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### 01 PURPOSE

This policy sets out Wheels for All's commitment to data protection, and individual rights and obligations in relation to personal data. Personal data is held for a number of groups each of which has its own privacy notice.

- Participant related personal data: participants, their parents and / or carers
- HR related personal data: job applicants, employees, workers, contractors, volunteers, interns, apprentices and former employees
- Training delegate related personal data: trainees attending Wheels for All courses
- Supplier personal data: suppliers to Wheels for All.

## **02 POLICY**

Wheels for All is committed to meeting its obligations as a data controller to be able to demonstrate compliance with the Data Protection Act 2018.

### **Definitions**

#### **Personal data**

For data to be classed as “Personal Data” it must:

- Be data (i.e. be recorded – automatically, electronically or manually)
- Be sufficient to identify living individuals

Personal data includes papers, photographs, videos, IP addresses, internet cookies and biometrics.

Personal data excludes unrecorded conversations with staff, volunteers and participants.

#### **Special categories of personal data**

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- physical and mental health
- sex life
- sexual orientation
- criminal convictions and offences
- criminal allegations and proceedings
- biometric (e.g. fingerprint & iris patterns) and genetic data

#### **Data subject**

Individuals to whom personal data relates.

#### **Data Controller**

The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and the means of processing personal data.

Wheels for All is a Data Controller.

### **Data Processor**

The natural or legal person, public authority, agency or other body which processes data on behalf of the Data Controller.

Binding contracts must be in place between Data Controllers and Data Processors covering the duration, nature and purpose of the processing, the types of data processed and the obligations and rights of the controller. A Data Processor must inform the Data Controller if it believes that a processing of data breaches the Data Protection Act.

### **03 PRINCIPLES OF DATA PROTECTION**

Personal data will be:

- processed lawfully, fairly and in a transparent manner in relation to individuals.
- collected for specified, explicit and legitimate purposes and not processed further in a manner that is incompatible with those purposes.
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- accurate and, where necessary, kept up to date. Reasonable steps will be taken to ensure that inaccurate personal data is rectified or erased in a timely manner.
- 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 insofar as it will be used solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to the implementation of appropriate technical and organisational measures required by the Data Protection Act 2018 in order to safeguard the rights and freedoms of individuals.
- 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 methods.

### **04 PRIVACY NOTICES**

Specific privacy notices have been developed for different groups of individuals depending on the nature of the personal data held and processed by Wheels for All. These notices inform individuals of:

- the reasons for processing their personal data and that it will not be used for other reasons
- how their data is used
- the legal basis for its processing
- the data retention period

The privacy notices relate to:

- Participant, carer & worker related personal data
- HR-related personal data
- Training delegate related personal data

### **05 SPECIAL CATEGORIES OF PERSONAL DATA**

Where Wheels for All processes special categories of personal data to perform obligations or to exercise rights in employment law, this is done in accordance with the legal requirements for special categories of data.

Wheels for All will update any out-of-date personal data promptly if an individual advises that their information has changed or is inaccurate.

### **06 PROCESSING ACTIVITIES**

A record of our processing activities in respect of personal data is kept in accordance with the requirements of the Data Protection Act.

### **07 THE RIGHTS OF INDIVIDUALS**

As a data subject, individuals have a number of rights in relation to their personal data.

- **Subject access requests**

Individuals have the right to make a subject access request. If an individual makes a subject access request, Wheels for All will inform them of:

- whether or not his/her data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
- to whom his/her data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long his/her personal data is stored (or how that period is decided);
- his/her rights to rectification or erasure of data, or to restrict or object to processing;
- his/her right to complain to the Information Commissioner if he/she thinks we have failed to comply with their data protection rights; and
- whether or not their data is subject to automated decision-making and the logic involved in any such decision-making.

A copy of the personal data undergoing processing will also be provided. This will normally be electronic where the individual has made a request electronically, unless otherwise agreed.

### **Additional copies**

Additional copies are available. A fee is chargeable based on the administrative cost of providing them.

### **Send requests to**

Please see Useful Contacts section and appendices Subject access requests, should be sent by the individual to [dataprotection@wheelsforall.org.uk](mailto:dataprotection@wheelsforall.org.uk).

### **Proof of identification**

In some cases, we may need to ask for proof of identification before providing information. Individuals will be informed if they need to verify their identity.

### **Response time**

Requests will be responded to within one month from the date it is received.

For some individuals this may be up to three months for example where a large amount of the individual's data is held. In these cases Wheels for All will write to the individual within one month of receiving the original request to let them know this is so.

### **Unfounded or excessive requests**

A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which we have already responded; in these cases Wheels for All may take one for two approaches.

- Wheels for All may not comply as in these circumstances it is not legally obliged to do so.
- Wheels for All may comply and charge a fee based on the administrative cost of the request.

If an individual submits a request that is unfounded or excessive, we will notify them that this is the case and whether or not it will respond to it.

### • **Other rights**

Individuals have a number of other rights in relation to their personal data.

They can require Wheels for All to:

- Rectify inaccurate data
- Stop processing or erase data that is no longer necessary for the purposes of processing
- Stop processing or erase data if individuals' interests override those of Wheels for All's legitimate grounds for processing the data (where legitimate interests apply as a reason for processing data)
- Stop processing or erase data if processing is unlawful; and
- Stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override Wheels for All' legitimate grounds for processing data.

To exercise these rights please refer to the useful contacts at the end of this policy.

**08 DATA SECURITY**

We take the security of personal data seriously and have internal controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where we engage third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

**09 IMPACT ASSESSMENTS**

Some of the processing that we carry out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, we will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.]

**10 DATA BREACHES**

If a breach of personal data is discovered that poses a risk to the rights and freedoms of individuals, this will be reported to the Charities Commission and the Information Commissioner within 72 hours of discovery. All data breaches are recorded regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, affected individuals will be informed of the breach and provided with information about its likely consequences and the mitigation measures taken.

**11 INTERNATIONAL DATA TRANSFERS**

Wheels for All will not transfer personal data to countries outside the UK.

## **12 EMPLOYEE RESPONSIBILITIES**

Employees are responsible for helping to keep their personal data up to date. Individuals should inform Wheels for All of any relevant changes, e.g. house moves or new bank details.

Employees may have access to the personal data of other employees and of participants and others in the course of their employment, contract, volunteer period, internship or apprenticeship. Where this is the case, Wheels for All relies on individuals to help meet its data protection obligations.

### **Employees who have access to personal data are required:**

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the charity) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- to not remove personal data, or devices containing or that can be used to access personal data, from the charity's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- to not store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with as set out in the grievance and disciplinary policy. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and may lead to dismissal without notice.

### **Training**

Wheels for All will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.



Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

### **13 CONTRACTS WITH DATA PROCESSORS**

Organisations commonly rely on data processors to process data relating to its employees e.g. in relation to payroll or occupational health services. Under the Data Protection Act, we are obliged to use only processors that implement appropriate technical and organisational measures to protect the rights of data subjects.

Relationships between Wheels for All and its data processors are governed by contracts that show:

- the subject matter and duration of the third-party processing
- the nature and purpose of the processing
- the type of personal data processed and categories of data subjects
- the obligations and rights of the charity and the requirements of the processor:
- to return or delete all personal data at the end of the contract unless there is a legal obligation to retain it
- to adopt appropriate technical and organisational measures to assist the charity in responding to subject access request

### **14 USEFUL CONTACTS**

Wheels for All Data Protection Lead:

Tom Webster      07792 616750

email:              tom.webster@wheelsforall.org.uk

Wheels for All Chief Executive Officer:

Ian Tierney        07719 073525

email:              ian.tierney@wheelsforall.org.uk

**15 DOCUMENT CONTROL****15.1 Review frequency**

**Annually, on the event of changes to regulation, best practice or useful contacts.**

**15.2 Change history**

<b>Issue Number</b>	<b>Issue Date</b>	<b>Board Approval Ref</b>	<b>Summary of change</b>	<b>Contact name</b>
1				
2.0			Remove privacy notice details – separate documents	
2.1			WfA branding applied TW named email address	

**05.3 Next review date**

14 /03/24