

Purpose of this Statement	To detail the Data Protection Policy at Bradford North Foodbank
Dated	January 25 th 2022
Designated Contact	Foodbank Manager

This policy is just one in a suite of policies concerned with data protection. Other policies and procedures within the GDPR Suite:

- Confidentiality Policy
- Privacy Policy and Privacy Statements
- Online Privacy Statement and Cookies Policy
- Records Management Policy
- Records Management Procedures

Introduction

Bradford North foodbank collects and uses information about the Data Subjects with whom we come into contact in order to carry out our work. This information must be collected and dealt with appropriately – whether on paper, electronically, or recorded on other material - and there are safeguards to ensure this under the Data Protection Act 2018 as amended by the UK General Data Protection Regulations and the PECR (Privacy and |Electronic Communications (EC Direction) Regulations 2002.

We work in partnership with the Trussell Trust (Charity no. 1110522) as part of their national foodbank network, which means we share data of legitimate interest with them as part of standard foodbank operations.

Definitions of Technical Terms Used in This Policy

Data Controller – The person who (either alone or with others) decides what personal information Bradford North Foodbank will hold and how it will be held or used. – (Trustees)

Data Protection Act 2018 as amended by the UK GDPR Regulations and the PECR (Privacy and |Electronic Communications (EC Direction) Regulations 2002 - the legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person responsible for ensuring that it follows its data protection policy and complies with current Data Protection legislation

Data Subject/Service User – The individual whose personal information is being held or processed by Bradford North foodbank (for example: a client, an employee).

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – is the legal responsibility on Bradford North Foodbank to notify the Information Commissioner of defined data breaches involving personal or sensitive data

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 2018.

Processing – Collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about companies and agencies but applies to named persons or employees within Bradford North foodbank.

Serious breach – A data breach that is “likely to result in a risk to the rights and freedoms” of the data subject(s). A “serious breach” is one which could be expected to have a negative impact on the people whose data has been misused.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health, including vaccination information
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject’s offences

Data Controller

Bradford North foodbank is the Data Controller under the Act and will determine what purposes the information held will be used for. Bradford North foodbank is also responsible for notifying the Information Commissioner of the data we hold or are likely to hold, and the general purposes that this data will be used for.

Note: The Trussell Trust is a separate Data Controller for the personal data processed in the data collection system.

Disclosure:

Bradford North foodbank will not disclose your personal information to a third party unless we believe it is lawful to do so. We will not pass on personal details to anyone outside the foodbank for marketing purposes. There are particular circumstances where the law allows Bradford North foodbank to disclose data without the data subject’s consent:

1. Carrying out a legal duty as authorised by an appropriate legal officer
2. The Data Subject has already made the information public
3. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
4. Where there is a “legitimate interest”, such as preventing abuse of the system by those trying to obtain more foodbank vouchers than they are entitled to

Bradford North foodbank places great importance on the correct treatment of personal information and recognise that this plays a key part in retaining the trust and confidence of those with whom we work and serve. We will strive to ensure that personal information is always treated lawfully and correctly.

Bradford North foodbank is registered with the Information Commissioner’s Office and will continue to do so on an annual basis.

Adherence to Data Protection Legislation

To this end Bradford North foodbank will, through appropriate management and strict application of criteria and controls, adhere to the Principles of the Data Protection Act 2018 and General Data Protection Regulations, which require that:

1. personal data should be processed fairly and lawfully
2. data should be obtained only for one or more specified and lawful purposes
3. the data should be adequate, relevant and not excessive
4. data should be accurate and, where necessary, kept up-to-date
5. any data should not be kept for longer than necessary
6. personal data should be processed in accordance with individual’s rights under the act
7. data should be kept secure

8. personal data should not be transferred outside the European Economic Areas unless the country offers adequate data protection

Data Subjects

Bradford North foodbank holds personal data about a number of groups of data subjects, including (but not necessarily limited to):

- ✓ Employees of the charity
- ✓ Volunteers of the charity
- ✓ Trustees of the charity
- ✓ Financial donors to the charity
- ✓ Supporters of the charity
- ✓ Clients receiving emergency food assistance
- ✓ Clients providing case study information to the charity
- ✓ Local contacts (referral agencies, food donor groups, other client support services etc)
- ✓ Complainants

Data Privacy Statements

Bradford North foodbank maintains an up-to-date “data privacy statement” for each of its principal groups of data subjects. Data privacy statements are available separately and are freely available to data subjects on request. They provide the following specific information for the relevant group of data subjects:

- What personal data Bradford North foodbank holds
- How the personal data is kept safe
- What the data is used for
- The “lawful basis” (legal right) of Bradford North foodbank to hold and process the data
- Who can see the data
- How long the data will be kept
- The data subjects’ rights

Data Subjects’ Rights

Bradford North foodbank is committed to upholding the rights of data subjects, particularly:

- Right to be know what data is held
- Right to have a copy of the data held
- Right to object to the “lawful basis” for holding data
- Right to object to the misuse of data
- Right to have data corrected
- Right to be forgotten (to have data removed)

Foodbank Client Data Collection

The bottom of each printed foodbank voucher contains a data statement. An equivalent statement is to be read to any clients being referred by the “e-referral” process. This statement makes clear:

- the charity’s commitment to data security
- the “lawful basis” for holding and processing client data
- the client’s data will be retained for statistical analysis
- to help prevent misuse, the dates and locations of foodbank visits may be shared
- client data will not be used for any other purposes
- it will only be seen by people that need to do so for foodbank reasons
- it is never sold or given to any other body

By presenting the voucher (or voucher code) at a foodbank, the client will be regarded as having accepted the associated data statement.

Other Personal Data Collection

When collecting any other data, Bradford North foodbank will ensure that the Data Subject:

- understands why the information is needed, and the “lawful basis” for doing so
- understands what it will be used for and what the consequences are should the Data Subject decide not give consent to processing
- grants explicit written or verbal consent for data to be processed, where consent is required
- is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- has received sufficient information on why their data is needed and how it will be used

Bradford North foodbank will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Personal data will be stored for only as long as it is needed or required by statute, or to satisfy Charity Commission auditing expectations, and will be disposed of appropriately and securely.

It is Bradford North Foodbank’s responsibility to ensure all personal and organisation data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party.

Subject Access Requests (SARs)

All Data Subjects have the right to make a “subject access request”, to ask Bradford North foodbank for details of the personal data held about them. If Bradford North foodbank receives a “Subject Access Request”, we will take the following actions within one month:

- Confirm if the charity holds any personal data about the data subject
- Provide them with a copy of that data
- Provide any supporting explanatory materials (e.g. a Data Privacy Statement)

If they wish to, the data subject can ask for a copy of their data in a “commonly used electronic form” (e.g. a familiar file type, such as Excel, CSV, Word, PDF etc). This is their “Right to Portability”.

The foodbank reserves the right to charge a reasonable fee where requests are “manifestly unfounded or excessive” and particularly if they are repetitive. No fee will normally be charged for a party’s first SAR, or where previous SARs have found errors in their data. Where requests are “manifestly unfounded or excessive” and/or repetitive a typical fee will be £10. We reserve the right to increase this for further SARs to reflect the time taken in processing an SAR.

If a SAR reveals that any of the details we hold are incorrect, they will be amended and no fee will be charged.

Bradford North Foodbank will also take reasonable steps to ensure that this information is kept up-to-date by asking data subjects whether there have been any changes.

Data Breaches

Bradford North foodbank takes reported “data breaches” very seriously.

Bradford North Foodbank will take prompt actions to investigate a suspected data breach, to minimise the effect of any breach, and to reduce the chance of it happening again. The actions will be recorded in a Data

Breach Register. If a data subject contacts us about a breach involving their data, we will inform them of the actions taken.

The trustees of Bradford North foodbank will be kept informed of any data breaches.

If the trustees of Bradford North Foodbank become aware of any data breach, we will always consider carefully whether it should be deemed a “serious breach”.

If the trustees of Bradford North Foodbank believe there has been a serious breach, we will always:

- report it promptly to the Information Commissioners Office
- take reasonable steps to contact or inform the data subjects whose data is involved
- report it to The Trussell Trust’s governing body of charity trustees, with a copy of the incident record from our Data Breach Register.

Automated Decision Making and Profiling

Bradford North foodbank does not use personal data for automated decision making and profiling.

In addition, Bradford North foodbank will ensure that:

1. We have a nominated Data Protection Officer with specific responsibility for ensuring compliance with Data Protection requirements
2. Everyone processing personal information understands that they are contractually responsible for following good data protection practice
3. Everyone processing personal information is appropriately trained to do so
4. Everyone processing personal information is appropriately supervised or managed
5. Everyone with access to personal data in the foodbank data system will sign a Data Protection Statement, committing them to respect data security. A copy will be kept in each volunteers’ and staff members’ records.
6. We provide full, accurate and clear information about our handling of personal data in Data Privacy Statements for each significant group of data subjects
7. We make it easy for data subjects to ask for and receive a copy of the relevant Data Privacy Statement
8. We deal promptly and courteously with any enquiries about handling personal information
9. We will regularly review and audit the way we hold, manage and use personal information
10. We will regularly assess and evaluate our methods and performance in relation to handling personal information
11. All staff will be made aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

Named Data Protection Officer	Moira Crotty
Monitoring of the procedures	Foodbank Manager
Reporting To	Trustees
Next Review Date	Jan 2023

This policy will be reviewed and updated as necessary to reflect best practice in data management, security and control, and to ensure compliance with any changes or amendments made to the Data Protection Act 2018 and General Data Protection Regulation. In case of any queries or questions in relation to this policy please contact the named Data Protection Officer

This policy was reviewed, minor edits made and adopted by the trustees on 25/01/2022