

TITLE: Fair Processing & Privacy Protocol

REVIEWED: 23rd May 2018

DATE FOR REVIEW: 23rd May 2020

1. Scope

The scope of this protocol encompasses all information processing of data subjects by Darlington Mind Ltd.

2. Fair Processing and Privacy Protocol and Notice

Responsibility for the Fair Processing and Privacy Protocol and Notice rests with the CEO who is the Representative of the Data Controller (hereafter "CEO"), who must ensure that it is factually correct and that appropriate mechanisms are in place to ensure that all data subjects are aware of its contents prior to the commencement of Darlington Mind Ltd.'s data collection.

3. Privacy Statement

Darlington Mind Ltd. is committed to maintaining the privacy of its service users, staff and volunteers, in line with current legislation (including GDPR), and in line with its Confidentiality Policy, Data Protection Policy and IT, CCTV and Security Policy.

4. Data Processing Procedure

Personal data may only be processed upon receipt of authorisation from the CEO.

The following information must be provided to data subjects prior to data collection, in plain and clear language:

1. Organisation Name, including contact details;
2. Objective behind the processing of personal information;
3. Duration of time the personal data will be stored for and the storage criteria;
4. Statement regarding the disclosure of personal information to third parties;
5. Information regarding the rights of data subjects in respect of their personal data, including but not limited to:
 - The right to access personal information;
 - The right to withdraw consent;
 - The right to amend personal data;
 - The right to request that personal data be permanently deleted;
 - The right to strict processing; and
 - The right to raise an official complaint with the relevant authority;
6. Information in relation to any automated processing, for instance profiling, to be carried out, if relevant;
7. Whether personal data must be provided for the purposes of fulfilling or entering into a contract and the outcome should the data subject refuse to provide personal data;
8. Details regarding the destination of the personal data:
 - Whether personal data will be transferred outside of the European Union; and
 - Whether an adequacy decision has been made regarding the destination of the data; and/or
 - Whether any safeguards are in place to ensure the adequacy of the destination; and
9. Any other material that would ensure that the data processing is fair at all times.

All data subjects must be notified prior to the processing of their personal data by Darlington Mind Ltd. via a FAIR PROCESSING AND PRIVACY NOTICE (see Appendix 1), containing the following statements:

For marketing use, whether currently or in the future:

"Please note that your personal information may be used for marketing purposes, specifically, to send you information about Darlington Mind's services and activities (for example, via emailed newsletter). This is not

obligatory and you may opt out by emailing: contactus@darlingtonmind.com , requesting that your personal information be removed from our marketing mailing list. You may also unsubscribe from our electronic marketing content at any time, by selecting the unsubscribe option.”

For marketing use, when specific consent has been provided by the data subject:

“Please note that you have provided explicit consent for the use of your personal information by Darlington Mind Ltd. for marketing use specifically, to send you information about Darlington Mind’s services and activities (for example, via emailed newsletter). You may withdraw your consent by emailing: contactus@darlingtonmind.com at any time and you will be immediately withdrawn from all of our marketing lists.”

5. Responsibilities of CEO

1. *Consent procedures*: To incorporate procedures in relation to personal data processing based on consent, ensuring that processing ceases when consent is withdrawn;
2. *Consent withdrawal*: To monitor all requests withdrawing consent by keeping a register of all relevant requests and ensuring that all requests are actioned within 24 hours;
3. *Explicit consent*: To ensure that the Fair Processing Notice contains relevant procedures for receiving the relevant consent, when explicit consent is required for marketing purposes due to sectoral requirements or legislation;
4. *Sensitive personal data*: To ensure that the Fair Processing Notice sets out explicitly the purpose or purposes for which sensitive personal data will, or may, be used, when sensitive personal information is collected for a specific purpose or purposes;
5. *Parental consent*: To ensure that parental consent has been provided in relation to all data subjects 16 years of age, or younger;
6. *Data protection law*: To ensure that all new data collection methods comply with data protection laws and good practice, by reviewing and signing off all new such methods;
7. *Fair Processing Notice register*: To maintain an Fair Processing Notice register of all Fair Processing Notices issued, setting out the following information:
 - Fair Processing Notice version number;
 - Issue date and withdrawal date;
 - Location where data will be used;
 - Purpose for which personal data is collected; and
 - Description of expressions, foreign language or formatting, to ensure that the Fair Processing Notice can be fully understood by the target group.
8. *Specified purpose*: To approve all written requests for changes to the purpose of process of personal data and determine if additional consent is required from the data subject:
 - In the event that additional consent is required, to determine the form of the consent and the protocol to be followed by Darlington Mind Ltd. to ensure that the data subject is informed of the new purpose and has provided the necessary consent;
 - To identify a relevant exemption, when applicable, in the Authorisation to Process; and
 - To update the Data Inventory Schedule by setting out details of the new purpose, referring directly to the Authorisation to Process; and
9. *Data protection*: To ensure that personal data that is shared with a third party complies with Darlington Mind Ltd.’s notification to the ICO and with the terms of the Fair Processing Notice previously provided to the data subject and any relevant consents provided by the data subject;

- To ensure that an agreement drafted by Darlington Mind Ltd.'s legal advisors is entered into with the third party, setting out the purpose or purposes for which the information will, or may be, used and listing any restrictions or limitations on the use of the personal information for other purposes;
- To ensure that the agreement contains an undertaking, or other applicable evidence, by the third party that it is committed to processing its data in such a way that it adheres to the requirements of the DPA at all times;
- To ensure the agreement contains appropriate controls and safeguards to ensure the protection of personal information pursuant to the GDPR, when such information may be legally shared without the consent of the data subject; and
- To ensure that any data profiles created by matching data collected by Darlington Mind Ltd. with other data are not used outside of the context of the ICO notification and the consents of the data subject.

6. Right to Withdraw Consent Procedure

6.1. Scope

This procedure covers all situations where, as per the GDPR, the data subject wishes to withdraw his or her consent for personal data processing.

Withdrawal of consent is defined as any indication on the part of the data subject that he or she withdraws consent for the processing of their personal data. Withdrawal of consent must be specific and without ambiguity and shall be provided by the data subject either by way of a statement or through clear, affirmative action on his or her part.

Withdrawal of consent by the data subject covers all processing activities carried out for a specific purpose or purposes, for which that data subject provided consent in the first place.

Withdrawal of consent shall not make unlawful any processing of personal data engaged in by Darlington Mind Ltd. prior to the withdrawal of consent.

Withdrawal of consent may result in Darlington Mind Ltd. not being able to continue to provide the data subject with a service. Where a service has already been provided, Darlington Mind Ltd. may be legally or contractually obligated to retain personal data for a specified length of time.

6.2. Responsibilities

As a data controller, Darlington Mind Ltd. is responsible for administering the withdrawal of consent on the part of the data subject, under the oversight of the CEO (as Representative of the Data Controller).

6.3. Withdrawal of consent procedure

Withdrawal of consent is indicated via the Data Subject Withdrawal of Consent Form and Darlington Mind Ltd. must be able to demonstrate that the data subject has withdrawn consent, by producing the completed form, if required.

If Darlington Mind Ltd. was processing the data for multiple purposes, Darlington Mind Ltd. must be able to show that consent has been withdrawn for all purposes.

6.4. Withdrawal of parental consent procedure

Withdrawal of consent by a holder of parental responsibility is indicated via the Data Subject Withdrawal of Consent Form and Darlington Mind Ltd. must be able to demonstrate that the data subject has withdrawn consent, by producing the completed form, if required.

Darlington Mind Ltd. must be able to demonstrate that it has taken reasonable efforts to ensure that the claim of parental responsibility is authentic and true, when consent is withdrawn for a child data subject, including the use of available technology.

5. Document owner

The Data Controller's Representative (CEO) is the owner of this protocol document and must ensure that it is periodically reviewed according to the review requirements contained herein.

The latest version of this policy document is available to all employees of Darlington Mind Ltd. on the corporate intranet.

APPENDIX 1

Darlington Mind Ltd - FAIR PROCESSING AND PRIVACY NOTICE

1. Scope

This notice applies to all data subjects whose data is processed by Darlington Mind Ltd.

2. Responsibilities

The CEO, who is the Representative of the Data Controller, is responsible for ensuring that all potential data subjects have sight of this notice prior to the collection and/or processing of their personal data by Darlington Mind Ltd.

All employees of Darlington Mind Ltd. who interact with data subjects are also required to ensure that this notice is brought to the attention of all data subjects, securing their consent for the processing of their personal data.

3. Privacy Statement

Darlington Mind Ltd. is committed to maintaining the privacy of its service users, staff and volunteers, in line with current legislation (including GDPR), and in line with its Confidentiality Policy, Data Protection Policy and IT, CCTV and Security Policy.

4. Fair Processing Notice

Darlington Mind Ltd. will use the personal data collected from you for the following purposes:

- To enable us to provide a voluntary service for the benefit of the public in a particular geographical area as specified in our constitution;
- To administer membership records;
- To fundraise and promote the interests of the charity;
- To manage our employees and volunteers; maintain our own accounts and records.

You hereby confirm that you are consenting to Darlington Mind Ltd.'s use of your personal data for the aforementioned purposes(s) and are granting Darlington Mind Ltd. permission to carry out those actions and/activities.

You may withdraw your consent at any time by completing and returning a "Data Subject Withdrawal of Consent Form" and returning it to us, following the "Right to Withdraw Consent Procedure" section contained within the Fair Processing and Privacy Protocol.

However, please note that this may result in Darlington Mind Ltd. not being able to continue to provide you with a service. Please also note that if we have already provided you with a service, we may be legally or contractually obligated to retain your personal data for a specified length of time. If you would like further details on this, please let us know in writing.

Please note that your personal information may be used for marketing purposes, specifically, to send you information about Darlington Mind's services and activities (for example, via emailed newsletter). This is not obligatory and you may opt out by emailing: contactus@darlingtonmind.com, requesting that your personal information be removed from our marketing mailing list. You may also unsubscribe from our electronic marketing content at any time, by selecting the unsubscribe option.

5. What is Personal Data?

The EU's General Data Protection Regulation ("GDPR") defines "personal data" as:

"any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

The GDPR classifies certain data as belonging to “special categories”, as follows:

- Racial origin;
- Ethnic origin;
- Political opinions;
- Religious beliefs;
- Membership to a trade-union;
- Genetic data;
- Biometric data;
- Health data;
- Data concerning a natural person's sex life;
- Sexual orientation; and
- Other.

The GDPR requires that consent is provided by the data subject for all types of personal data, including those pertaining to the special categories set out above and otherwise. Consent must be explicitly provided.

When Darlington Mind Ltd. requests sensitive data from data subjects, it is required to confirm why the information is required and how it will be used.

6. Why does Darlington Mind Ltd. need to collect and store personal data?

Darlington Mind Ltd. is committed to ensuring that all personal information collected and processed is appropriate for the stated purpose(s) and shall not constitute an invasion of your privacy. We may share your personal data with third party service providers who are contracted by us and we shall ensure that they will hold your personal data securely and shall use it only in order to fulfill the service for which they are contracted. When there is no longer a service need, or the contract comes to an end, the third party will dispose of all personal data according to our procedures. We will never share your personal data with third parties until we have received your consent, unless we are required do so by law.

7. How Darlington Mind Ltd. uses your information

Darlington Mind Ltd. will process your data (i.e. collect, store and use) according to the requirements of the GDPR at all times and shall endeavour to keep your personal data up-to-date, ensuring its accuracy and will not keep it for longer than it is required. In some situations, there are set legal requirements for the length of time that Darlington Mind Ltd. will retain your personal data but usually Darlington Mind Ltd. will use its discretion, ensuring that personal data is not kept outside of our usual business requirements.

We shall never be intrusive or invasive of your personal privacy and shall not ask you to provide data that is irrelevant or unnecessary and we will enact strict measures and processes to ensure that the risk of unauthorised access or disclosure of your personal data is minimised as much as possible.

We will only use your personal data for the following purposes:

- To enable us to provide a voluntary service for the benefit of the public in a particular geographical area as specified in our constitution;
- To administer membership records;
- To fundraise and promote the interests of the charity;
- To manage our employees and volunteers; maintain our own accounts and records.

8. Document owner

The CEO, as the Representative of the Data Controller, is the owner of this Notice document and must ensure that it is periodically reviewed according to the review requirements contained herein. The latest version of this Notice document is available to all employees of Darlington Mind Ltd. on the corporate intranet.

APPENDIX 2
Darlington Mind Ltd – DATA SUBJECT WITHDRAWAL OF CONSENT FORM

The EU’s General Data Protection Regulation (GDPR) describes how organisations must collect, process and store personal information. These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

Under the terms of GDPR, data must be:

- Held with express consent;
- Or needed for the performance of the undertaking or contract;
- Or necessary in order to comply with a legal obligation;
- Or necessary to protect the member of staff or volunteer from some life threatening matter;
- Or necessary for the purposes of the legitimate interests of the data controller.

Where you have given us consent to collect, process and store your personal information, or the personal information of a child for whom you are the parent/legal guardian, and we are only relying on your consent to do this, you have the right to withdraw your consent.

However, please note that this may result in Darlington Mind Ltd. not being able to continue to provide you or the child you have given consent in relation to, with a service. Please also note that if we have already provided you or the child in question with a service, we may be legally or contractually obligated to retain the associated personal data for a specified length of time. If you would like further details on this, please let us know in writing.

Where we use your personal information for marketing purposes (e.g. to send you newsletters or information about Darlington Mind’s services), and you previously gave us your consent to do this, you may withdraw this consent at any time. You can do this using this form, or by emailing: contactus@darlingtonmind.com, requesting that your personal information be removed from our marketing mailing list. You may also unsubscribe from our electronic marketing content at any time, by selecting the unsubscribe option.

To withdraw your consent relating either to your own or a child’s personal data, please tick whichever of the following statements apply:	
I hereby withdraw my consent to Darlington Mind Ltd. collecting, handling and storing my any of my personal data for any purpose . I understand that in doing so, Darlington Mind Ltd. may not be able to continue to provide me with a service.	<input type="checkbox"/>
I hereby withdraw my parental consent to Darlington Mind Ltd. collecting, handling and storing any of the personal data of the child named below, for any purpose . I understand that in doing so, Darlington Mind Ltd. may not be able to continue to provide the named child with a service.	<input type="checkbox"/>
I hereby withdraw my consent to Darlington Mind Ltd. collecting, handling and storing any of my personal data for marketing purposes . I understand that in doing so, Darlington Mind Ltd. may not be able to continue to provide me with information on its services.	<input type="checkbox"/>
I hereby withdraw my parental consent to Darlington Mind Ltd. collecting, handling and storing any of the child’s personal data for marketing purposes . I understand that in doing so, Darlington Mind Ltd. may not be able to continue to provide the named child with information on its services.	<input type="checkbox"/>
Name:	
Signature:	
If applicable, name of child to whom consent relates:	
Date:	