

# **Downright Special GDPR Data Protection Policy**

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## **1. Scope**

Downright Special and its management and Board of Trustees, with a registered address at Bodmin Road Church Office, Padstow Close, Hull HU7 4HE, are committed to being fully compliant with all applicable UK and EU data protection legislation in respect of personal data, as well to safeguarding the “rights and freedoms” of persons whose information Downright Special collects pursuant to the General Data Protection Regulation (“GDPR”).

In order to operate effectively and fulfil its legal obligations, Downright Special needs to collect, maintain and use certain personal data about current, past and prospective members, suppliers and other individuals that contact Downright Special, or with whom it has dealings (each, a “data subject” and together, “data subjects”). Downright Special is dedicated to obtaining, handling, processing, transporting and storing all such personal data, whether held on computer, or paper, lawfully and correctly, in accordance with the safeguards contained in the UK GDPR Act 2016 (the “GDPR”).

Downright Special has a responsibility to protect such personal data, especially sensitive personal data that is collected from data subjects.

## **2. Objectives**

Downright Special’s objectives for the storage of personal data are as follows:

1. To enable Downright Special to meet its personal data obligations in relation to how personal information is managed;
2. To support Downright Special’s objectives;
3. To set appropriate systems and controls according to Downright Special’s risk appetite;
4. To ensure that Downright Special is compliant with all applicable obligations, whether statutory, regulatory, contractual and/or professional; and
5. To safeguard personnel and stakeholder interests.

## **3. Good practice**

Downright Special is committed to the principles of data protection as detailed in the UK GDPR Act 2016 and shall ensure compliance with data protection legislation and good practice, by at all times:

1. Processing personal information only when to do so is absolutely necessary for organisational purposes;
2. Ensuring that the least possible amount of personal data is collected, and that personal data is never processed unduly;
3. Informing individuals of how their personal data is or will be used and by whom;
4. Processing only pertinent and adequate personal data;
5. Processing personal data in a lawful and fair manner;
6. Keeping a record of the various categories of personal data processed;
7. Ensuring that all personal data that is kept is accurate and up-to-date;
8. Retaining personal data no longer than required by statute or regulatory body, or for organisational purposes;
9. Giving individuals the right of 'subject access', as well as all other individual rights pertaining to their personal data;
10. Ensuring that all personal data is maintained securely;
11. Transferring personal data outside of the EU only in situations where it shall be appropriately secured;
12. Applying various statutory exemptions, where appropriate;
13. Implementing a Database pursuant to this Policy;
14. Identifying personnel that are responsible and accountable for the Database

#### **4. What Downright Special Collects**

Downright Special collects personal data that data subjects (you) provide to Downright Special, which is information that can be used (or reasonable used) to identify someone as an individual. Downright Special will only do this when you (the data subject) have agreed to Downright Special's request for that personal data. This personal data may include your:

Name;

Address;

Telephone Number;

Email;

Child (ren)'s name;

Child(ren)'s date of birth.

#### **5. How Downright Special will use a data subject's personal data.**

By providing personal data, you (as a data subject) agree that, where it is permitted by applicable law or where you have agreed to receive these communications from Downright Special, Downright Special may use your personal data to:

- Respond to your requests;
- Improve services for people with Down's syndrome ;
- Improve the content of our communications;
- Provide you with tips, helpful information, news and updates;
- Notify you of new services;
- Seek your views on new products and services;
- Consider your application for employment;
- Assist with the Downright Special's own administrative and quality assurance purposes; or
- For other purposes that may be detailed on the Downright Special website or a mobile application.

Downright Special will act as a data controller of such personal data.

Downright Special will only collect personal data to serve a specific business, commercial, or legal purpose and only gather the minimum amount needed. Downright Special will use only fair and lawful means to obtain the personal data.

Downright Special will be transparent in dealings with data subjects whose personal data the Downright Special holds.

Downright Special will obtain a data subject's informed consent to process his or her personal data in cases where it is necessary and appropriate to do so in compliance with applicable laws.

Downright Special will not use personal data collected for one purpose for a different purpose without getting the data subject's consent, unless applicable laws allow or require it.

Downright Special will correct any personal data where it is notified that such personal data is incorrect.

Only authorised paid employees, trustees and volunteers of Downright Special can carry out processing of personal data, which must be consistent with their individual roles and responsibilities.

Personal data will be held in accordance with the safeguards in Downright Special Security Access Policy 92017\_G

## **6. How Downright Special protects your personal data**

Downright Special will take appropriate legal, organisational and technical measures to protect personal data consistent with applicable privacy and data security laws.

When Downright Special uses a third-party service provider, that provider will be carefully selected and required to use appropriate measures to protect the confidentiality and security of personal data.

When we collect your personal information we use strict procedures and security features to prevent unauthorised access. Unfortunately, no data transmission over the Internet is 100 per cent secure. As a result, while we try to protect your personal information, Downright Special cannot guarantee the security of any information you transmit to us and you do so at your own risk.

### **Sharing personal data with third parties**

Downright Special will not sell or license your personal data to other third parties unless we have your explicit permission or are required to do so by law.

In certain special cases where permitted by applicable law, Downright Special may disclose your personal data:

- when Downright Special has reason to believe that disclosure of this information is necessary to identify, contact or bring legal action against someone who may be causing injury to you or otherwise injuring or interfering with the Downright Special's rights, property or operations, other users of this website or any mobile application or anyone else who could be harmed by such activities;
- when Downright Special believes that applicable law requires it, or in response to any demand by law enforcement authorities in connection with a criminal investigation, or civil or administrative authorities in connection with a pending civil case or administrative investigation;

Personal data collected may be transferred to, stored and processed in your country of residence or any other country in which Downright Special, subcontractors or agents maintain facilities, including the United States and countries outside the European Economic Area (EEA).

Downright Special will ensure that if your personal data is transferred outside your country of residence, it will still be treated in accordance with this Downright Policy.

Sometimes Downright Special uses selected third parties to provide support services in the normal course of business. These parties may, from time to time, have access to your personal data to enable them to provide those services to Downright Special. Downright

Special requires all third parties providing such support services to meet the same standards of data protection as detailed in the UK GDPR Act 2016. Any third party will be prohibited from using your personal data for that third party's own purposes. In particular, Downright Special will not allow service providers to use your personal data for the marketing activities of that service provider.

## **6. Website**

### **Links to other websites**

Downright Special's website (and any mobile applications, if any) may from time to time provide links to or embed third party websites. This Downright Special Policy does not apply to those third party websites. If you choose to enter such a linked site, you agree that Downright Special is not responsible for the availability of such websites and Downright Special does not review or endorse and shall not be liable, directly or indirectly, for:

how these third party websites treat your personal data;

the content of such third party websites; or

the use that others make of these third party websites.

Please ensure you check the data protection policy posted on a third party website or mobile application you access before entering any personal data.

## **7. Subject Access Request**

Downright Special will retain your information only for the period necessary to fulfil the purposes outlined in this Downright Special Policy unless a longer retention period is required or permitted by applicable law. Anyone who is the subject of personal data held by Downright Special has the right to make a subject access request to request the updating, correcting or removal of personal data that has been provided to us, at any time, using the contact information provided at the end of this Downright Special Policy. Applicable laws may also give you the right to access information that you have provided to Downright Special.

If, as the result of a subject access request, any personal data is found to be incorrect it will be amended. Downright Special will deal promptly with subject access requests and will normally respond within 40 days. If there is a reason for delay, the person making the request will be informed accordingly.

Downright Special Subject Access Request Policy 92017-C sets out the procedure for making data access requests to data subjects and outlines how Downright Special will comply with the requirements of the GDPR regarding this.

## **8. Who this policy applies to**

This policy applies to all employees, volunteers and trustees of Downright Special, including contractors and subcontractors. Breaches of the GDPR policy shall be dealt with according to Downright Special's Disciplinary Policy. If there is a possibility that the breach could amount to a criminal offence, the matter shall be referred to the relevant authorities.

## **9. Changes**

Downright Special will update this Downright Special Policy to take account of changes in working practice or applicable law. If the changes that Downright Special makes are material, Downright Special also may post a notice regarding the changes on its websites or mobile applications. Downright Special encourages you to periodically review this Downright Special Policy to stay informed about how Downright Special is helping to protect the personal data that Downright Special collects. Your action in continuing to use Downright Special websites and mobile applications constitutes your agreement to this Downright Special Policy and any updates. Subsequent changes in this Downright Special Policy will not apply to personal data that were collected before the change is made. Downright Special reserves all of its all legal rights.

## **9. Contact Downright Special**

Please address any questions, comments and requests regarding this Downright Special Policy to Downright Special using the contact details below. If you contact Downright Special, please provide information as to how Downright Special may contact you.

To contact Downright Special call 01482 420160 or email [office@downrightspecial.co.uk](mailto:office@downrightspecial.co.uk)

## **10. Complaints**

All complaints about the Downright Special's processing of personal data may be lodged by a data subject directly with the Downright Special. The data subject must be provided with Downright Special's Privacy Policy at this stage.

Complaints may also be made by a data subject directly to the relevant regulatory body and Downright Special hereby provides the relevant contact details: Information Commissioner's Office, Tel: 0303 123 1113.

All complaints in relation to how a complaint has been handled and any appeals following the submission of a complaint shall be dealt with by Downright Special and the data subject is required to submit a further complaint.

## Appendix 1: Definitions (as per the GDPR)

- *Child* means anyone under the age of 16. It is only lawful to process the personal data of a child under the age of 13 upon receipt of consent from the child's parent or legal custodian.
- *Data controller* may be a natural or legal person, whether a public authority, agency or other body which, individually or jointly with others, is in charge of ascertaining the purposes and means by which personal data shall be processed. Where EU or Member State law predetermines the purposes and means of processing personal data, the data controller or, if appropriate, the specific criteria for selecting the data controller, may be provided for by EU or Member State law.
- *Data subject* refers to any living person who is the subject of personal data (see above for the definition of 'personal data') held by an organisation. A data subject must be identifiable by name, ID, address, online identifier or other factors such as physical, physiological, genetic, mental, economic or social.
- *Data subject consent* refers to any specific indication by the data subject that signifies consent to the processing of personal data. Consent may take place by way of a written or oral statement or by clear, unambiguous action and must be given freely at all times, without duress, with the data subject being properly informed.
- *Establishment* refers to the administrative head office of the 'data controller' in the EU, where the main decisions regarding the purpose of its data processing activities are made. 'Data controllers' based outside of the EU are required to appoint a representative within the jurisdiction in which they operate to act on its behalf and liaise with the relevant regulatory and supervisory authorities.
- *Filing system* refers to any personal data set which is accessible on the basis of certain benchmarks, or norms and can be centralised, decentralised or dispersed across various locations.
- *Personal data* – means any information relating to a data subject.
- *Personal data breach* refers to a security breach which results in the disclosure, alteration, destruction or loss of personal data, as well as unauthorised access to personal data that is stored, transmitted or processed by any other means, whether accidentally or unlawfully. All personal data breaches must be reported to relevant regulatory authority by the 'data controller' at all times, whereas the data subject need only be informed of a data breach when it is likely that the breach will have an adverse effect on his or her privacy or personal data.
- *Processing* refers to any action taken in relation to personal data, including but not limited to collection, adaptation or alteration, recording, storage, retrieval, consultation, use, disclosure, dissemination, combination or deletion, whether by automated means or otherwise.

- *Profiling* refers to any form of personal data processing that is automated, with the intention of assessing personal aspects of a data subject or analysing a data subject's employment performance, economic status, whereabouts, health, personal preferences and behaviour. The data subject has a right to object to profiling and a right to be informed of the fact that profiling is taking place, as well as the intended outcome(s) of the profiling.
- *Special categories of personal data* refers to personal data covering such matters as racial or ethnic origin, beliefs - whether religious, political or philosophical - membership of a trade-union and data relating to genetics, biometric identification, health, sexual orientation and sex life.
- *Territorial scope* the GDPR applies to all EU based 'data controllers' who engage in the processing of data subjects' personal data as well as to 'data controllers' located outside of the EU that process data subjects' personal data so as to provide goods and services, or to monitor EU based data subject behaviour.
- *Third party* is a natural or legal person other than the data subject who is authorised to process personal data, whether a public authority, agency or other body controller, processor or any other person(s) under the direct authority of the controller or processor.



## **Appendix 2: Responsibilities under the GDPR**

Downright Special is a data controller pursuant to the GDPR.

Appointed employees of Downright Special with managerial or supervisory responsibilities are responsible for ensuring that good personal data handling practices are developed, reviewed and encouraged within Downright Special, as per their individual job descriptions.

### *Data Controller*

The position of Data Controller which involves the management of personal data within Downright Special as well as compliance with the requirements of the Data Protection Act and demonstration of good practice protocol, is to be taken up by an appropriately qualified and experienced member of Downright Special's senior management team.

The Data Controller reports to Downright Special's Board of Trustees and, amongst other things, is accountable for the development and implementation of the Database and for day-to-day compliance with this policy, both in terms of security and risk management. In addition, the Data Controller, is directly responsible for ensuring that Downright Special is GDPR compliant and that managers and executive officers of Downright Special are compliant in respect of data processing that occurs within their field of responsibility and/or oversight.

The Data Controller shall at all times be the first point of contact for any employees of Downright Special who require guidance in relation to any aspect of data protection compliance.

The Data Controller is also responsible for other procedures, such as the Subject Access Request Policy 92017-C.

It is not merely the Data Controller who is responsible for data protection, indeed all employees, volunteers, and sub-contractors of Downright Special who process personal data are responsible for ensuring compliance with data protection laws. Downright Special's GDPR Training Policy 92017-D provides for specific training for such, volunteers and sub-contractors (where appropriate) of Downright Special.

Employees, volunteers and sub-contractors of Downright Special are personally responsible for ensuring that all personal data they have provided and has been provided about them to Downright Special is accurate and up-to-date.

### *Risk Assessment*

It is vital that Downright Special is aware of all risks associated with personal data processing and it is via its risk assessment process that Downright Special is able to assess the level of risk. Downright Special is also required to carry out assessments of the personal data processing undertaken by other organisations on its behalf and to manage any identified risks, so as to mitigate the likelihood of potential non-compliance with this policy.

## Document owner

The Data Controller is the owner of this policy document and must ensure that it is periodically reviewed according to the review requirements contained herein.

The latest version of this policy document dated May 2018 is available to all employees of Downright Special on Dropbox and on the Downright Special website.

This policy document was approved by Downright Special's Board of Trustees and is issued by the Charity Manager on a version controlled basis.

Name of Charity Manager: Gillian Bowlas

Date: May 2018

## Change history record

Issue	Description of Change	Approval	Date of Issue
1	{{ insert_detail_of_change_1 }}	{{ insert_manager_name_1 }}	{{ insert_date_1 }}
2	{{ insert_detail_of_change_2 }}	{{ insert_manager_name_2 }}	{{ insert_date_2 }}
3	{{ insert_detail_of_change_3 }}	{{ insert_manager_name_3 }}	{{ insert_date_3 }}