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Going Green for A Living Community Land Trust Ltd.

General Data Protection Regulation (GDPR) Policy

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1. **Introduction:**

The Data Protection Act 1998 came into force on 1st March 2000. It strengthens the rights of individuals and sets out rules for the way personal information about them is processed. It also places more obligations on everyone who records and uses information relating to individuals, applying to paper records as well as those held electronically. Alongside this GDPR came into effect in the UK on 25th May 2018.

Going Green For A Living Community Land Trust (GGFL) is committed to the lawful and appropriate treatment of personal information as set out in the above act’s.

All Staff, Directors and Volunteers working on behalf of GGFL come within the scope of this policy and must comply with it.

1. **The Data Protection/GDPR Principles**

The Act encourages good practices amongst data controllers (an individual or organisation which controls personal data) by establishing a set of eight Data Protection Principles that set out rules for the fair and secure handling of personal data. These rules have now been reduced to six principles and are now set out under new **GDPR** rules that came into effect in 2018 in ref to “personal data” which has now been expanded. Under the GDPR, personal data means any information relating to an identifiable living person who can directly or indirectly be identified from that information. So Open Newtown will ensure that the following is done.

* Personal data shall be processed fairly and lawfully and in a transparent manner in relation to the individual.
* Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose
* Personal data shall be adequate, relevant, and limited to what is necessary in relation to the purpose for which they are processed.
* Personal data shall be accurate and, where necessary, kept up to date
* Personal data processed should be kept in a form which permits identification of data subjects, for no longer than is necessary for the purposes for which the personal data was required.
* Personal data shall be processed in a manner that ensures appropriate security of the personal data using appropriate technical or organisational measures including unlawful and accidental loss of data.

1. **Security**

Going Green For A Living Community Land Trust Ltd is required to put in place security measures to safeguard personal data. The 1998 Act requires that GGFL must take appropriate technical or organisational measures to prevent the unauthorised or unlawful processing, or disclosure, of data. GDPR rules requires GGFL to be accountable for all data processed. We are required to control and be responsible and to demonstrate the six principles set out above.

1. **Individuals’ Rights**

The Act gives rights to individuals in respect of personal data held about them by others. The rights include:

* right of subject access
* right to prevent processing likely to cause damage or distress
* right to prevent processing for the purposes of direct marketing
* right in relation to automated decision-taking
* right to act for compensation if the individual suffers damage by any contravention of the Act
* right to take action to rectify, block, erase or destroy inaccurate data
* right to make a request to the GGFL for an assessment to be made as to whether any provision of the Act has been contravened by applying via email to [contact@opennewtown.org.uk](mailto:contact@opennewtown.org.uk) or by post to 9 Board Street Newtown Powys SY16 2LU.

1. **How an Individual should apply for data held**

The request should be in writing and should include reference to section 7(1) and 7 (1)d of the Data Protection Act 1998 and should be accompanied by the permitted fee of £10 for each request. Under GDPR regulation the individual will need to file a **Subject Access Request (SAR)** which in its simplest terms is a written request in the form of an Email, letter, or fax.

Proof of identity is also required at the time of the application to verify that the applicant is the data subject.

GGFL is required to respond to any request within 28 calendar days required by the Act.

1. **Quality of Data & Retention**

The Act requires inaccurate data to be amended/removed as soon as practicably possible. Where there is a dispute over the accuracy of the information, this disagreement must be recorded.

Only relevant information will be collected and held by GGFL, (i.e. the minimum in order to fulfil the purpose for which it is held and it should not be held or retained on the grounds that it may possibly become relevant in the future.) To comply with GDPR regulations when **asking for consent** the following should be applied:

☐ We have checked that consent is the most appropriate lawful basis for processing.

☐ We have made the request for consent prominent and separate from our terms and conditions.

☐ We ask people to positively opt in.

☐ We do not use pre-ticked boxes or any other type of default consent.

☐ We use clear, plain language that is easy to understand.

☐ We specify why we want the data and what we are going to do with it.

☐ We give individual (‘granular’) options to consent separately to different purposes and types of processing.

☐ We name our organisation and any third-party controllers who will be relying on the consent.

☐ We tell individuals they can withdraw their consent.

☐ We ensure that individuals can refuse to consent without detriment.

☐ We avoid making consent a precondition of a service.

☐ If we offer online services directly to children, we only seek consent if we have age-verification measures (and parental-consent measures for younger children) in place.

When **recording consent**, the following should be applied:

☐ We keep a record of when and how we got consent from the individual.

☐ We keep a record of exactly what they were told at the time.

When **managing consent** GGFL will:

☐ We regularly review consents to check that the relationship, the processing, and the purposes have not changed.

☐ We have processes in place to refresh consent at appropriate intervals, including any parental consents.

☐ We consider using privacy dashboards or other preference-management tools as a matter of good practice.

☐ We make it easy for individuals to withdraw their consent at any time, publicise how to do so.

☐ We act on withdrawals of consent as soon as we can.

☐ We do not penalise individuals who wish to withdraw consent.

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