



# Middle Marches Community Land Trust

## Data Protection Policy

### 1. Data Protection Policy

The Middle Marches Community Land Trust (MMCLT) is a Society for the Benefit of the Community, regulated by the Financial Conduct Authority (Registration No 8143). It is not required to register with the Information Commissioner's Office, but it has a duty to comply with the relevant data protection legislation, the Data Protection Act 2018 (as amended), and the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 No. 419 as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020 ("UK GDPR"), or any legislation that amends or replaces it. For the purpose of the General Data Protection Regulations, MMCLT is the data controller.

### 2. Principles of Data Protection

The Data Protection Principles require that all personal information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

The act also provides stronger protection for sensitive information about ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

### 3. What compliance with the Act requires

Anyone working with personal information has a duty under the Act to abide by the above Data Protection Principles. This means individuals must:

- Keep paper files and electronic information accurate and up to date
- Keep paper files in a locked cabinet and disposed of by shredding any paper information that is no longer required

- Ensure that electronic information is password protected
- Disclose personal data only in accordance with MMCLT policy

#### **4. Employees and Volunteers**

The Trust maintains records of all volunteers in compliance with its statutory obligations. Individuals are entitled to request access to all personal information held on them. To ensure that records are accurately maintained it is essential that individuals notify the Board Secretary of any changes in their personal circumstances that would require amendment of their personal records.

#### **5. Shareholder and Donor Data Information and Security**

All shareholder and donor Information should be treated with the utmost confidentiality. Accessing data improperly or disclosing information to unauthorised parties will be deemed gross misconduct. Following termination of volunteering with the MMCLT individuals still have a duty of confidentiality and no CLT information may be used or disclosed to a third party.

#### **WHAT THIS MEANS IN PRACTICE FOR MMCLT**

#### **6. Board Members, Volunteers and Contracted Staff**

Board Members are responsible for ensuring all MMCLT activities apply Data Protection Policy (DPP) rules, including especially those for which they have an oversight, but also as a general policy, and reporting any failures or potential risks to the Trust's Data Protection Lead (DPL).

Board Members are responsible for ensuring DPP rules are observed for the Contractors and Volunteers working for them.

Contracted staff are responsible for ensuring DPP rules are observed for, and by any Volunteers they are supervising.

#### **7. What the rules mean in practice**

- Any collected personal data for volunteers and contractors (recorded digitally or on hard copy) is limited to the minimum required, ie: name, address, e-mail, contact telephone number.
- Any personal data collected that is no longer required should be deleted from personal devices (eg laptops) and any other electronic storage sites (egMMCLT's Googledrive).

- Data that has been collected during project activities, eg information on donations, can be retained for future reference, but should be stored securely online and not kept on personal devices.
- All hard copy records should be given protection, either by being kept in a secure, lockable location (eg, desk drawer). All digital copies must be password-protected.
- Records created on personal devices (e.g laptops) should be protected as above.
- For back-up purposes, contingency copies should also be kept on MMCLT's access-limited Google Drive.
- If new project Google Drive folders are needed, MMCLT's DPL should be involved in their creation to ensure appropriate access limitations are applied.
- Any data recorded must be kept up to date. Version numbers and dates should be used in the file names and in the documents' footers.
- A record of all passwords used to protect a project's personal records data should be given to the DPL, who will ensure these are stored separately and securely for contingency purposes.
- Any person can ask to see their personal data to ensure it is correct, and to be told how it is being used. They can also ask for a copy of the information held on them. This data will need to be extracted from the surrounding personal data before being handed to them.
- Complaints raised on the use of their personal data should be passed to MMCLT's Data Protection Lead.

See also paragraph 9, 'Bring your own Devices'

## **7. Working with members of the Public**

All MMCLT's Volunteers and Contractors must ensure they do not collect data on members of the public involved in MMCLT's events or work activities, beyond the need to keep record details for administrative purposes such as records of achievement, requirements for packed lunches, and future attendance for repeat activities.

### Photographs and Videos

Data protection legislation applies when individuals can be identified by their image. The rights of the individual in the collection and use of their image must be respected. This means that they must be informed when an identifiable image of them has been or will be captured, and there must be a legal basis for using the image in any way. Possible legal bases for taking images are 'legitimate interest', 'consent' and 'contractual obligation'. The ICO recommends 'legitimate interest' as the easiest legal basis provided it is valid. If using 'consent', consent must be validly collected, preferably in writing, and stored. All consent forms must be kept for the life of the

image. If consent is withdrawn, then any current (eg, photos on notice boards or in leaflets) or future use of the image must cease as soon as possible.

Publication of an individual's image on the internet constitutes international data transfer, and consent is required before publication.

#### Consent for specific use of Data

When working with young children, ie, under-13<sup>1</sup> years of age, consent should be sought from their Parents or Guardians for the use of any photographs taken and the purpose explained. All *Consent Forms* (see Annex A) should be passed to the Organiser for safekeeping.

Likewise, all images of adults involved in MMCLT's activities that are intended for use on MMCLT's social media, website, newsletters, etc, must be accompanied by a *Consent Form* and the purpose explained. These images should be numbered, dated and given an appropriate caption to enable a cross-reference to be made to the *Consent Form*.

Once used, all images should be deleted from the devices on which they have been stored. No copies of them should then exist, other than where they have been used on MMCLT's social media, website, etc.

#### Photographs and Videos of Crowds or Groups

If an individual is not identifiable in photos taken of crowds during an event, no legal basis is needed to take, display or publish the photos.

The legal basis for taking photos at a conference where it is likely that individuals may be identified, even in crowd scenes, is 'legitimate interest'.

In both cases:

- Include a sentence about photography in printed programmes or publicity material
- If a registration form is used, give notice that photography will be taking place at the event
- Include notices at the event that photography will be taking place
- Provide a clear opt-out (eg speak to the photographer, remove yourself from the photography area))
- Verbally alert people in the foreground of the crowd shots who are within earshot of the photographer and give them the opportunity to move away if they wish

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<sup>1</sup> Children can only legally give consent for online use of data from age 13 in the UK [Information Commissioner's Office]

- Evidence of the information provided to the data subjects (emails, posters, event form, etc) must be kept.

‘Legitimate interest’ is the legal basis for taking photographs of random groups of people in general scenes, such as ‘MMCLT volunteers working at a MMCLT site’, even if individuals might be identified when the photos are published on the internet. There is no need to provide a privacy notice in this situation.

## **8. GENERAL DATA PROTECTION RULES [GDPR]**

Users must freely give MMCLT consent to send them emails and be able to withdraw consent or change their minds at any time without consequences. Withdrawing consent must be as easy for the User as giving consent.

MMCLT will only use password-protected e-mail platforms that enable Users to ‘unsubscribe’ from receiving e-mails with a single click. Users’ contact details will be stored for contingency purposes in a password-protected spreadsheet and kept on a limited-access Google Drive.

## **9. BRING YOUR OWN DEVICE [BYOD]**

Using your own device to access and store corporate information, as well as your own, is known by the Information Commissioner’s Office as ‘bring your own device’ or BYOD. The data controller must remain in control of the personal data for which they are responsible, regardless of the ownership of the device used to carry out the processing.

The underlying feature of BYOD is that the user owns, maintains and supports the device. As a result, the data controller will have significantly less control over the device than over a corporately owned and provided device. The security of the data is the primary concern. The data controller will need to assess:

- what type of data is held
- where data may be stored
- how they are transferred
- potential for data leakage
- blurring of personal and business use
- the device’s security capacities
- what to do if the person who owns the device leaves the Trust, and
- how to deal with the loss, theft, failure and support of a device.

## WHAT THIS MEANS IN PRACTICE FOR MMCLT

- to prevent unauthorised access, the device should be password-protected
- the device should lock itself with a password or PIN if it is idle for five minutes
- security software is recommended (eg Avast, Kaspersky, Symantec, etc)
- to increase security, the use of a Virtual Private Network (VPN) may be considered
- updates to applications and operating systems should be installed as soon as possible

This policy will be reviewed every two years, or sooner if there are significant changes in legislation or MMCLT activities.

## ANNEX A: CONSENT FORM



## Middle Marches Community Land Trust

### Photo and Video Consent Form

Thank you for agreeing to us taking your photo and/or making a video.

The Middle Marches Community Land Trust is owned and managed by the community to protect, conserve, restore and enhance our environment through the stewardship of land. Our vision is to help create an ecologically healthy and sustainable countryside in the hills of the Middle Marches to inspire both residents and visitors. By permitting us to use your image and contribution you are helping others understand the importance of our work. Your photos and video may be shown in both printed and on-line media. Your contributions will be held securely and may be re-used multiple times by the Middle Marches Community Land Trust.

#### What am I agreeing to?

I give my consent to the Middle Marches Community Land Trust to use my image and likeness and/or any interview statements from me in its publications and media activities (including the Internet). This consent includes, but is not limited to:

- (a) Permission to interview, film, photograph, tape, or otherwise make a video reproduction of me and/or record my voice;
- (b) Permission to use my name; and
- (c) Permission to use quotes from the interview(s) (or excerpts of such quotes), the film, photograph(s), and/or recording of my voice, in part or in whole, in publications, in print and online media (including the Internet).

This consent is given for up to five years and does not require prior approval by me. I am not expecting any remuneration for allowing use of this material.

Please tick the box to confirm your agreement.

I have read and understand what I am agreeing to above

## Who am I?

Please tick the appropriate boxes

- I am filling in this form for myself (adult aged 18 or over)
- I am filling in this form on behalf of a child under the age of 18 and I am the parent or legal guardian of that child

Name: \_\_\_\_\_

Name of child (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**What is the event or project during which photos/videos will be taken?**

**My contact details (or Parent/Guardian if under 18)**

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Note that we will only use the above details to contact you in relation to our use of the content you have provided.

Middle Marches Community Land Trust is a Society for the Benefit of the Community, regulated by the Financial Conduct Authority (Registration No. 8143). It is recognised as a charitable trust by HMRC for Gift Aid, and its registered office address is Enterprise House, Station Street, Bishop's Castle, Shropshire SY9 5AQ. We will keep your data securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.