

YMCA
GEORGE WILLIAMS
COLLEGE

Data Protection Policy 2024

Glossary of Terms

- a) **Personal data.** Any information relating to a natural person (the “Data Subject”) who may be identified directly or indirectly from that information.
- b) **Sensitive data.** A special category of personal data relating to a data subject’s racial or ethnic origin, their politics, their religious beliefs, their physical or mental health, their sexual orientation, or their trade union affiliation.
- c) **Data Controller.** The organisation which collects and determines the use of personal data.
- d) **Data Processor.** An entity which processes personal data on behalf of and under the instruction of a 3rd party or hosts the means (e.g. data portal) by which a 3rd-party may process the data.
- e) **Processing.** Any operation performed on personal data such as collection, storage, retrieval, transfer or transmission, dissemination, deletion/destruction, or adaption and alteration.
- f) **Consent.** The consent of a data subject means any freely given, specific, informed and unambiguous indication by statement or clear affirmative action, signifying agreement to the processing of their personal data.
- g) **Data Breach.** A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data.

Introduction

YMCA George Williams College which for the purposes of this policy includes its affiliates and associates and are collectively referred to as YMCA GEORGE WILLIAMS COLLEGE, has a legal obligation to comply with all appropriate data protection legislation, primarily the Data Protection Act 2018 (DPA2018), the UK General Data Protection Regulation (UKGDPR), but also such legislation as the Privacy and Electronic Communications Regulations (PECR) and other legislation as may be applicable.

YMCA George Williams College also has a duty to comply with guidance issued by the Charities Commission, the Information Commissioner’s Office, and other relevant advisory groups.

YMCA George Williams College needs to collect and use certain types of information about individuals (“data subjects”) in order to carry out its functions and services provision. This personal information will be collected and handled appropriately whether collected on paper, a website, a data portal, or stored in a computer database, or recorded on other material, and there are safeguards to ensure this in the DPA2018/UKGDPR.

YMCA George Williams College may act as a Data Controller, or a Data Processor as defined in the DPA2018/UKGDPR. It is also responsible for notifying the Information Commissioner’s Office of the data it holds or is likely to hold, and the general purposes that this data will be used for.

YMCA George Williams College is registered as a Data Controller with the Information Commissioner’s Office, registration number Z 3237575.

YMCA George Williams College may need to share data with other agencies such as, but not necessarily limited to, a local authority, regulated health service providers, police, Inland Revenue and other Government bodies. Where such sharing is necessary it shall be done lawfully and in compliance with all applicable legislation.

Data Protection Principle – YMCA George Williams College as the Data Controller

Anyone from whom personal data is collected will be made aware in most circumstances how the data will be processed and with whom their information may be shared. However, there are circumstances where the law allows processing and disclosure of personal data (including sensitive data) without the data subject's consent.

These are:

- Carrying out a legal duty or other duty as authorised by the Secretary of State;
- Protecting the vital interests of a data subject or other person;
- The data subject has already made the information public;
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights;
- Monitoring for equal opportunities purposes – e.g. race, disability or religion;
- Providing a confidential service where the data subject's consent cannot be obtained or where it is reasonable to proceed without consent.

YMCA George Williams College intends to ensure that personal data is treated lawfully and correctly. To this end it will adhere to the principles of the DPA 2018/UKGDPR. Specifically, the DPA 2018/UKGDPR requires that personal information:

- Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- Shall be obtained only for specific purposes, and shall not be processed in any manner incompatible with those purposes;
- Shall be adequate, relevant and not excessive in relation to those purposes;
- Shall be accurate and, where possible, kept up to date;
- Shall not be kept for longer than is necessary;
- Shall be processed in accordance with the rights of data subjects under the DPA2018/UKGDPR;
- Shall be kept secure by the Data Controller or Data Processor who takes appropriate technical and other measures to prevent the unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information;
- Shall not be transferred to a country or territory outside the UK unless that country or territory ensures an adequate and approved level of protection for the rights and freedoms of data subjects in relation to the processing of personal information;
- Any data used for non-operational analysis purposes will be fully anonymised.

YMCA George Williams College will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information;
- Meet its legal obligations to specify the purposes for which information is used;
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Ensure that the rights of people about whom information is held, can be fully exercised under the GDPR. These include:

- The right to be informed that processing is being undertaken
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances
 - The right to correct, rectify, block or erase information which is regarded as wrong or inaccurate information
- Take appropriate technical and organisational security measures to safeguard personal information;
 - Ensure that personal information is not transferred abroad without suitable safeguards;
 - Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation, or ethnicity when dealing with requests for information.

When collecting data YMCA George Williams College will ensure that the data subject:

- Clearly understands why the information is needed;
- Understands what it will be used for;
- Understands what the consequences are should they decide not to give consent to processing;
- Grants explicit consent, either written or verbal, for data to be processed;
- Has given consent freely.

YMCA George Williams College will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with all data protection legislation and guidelines;
- Everyone handling or coming into contact with personal information understands that they are contractually responsible for following good data protection practice;
- Everyone handling personal information is appropriately trained and supervised;
- It will regularly review and audit the ways it holds, manages and uses personal information;
- It makes all personnel aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

Data Protection Principles- YMCA George Williams College as a data processor

When acting as a Data Processor YMCA George Williams College will adhere to the same principles above as if it were a Data Controller insofar as it is possible. When processing personal data collected by a 3rd-party, YMCA George Williams College will legitimately presume the data to have been collected and processed lawfully by the collecting party in that party's capacity as a Data Controller. YMCA George Williams College will not be held liable for any non-compliance by another Data Controller.

Processing of personal data for analytical purposes or projects

When processing personal data for analytical purposes or projects, either as a Data Controller or Data Processor, YMCA George Williams College will take, or have appropriate measures to sufficiently anonymise the data to fully protect the identity of data subjects. Where the parameters of a purpose or project do not allow for full anonymisation, the personal data may be pseudo-anonymised. In these instances, the pseudo-anonymised data will not be used in conjunction with other personal data such that taken as a whole the data subject may be directly or indirectly identified.

Data Storage

Information and records relating to all data subjects will be stored securely and will only be accessible by authorised personnel for the performance of their specified roles.

Information will be stored for only as long as it is needed, is relevant, or as required by statute, and will be disposed of appropriately (e.g. unrecoverable deletion of digital data; shredding of paper documents).

Right of Access

All data subjects have the right to know what information YMCA George Williams College holds about them. In accordance with the DPA2018/UKGDPR, YMCA George Williams College will respond to a Subject Access Request (SAR) within 1 calendar month, or if the request is particularly complex will advise the requester of the extended timescale.

YMCA George Williams College will make no charge for responding to an SAR unless the request is complex, frivolous, or a repeat. Any charge will be sufficient to cover YMCA George Williams College's direct cost of handling the request.

When in receipt of a SAR when acting as a Data Processor, YMCA George Williams College will immediately notify the appropriate 3rd-party Data Controller.

Right to be forgotten

All Data subjects have the right to have their data deleted/destroyed, the "Right To Be Forgotten" (RTBF). YMCA George Williams College will comply with an RTBF request without undue delay unless the data is being retained for statutory purposes or where YMCA George Williams College can demonstrate that retention is necessary within the provisions of the DPA2018/UKGDPR (e.g. for the establishment, exercise, or defence of a civil claim).

When in receipt of a RTBF when acting as a Data Processor, YMCA George Williams College will immediately notify the appropriate 3rd-party Data Controller.

Third party data sharing

YMCA George Williams College will not, without the explicit consent of the data subject, share personal data with any 3rd-party unless the sharing is strictly for the performance of the College's operational functions or services provision, or the sharing is required by law or statute, or otherwise legitimate without consent as set down in the DPA2018/UKGDPR.

Breach Reporting

In the event of a serious data breach whilst acting as a Data Controller, YMCA George Williams College will:

- Notify the Information Commissioner's Office (ICO) of a reportable data breach within the mandatory 72 hours of any personnel becoming aware of the breach;

- Will notify without undue delay all data subjects who have been, or could potentially be, adversely affected by the breach.

In the event of a serious breach whilst acting as a Data Processor, YMCA George Williams College will immediately notify the appropriate 3rd-party Data Controller. It is the Data Controller's responsibility to notify the Information Commissioner's Office and other relevant parties or agencies.

Data Protection Officer

Michael Griffin, DPO@ymcageorgewilliams.uk

Version Control

This policy will be 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 DPA2018/UKGDPR.

Further information regarding the DPA2018/UKGDPR can be found at: www.ico.org.uk

Policy version	Author	Date	Next review
v1.0	Michael Griffin – Data Protection Officer	Feb 2024	Feb 2025