

## DATA PRIVACY NOTICE

[Insert name of relevant person/body/organisation]

### Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation 2016/679 (the GDPR)

### Who are we?

\*\*\*\*\* is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes.

### How do we process your personal data?

- \*\*\* complies with its obligations under [the GDPR] by keeping personal data up to date;
- by storing and destroying it securely; by not collecting or retaining excessive amounts of data;
- by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data. We use your personal data for the following purposes: - (examples shown below)
  - To enable us to provide a voluntary service for the benefit of the public as specified in our constitution;
  - To administer membership records;
  - To fundraise and promote the interests of the charity;
  - To manage our employees and volunteers;
  - To maintain our own accounts and records.
  - [Our processing also includes the use of CCTV systems for the prevention of crime].
  - To operate the \*\*\* web site and deliver the services that individuals have requested.
  - To inform individuals of news, events, activities or services running at \*\*\*.
  - To process gift aid applications.
  - To contact individuals via surveys to conduct research about their opinions of current services or of potential new services that may be offered.

[Please note that these lists are not exhaustive and you may process personal data for other purposes, which will need to be recorded. Remember, at the heart of this is ensuring that individuals are aware of exactly what you are going to do with their personal data and giving them the opportunity to consent where necessary]

### What is the legal basis for processing your personal data?

These fall under either article 6 or article 9 – dealt with separately below.

[You will need to insert here the relevant processing condition contained in Article 6 of the GDPR – e.g. consent, legitimate interests of the data controller etc. See briefing note for detail]

### Examples: Article 6 processing

- Consent of the data subject; [Where the processing is based on the consent of the data subject, you will need to provide a link to the “Consent Form” [see appendix 1 for template].
- Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract [If so, insert details of the contract];
- Processing is necessary for compliance with a legal obligation; [You will need to provide details of whether there is a statutory or contractual requirement to provide the data and if so, the consequences of not supplying the data].
- Processing is necessary to protect the vital interests of a data subject or another person;
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller;
- Processing is necessary for the legitimate interests of the data controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

[Where the processing is based on the legitimate interests of the data controller, you will need to set out what are the legitimate interests]. [If you are processing special category personal data (i.e. sensitive personal data), as well as satisfying one of the processing conditions set out in Article 6 (above), you will also need to satisfy one of the processing conditions set out in Article 9 (below). You should note that the same colour coding as detailed above applies. Personal data which reveals religious belief is classed as sensitive personal data under the GDPR].

### Examples: Article 9 Processing

- Explicit consent of the data subject [link to “Consent Form” as above]; [Use this for example, to be able to tell people about events, news, services]
- Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement;
- Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent;
- Processing is carried out by a not-for-profit body and the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes); and there is no disclosure to a third party without consent. [This clause allows you to collect and process data without consent]
- Processing relates to personal data manifestly made public by the data subject;
- Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity;

- Processing is necessary for reasons of substantial public interest on the basis of EU or Member State law;
- Processing is necessary for reasons of preventative or occupational medicine, for assessing the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional;
- Processing is necessary for the reasons of public interest in the area of public health;
- Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes. [Where the personal data are collected direct from the data subject, the data subject must be informed whether he or she is obliged to provide the personal data and the consequences, if he/she does not provide the data].

### **Sharing your personal data**

Your personal data will be treated as strictly confidential, and will be shared only with [insert the recipients or categories of recipients of any personal data].

We will only share your data with third parties outside of the organisation with your consent.

### **How long do we keep your personal data?**

We keep your personal data for no longer than reasonably necessary for a period of [insert relevant period] in order to [insert sufficient reason for retaining personal data –

Examples could be: - in case of any legal claims/complaints; for safeguarding purposes etc.]].

**OR**

[If you cannot state a specific period, you will need to set out the criteria that you use in order to determine a retention period].

We keep your personal data for no longer than reasonably necessary and we only retain your data for the following purposes and use the following criteria to determine how long to retain your personal data [insert relevant purposes and criteria for retention].

### **Your rights and your personal data**

Unless subject to an exemption [under the GDPR], you have the following rights with respect to your personal data: -

- The right to request a copy of your personal data which the [insert name of data controller] holds about you;
- The right to request that the [data controller] corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for [data controller] to retain such data;
- [The right to withdraw your consent to the processing at any time] [Only insert if consent is relied upon as a processing condition];

- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable)

\*Only applies where the processing is based on consent or is necessary for the performance of a contract with the data subject and in either case the data controller processes the data by automated means].

- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable) [Only applies where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics]
- The right to lodge a complaint with the [Information Commissioners Office](#).
- Transfer of Data Abroad. If the personal data is to be transferred to countries or territories outside the EU you must include details of how the data will be protected, together with details of how to obtain copies of the relevant safeguards].

- [Automated Decision Making

You will need to provide details of any automated decision making, together with information about the logic involved and the significance and consequences of the processing for the individual].

### Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

Where and whenever necessary, we will seek your prior consent to the new processing. Contact Details To exercise all relevant rights, queries of complaints please in the first instance, contact us at:

[insert contact details]

The paragraph entitled "Consent" below can be adapted and used where consent is to be relied upon in order to process the personal data]

## APPENDIX 1

### CONSENT

By signing this form you are confirming that you have read this Data Protection Notice and that you are consenting to \*\*\* holding and processing your personal data for the following purposes (please tick the boxes where you are happy to grant consent): -

Name:

Address:

Telephone:

Email address:

Insert relevant purposes where you will be relying on consent to process the personal data, for example: -

- To keep you informed about news, events, activities and services;
  - To contact you with surveys about current events;
  - All of the above.
- 
- By email [ ]
  - by text [ ]
  - by post [ ]
  - by phone [ ]

You can grant consent to all the purposes; one of the purposes or none of the purposes.

Where you do not grant consent we will not be able to use your personal data [you can insert further details here about what will happen if someone does not consent to processing, for example, they won't be able to receive papers, updates etc.], except in certain limited situations, such as where required to do so by law or to protect members of the public from serious harm.

If you do grant consent, please note you can withdraw your consent to all or any one of the above purposes at any time by contacting [insert contact email address or link to paragraph containing contact details].

Please note that all processing of your personal data will cease once you have withdrawn consent but this will not affect any personal data that has already been processed prior to this point.

SIGNED

DATED

[insert name and registered charity number if applicable]

[Please note – if the personal data is not obtained directly from the data subject, the data controller will need to provide the data subject with the following additional items of information within 1 month of having received their personal data: -

- The categories of the personal data you are processing; and
- The source from where the personal data originates and whether it came from publicly accessible sources

***\*\*Disclaimer: These GDPR templates are reasonably fit for use by you as a starting point. They are only intended to be used as templates, to be adapted by you to meet your individual requirements. Therefore, if you need qualified legal advice for your specific problem, or if your specific problem is too complex, please consult a suitably qualified Solicitor. DTA Scotland and Senscot Legal accept no liability as a result of the usage of these templates.\*\****