

Data Protection Policy

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Definitions

Charity	means “The Will To Survive” Trust
GDPR	means the General Data Protection Regulation
Responsible Person	means the person responsible for data protection within the Charity, chair John Scott
Data Asset Register	means a register of all systems or contexts in which personal data is processed by the Charity

1. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2. General provisions

- a. This policy applies to all personal data processed by the Charity.
- b. The Responsible Person shall take responsibility for the Charity's ongoing compliance with this policy.
- c. This policy shall be reviewed at least annually.
- d. The Trust will register with the Information Commissioner's Office as an organisation that processes personal data.

3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Data Archiving Policy and Data Asset Register.
- b. The Data Archiving Policy and Data Asset Register shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

4. Lawful purposes

- a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).
- b. The Charity shall note the appropriate lawful basis in the Privacy Policy and in the Data Archiving Policy and Data Asset Register.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

5. Data minimisation

The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. (See Privacy Policy.)

6. Accuracy

- a. The Charity shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

7. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary, the Charity has in place a Data Archiving Policy for each area in which personal data is processed and will review this process annually.

- b. The Data Archiving Policy and Data Asset Register shall consider what data should/must be retained, for how long, and why.

8. Security

- a. The Charity shall ensure that personal data is stored securely using robust modern software that is kept-up-to-date or in locked cabinets where the data is non-digital.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

Where there is a "likely risk" to an individual's right or freedoms (emotional, physical, material damage) as the result of a personal data breach, the Charity will inform the ICO within 72 hours of becoming aware of the breach, outlining the nature and likely consequences of the breach, the measures being taken to mitigate possible damage caused by the breach, and contact details of the Charity's person responsible for data protection.

Where there is a "high risk" to an individual's rights and freedoms (emotional, physical, material damage) as the result of a personal data breach, the Charity will inform the individual/s without undue delay, outlining the nature of the breach, the measures being taken to mitigate possible damage caused by the breach, and contact details of the Charity's person responsible for data protection.

The Charity will keep a record of every data breach, whether it has been necessary to report it to the ICO or not. Where reporting to the ICO has not been required, reasons to justify this must be stated in the record.