

NESPWF

NORTH EAST SCOTLAND POLICE WELFARE FUND
Registered Charity SCIO 044963

DATA PROTECTION AND RECORDS MANAGEMENT POLICY

(THE EU GENERAL DATA PROTECTION
REGULATION 2018)

Approved 13/09/2018

1. The North East of Scotland Police Welfare Fund (hereinafter referred to as NESPWF) (the Fund) is a registered charity (SCIO 044963) which primarily provides welfare grants and or loans to eligible persons. NESPWF may also provide support to other charities, organisations, bodies or individuals in line with its Constitution. NESPWF is not registered under the Data Protection Act 2018 (hereafter referred to as the Act) but will adhere to its provisions and requirements relative to personal data.
2. NESPWF processes and retains personal data of all applicants for grants or loans and of the NESPWF Trustees (all hereafter referred to as the Data Subject). A child of 12 years and older can give specific consent for processing and retaining any personal data.
3. The Trustees acting on behalf of NESPWF has appointed the Board of Trustees as Data Controller for the purposes of the Act.
4. The Board of Trustees will be responsible for the day to day management of the Fund's legal requirements and will ensure strict compliance with the Act.
5. **Personal data held by the NESPWF**
 - 5.1 'Personal Data' includes names, home addresses, date of birth, job title, email addresses and telephone numbers (mobile, home or office) and any relevant medical or financial information of applicants for grant/loan.
 - 5.2 In the case of the Trustees, personal data held will only be that necessary for compliance with Charity Law, administration of the fund and fund communication.
 - 5.3 NESPWF will not hold personal data about any living individual without their knowledge and consent. It is also a legal requirement that the Data Subject knows how the personal data NESPWF holds on them is being processed.
 - 5.4 NESPWF will only hold personal data for specific purposes and will inform the Data Subject what those purposes are. The Data Subject will be informed if those purposes change. There is a right to refuse permission to process personal data.
6. **Access to information**
 - 6.1 NESPWF will seek to maintain, where relevant, the accuracy of personal data held.
 - 6.2 Personal data will not be disclosed to other organisations or to third parties unless this is a legal requirement or where there is explicit or implied consent by law, court or tribunal order or where information is publicly available elsewhere or with the consent of the Data Subject.
 - 6.3 A Data Subject is entitled to have access to their personal data held by NESPWF and any request for this should be made in writing to the Data Controller and will be responded to within 1 month, or two months on cause shown for delay, without any charge.

7. **Retention of data**

7.1 The Act only applies to personal data concerning living individuals.

7.2 Personal Data provided to NESPWF will be retained, for the purposes of auditing for, a period of 6 years after the last action on any application. Similar provisions will apply to deceased individuals.

8. **Security**

8.1 NESPWF will ensure procedures for the security and destruction where necessary of all electronic personal data. Paper records containing personal data will be retained securely under lock and key when not in use and will be disposed of in a secure way when no longer required, whereas electronic data will be deleted and the recycle bin emptied.

8.2 Access to personal data held by NESPWF will be controlled to preserve confidentiality.

8.3 The Data Controller is authorised to allow trustees to hold personal Fund data on their own personal computer/laptops subject to strict adherence to this policy.

9. **Our Commitment**

9.1 All new trustees, on appointment, will be given training on this data protection policy and relevant procedures.

9.2 The data protection policy and procedures will be reviewed annually and reported on to the Board of Trustees at the Annual General Meeting. Notwithstanding this, the Board of Trustees will dynamically review all Fund documents/applications to ensure compliance. Thus, 'Data Protection' will be a standing Agenda item at all Board meetings.

10 **Enforcement**

10.1 Responsibility for implementation and enforcement of Data Protection legislation lies with the Westminster Parliament; it is not devolved to the Scottish Parliament. Responsibility for day to day enforcement lies with -

The Information Commissioner, The Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Tel: 0303 123 1113 or 01625 545 745

11 **Personal Data Breach**

11.1 "Personal data breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

11.2 There is a legal duty on the Data Controller to advise the Information Commissioner within 72 hours of the discovery of a personal data breach. Examples would include a corrupt system; being hacked; or files containing personal data being left on public transport which present a risk to the rights

and freedom of the Data Subject. Any Trustee becoming aware of such a breach must immediately refer the issue to the Board of Trustees (the Data Controller), bearing in mind the 72 hour deadline.

12. **“Personal Data” – is defined by Section 3 of the Act**

Sec 3(2) “Personal data” means any information relating to an identified or identifiable living individual (subject to subsection (14) (c))

Sec3 (3) “Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to –

- a) An identifier such as name, an identification number, location data or an online identifier or
- b) One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

13. **General**

Any enquiries or requests for personal data held or for any information as regards to this policy should be directed in writing to:-

The Data Controller, NESPWF, 22 Union Street, Lossiemouth, Moray IV31 6BD.

Email: secretary@nespwf.org.uk

14. **Approval**

This policy was approved by the Board of Trustees of the North of Scotland Police Welfare Fund on 13 September 2018 and is subject to amendment and alteration at any time.