.

## Individual & Other Rights

Eagle's Nest Project will adhere to the GDPR rights for individuals which stipulate:

- The **right to be informed** about the collection and use of their personal data. Eagle's Nest Project will provide individuals with privacy information including the purposes for processing their personal data, retention periods for that data and who it will be shared with.
- The **right to access** their personal data and supplementary information so they can be aware of and verify the lawfulness of the processing. To submit a subject access request the individual should apply in writing detailing the information they require access to, this should then be sent to the Data Protection Officer. In some cases, Eagle's Nest Project may need to ask for proof of identity before processing the request, if this is the case we will inform the individual which documents we require. Eagle's Nest Project will respond to a request within one month from the date of receipt and this will normally be in an electronic format, unless requested otherwise. If a subject access request is manifestly unfounded or excessive the organisation is not obliged to comply with it. Alternatively, the organisation can agree to respond but will charge a fee based upon the administrative cost of responding to the request.
- The **right to rectification or erasure** allows individuals to request that any inaccurate personal data is rectified/updated or that their data is permanently erased. A request for rectification or erasure should be made in writing to the Eagle's Nest Project Data Protection Officer (as above) who will complete the request within one month from the date of receipt. Electronically held data will be irretrievably deleted, hardcopy data will be shredded and disposed of securely.
- The **right to restrict processing** enables individuals to restrict or stop how their data is being processed whereby it's no longer necessary for the purposes of the processing; if the individual's rights override the organisation's legitimate grounds for processing data (where the organisation relies on its legitimate interests as a reason for processing data) or if there is a dispute relating to this override of individuals rights.
- The **right to object** to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling) and direct marketing (including profiling). Individuals can also complain to the Information Commissioner if they think EAGLE'S NEST PROJECT has failed to comply with data protection legislation.

## Data Security

Eagle's Nest Project takes the security of data seriously and has internal controls in place to protect against loss, accidental destruction, misuse or disclosure and to ensure data is not accessed except by employees / volunteers in the undertaking of their duties.

Eagle's Nest Project will ensure that personal data held on computer databases and electronic devices are secured with password protection and encryption protocols. Where personal data is required to be kept in hardcopy format, (e.g. Personnel files), these will be secured in lockable storage.

## Data Breach

Eagle's Nest Project have a Policy for case of data breach that outlines how suspected or potential data breach situations should be dealt with.

## Transfer

Eagle's Nest Project will ensure that personal information is not transferred outside the European Economic Area (EEA) without reassurance of adequate safeguards being in place from third parties holding this data. Where Eagle's Nest Project are required to share/transfer data to other bodies we shall only do so with the express consent of the data subject. The only instance whereby this would be invalid is if we have to disclose data under the circumstances stipulated in the section titled disclosure above.

## **Accountability**

Eagle's Nest Project take responsibility for complying with the GDPR, at the highest management level and throughout our organisation. We will keep evidence of the steps we take to comply with the GDPR and will put in place appropriate technical and organisational measures to safeguard personal information. This will include:

- Adopting, implementing and reviewing our data protection policy and underpinning policies on a regular basis
- Taking a 'data protection by design and default' approach - to ensure data protection measures are in place throughout the lifecycle of our processing operations;
- Implementing appropriate security measures and recording/reporting personal data breaches;
- Ensuring data protection safeguards are an integral part of our risk assessment processes

## **Staff Responsibilities & Training**

Eagle's Nest Project will provide training on data protection responsibilities to all staff, volunteers and trustees as part of their induction process. In the course of their employed/voluntary role, staff and volunteers may have access to the personal data of others and where this is the case the organisation relies on individuals to help meet its data protection obligations.

Individuals who have access to personal data are required to:

- Understand that they are contractually responsible for adhering to good data protection practice.
- Only access data that they have authority to access and only for authorised purposes.
- Not disclose data except to individuals who have appropriate authorisation whether internal or external to the organisation.
- Keep data secure by complying with the rules on access to premises, computer access, including password protection, secure file storage and ongoing deletion/shredding of documents that are no longer required for the purpose intended.
- Not to remove personal data or portable devices containing or that can be used to access personal data from the organisation's premises without adopting appropriate security measures such as encryption/password protection and not leaving devices unattended or within vehicles.
- Not to store personal data on local drives or on personal devices that are used for work purposes.

A failure to observe these requirements may lead to disciplinary action which will be dealt with under the organisation's disciplinary policy.

## **Two Key Definitions**

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name, address, online identifiers (IP address). It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Eagle's Nest Project.

**Sensitive personal data** – refers to data about:

- Racial or ethnic origin
- Political affiliations/opinions
- Religious or philosophical beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Biometric data
- Criminal record or proceedings