

B30 AND SOUTH BIRMINGHAM FOOD BANK DATA PROTECTION POLICY

Who's this for?	All staff, volunteers and third-party contractors.
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Joanna P O'S
Chair of Trustees
8/5/24

1. Policy statement

This policy relates to the Data Protection Act 2018 and the UK General Data Protection Regulation, and to **B30 and South Birmingham Foodbank (B30SBFB)** internal procedures and systems for processing individual's personal data. It applies to all members of staff and volunteers of **B30SBFB**, including where necessary, consultants, trustees and/or contractors (Third Parties) engaged to carry out duties on our behalf and by our instructions.

This policy applies to individual personal data held either manually or within electronic systems that are employed for the processing of personal and sensitive personal data. It outlines our commitment to comply with the Data Protection Act 2018 and the UK General Data Protection Regulation and serves to ensure that individuals' rights are upheld.

The Data Protection Act 2018 and the UK General Data Protection Regulation require that organisations (data controllers) process personal data in accordance with the eight Data Protection Principles, which **B30SBFB** has adopted as their 8 Golden Rules of Good Information handling:

- Fair and lawful;
- Specific to purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Kept for no longer than necessary;
- Processed in accordance with data subjects' rights;
- Kept secure;
- Not transferred overseas without suitable safeguards.

B30SBFB acknowledges that all individuals have the right to expect that appropriate safeguards will be operated to protect the confidentiality and integrity of their personal data or information and that we comply with the terms and obligations of the UK General Data Protection Regulation.

B30SBFB acknowledges and understands that the consequences of failing to comply with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulation may result in:

- Personal accountability and liability;
- Organisational accountability and liability;
- Criminal and civil action;

- Enforcement Powers and Fines being issued by the Information Commissioner;
- Loss of confidence in the integrity of our systems and procedures;
- Significant reputational impact and damage
- Loss of trust by our customers and stakeholders

2. Commitment Statement

The Data Protection Act 2018 and the UK General Data Protection Regulation are designed to ensure that data controllers meet their obligations and individuals can exercise their rights in relation to the processing of personal data. We will comply with the legislation to ensure all individuals' personal data collected by us will be processed in line with individual's rights and our obligations as a data controller.

We will ensure we comply with the requirements to define:

Data

- Data is information that is processed electronically i.e. on a computer, including word processing documents, e-mails, computer records, CCTV images, microfilmed documents, archived files or databases, faxes and information recorded on telephone logging systems.
- Data is also information held in manual or 'hard copy' files which are structured, (filed by subject, reference, dividers or content) and where individuals can be identified, and information easily accessed without the need for extensive searching.
- Data is also information forming part of a manual medical, education or housing and social services record.

We will ensure we comply with the requirements to collect and the process the following types of data in line with the legislation:

Personal Data

- Is any information that relates to a living individual who can be identified from the data. This includes any expression of opinion about the individual.

Sensitive Personal Data

- Any personal data (above) but which contains information relating to race, political opinion, religious belief, trade union membership, physical or mental health, sex life, convictions (alleged or otherwise).

We will ensure we comply with the requirements to process individuals' data in line with their rights as a:

Data Subject

- Any living individual who is the subject of personal data (i.e. volunteer, employee, customer)

We will ensure we comply with the requirements as a data controller when engaging third parties to process individual's data on our behalf:

Data Processor

- A person/organisation other than an employee of a data controller who process personal data on behalf of and under instructions of the data controller (i.e. third-party contractor)

All staff and volunteers and where necessary consultants, trustees, and/or contractors (Third Parties) engaged to carry out duties on our behalf and by our instructions will adopt and follow this policy which outlines our core requirements relating to the collection, confidentiality, availability and integrity of our data and information, security, incident management, retention and disposal of information.

3. Policy Actions

B30SBFB will only process personal data that has been obtained fairly and lawfully and for a specific set of purposes. It will be adequate and relevant for those purposes, maintained accurately, and not retained for any longer than is necessary.

Staff and volunteers responsible for processing personal or sensitive personal data must ensure that it is used appropriately and kept both secure and confidential. Ensuring that at all times they only access and process data that they are authorised to manage on behalf of **B30SBFB**.

We are committed to ensuring that all appropriate technical and organisational measures are taken against unauthorised or unlawful processing of data and against the accidental loss or destruction of, or damage to personal data.

We will only transfer personal data to jurisdictions outside the European Economic Area (EEA) if it has a recognised and adequate level of protection for data protection purposes. Transferring data outside of the United Kingdom requires the Trustees' approval.

The Board of Trustees will ensure an annual review of all their processing for the purpose of the Annual Notification with the Information Commissioner's Office.

We will ensure that all individuals are made aware of the identity of the data controller, the reasons why personal and sensitive personal data are required to be processed, how they will be processed, how they will be securely stored, disposed of and when we need their consent to share this information.

We acknowledge that individuals have rights under the Data Protection Act 2018 and the UK General Data Protection Regulation to request that their personal data are deleted or corrected if the information is inaccurate, excessive or out of date.

We recognise and acknowledge that individuals have the right to make a request in writing for access to and be provided with a copy of their personal information. Therefore, we have created and published a subject access request procedure.

We recognise and acknowledge that individuals have rights to prevent processing causing damage or distress to them, in relation to automated decision making and to opt-out of processing for direct marketing purposes.

We will follow the Information Commissioner's Codes of Practice and applicable best practice across the Information Governance field when developing policy and procedures.

We will ensure all third parties ('data processor') have relevant data processing contract obligations and management processing agreements in place where **B30SBFB** (as the 'Data Controller') contracts out services/functions involving living individuals' personal data. These requirements will be provided as:

- Part of the initial contract;
- A separate data processing agreement; or
- If a contract is already in place, a contract variation with due process.

Complaints relating to alleged breaches of the Data Protection Act 2018 or the UK General Data Protection Regulation or complaints that an individual's personal data is not being

processed in line with the 8 data protection principles will be managed and processed by our data protection subject access request procedure.

We will ensure all staff and volunteers are aware of this policy and also promote the awareness of our Data Protection Policy with staff, volunteers and customers.

We have a zero tolerance policy towards individuals who deliberately and unlawfully obtain or disclose personal data and recognise this can be a personal legal offence against this person under the Data Protection Act 2018 and the UK General Data Protection Regulation (unlawful obtaining of personal data) which clearly states that any person must not knowingly or recklessly, without the consent of **B30SBFB** as the data controller:

- Obtain or disclose personal data or the information contained in personal data, or
- Instruct another person to obtain or disclose the personal data or the information contained in personal data.

4. Desired outcomes

B30SBFB will only share personal data in accordance with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulation. We will abide by laws and regulations in relation to the right to confidentiality, data sharing and disclosure rules.

B30SBFB will inform individuals of the identity of other parties to whom we may disclose, or be required to provide personal data, the circumstances in which this may happen and when any exceptions to this rule may apply. Full details of all recipients to whom we share data with can be found as part of our Notification with the Information Commissioner Office.

5. Monitoring and Accountability

We are committed to ensuring that all appropriate technical and organisational measures are taken against unauthorised or unlawful processing of data and against accidental loss or destruction of, or damage to personal data.

We will monitor the effectiveness of this policy and recommend policy changes to improve our service to customers.

6. Equality and Diversity

B30SBFB will ensure that this policy is applied fairly and consistently. We will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation, gender reassignment, marriage and civil partnerships, or pregnancy.

7. Key legislation

Data Protection Act 2018

UK General Data Protection Regulation

8. Review

We will monitor the effectiveness of this policy and recommend policy changes to improve service delivery and carry out a review of this policy every two years.

B30SBFB will carry out an annual health check taking account of legislation and we are committed to ensuring that all appropriate technical and organisational measures are taken against unauthorised or unlawful processing of data and against accidental loss or destruction of, or damage to personal data.

