

Article 11 Trust

Data Protection Policy

It is important to us that you understand and are happy with how we use your information.

Please take time to read this policy in full.

1. *Identity and contact details of the controller.*

1.1. The Article 11 Trust's Data Controller is the Board of Trustees of The Article 11 Trust

1.2. The Controller can be contacted via: contactus@article11trust.org.uk

2. *Data Subjects*

2.1. This Privacy Policy applies to all persons whose personal data is held by The Article 11 Trust.

3. *Purpose of the processing and the lawful basis for the processing*

3.1. The Article 11 Trust will only hold and process personal data on bases which are lawful.

3.2. The same personal data may be held and processed for different purposes and, therefore, under different lawful bases

3.3. The lawful bases and purposes under which personal data may be processed by the Article 11 Trust are as follows.

3.3.1. *Legal Obligation {LO}*

The Article 11 Trust holds and processes the personal data, to enable the Article 11 Trust to comply with relevant legislation.

Data held under legal obligation will only be processed for the relevant purposes as is required by law and will only be shared with other organisations (*eg:* Charity Commission; HM Revenue & Customs) as is allowed by law and which are compliant with the General Data Protection Regulation. This will include the sharing of personal data which are, by law, destined for the public domain (*eg:* the names of trustees to be held and displayed in the Article 11 Trust Commission's public Register of Charities).

3.3.2. *Legitimate Interest {LI}*

The Article 11 Trust legitimately needs to hold the personal data for the purpose of administering the Article 11 Trust efficiently, effectively and economically in pursuit of its charitable purposes.

This will include, but is not limited to, the communication of information relevant to the governance and administration of the Article 11 Trust to and between trustees, and the sharing of knowledge and expertise between trustees specifically to further the legitimate interests of the Board of Trustees for the benefit of the Article 11 Trust.

3.3.3. *Subject Consent {SC}*

The Article 11 Trust we may, subject to consent, use personal data to keep data subjects informed of the wider activities of the Article 11 Trust, particularly those in which they have special experience and/or expertise or in which they have expressed a particular interest. This will include providing them with information relating to any fundraising activities which the Article 11 Trust undertakes.

Their personal data will also be used to ensure that any activities which they are required, or are invited, to participate in are appropriately tailored to any specific needs that they have.

The Article 11 Trust will not share personal data with any other individual, group or organisation for any purpose other than those which are directly related to the activities and charitable purposes of the Article 11 Trust.

3.3.4. *The right to withdraw consent at any time*

Data subjects have the right to withdraw consent for the Article 11 Trust's use of their personal data which has been provided with consent for use by the Article 11 Trust for promoting its general activities and purposes.

They do not have the right to withdraw your consent for the Article 11 Trust's use of their personal data when the lawful basis for the Article 11 Trust holding and processing the data is either "Legal Obligation" or "Legitimate Interest".

3.3.5. *The right to require the erasure of your data (right to be forgotten)*

Data subjects have the right to require the Article 11 Trust to erase any or all of their personal data which is held by the Article 11 Trust for processing on the lawful basis of Legitimate Interest or Subject Consent.

They do not have the right to require the Article 11 Trust to erase any of your personal data held by the Article 11 Trust when the Article 11 Trust's lawful basis for holding and processing the data is "Legal Obligation".

3.3.6. *The right to restrict processing*

Data Subjects have the right to require the Article 11 Trust to stop processing their data if they reasonably believe that there are significant inaccuracies in the data that we hold or that the way in which we process their data produces inaccurate results

3.3.7. *The right to portability*

Data Subjects have the right to require the Article 11 Trust to provide them with a printed or computer-readable copy (*ie*: in a standard format which will allow the data to be transferred to another computer) of their personal data that it holds for processing on the basis of Legitimate Interest.

4. *The legitimate interests of the controller or third party, where applicable*

4.1. *Legitimate interests of the controller*

The legitimate interests of the Controller (on behalf of the trustees of the Article 11 Trust) are:

To ensure that the human resources available to the Article 11 Trust – both volunteers (including trustees) and employees – are used effectively, efficiently and economically to pursue the purposes of the Article 11 Trust for the public benefit;

To promote and facilitate communication, cooperation and the sharing of experience and expertise between trustees, other volunteers, employees, beneficiaries and donors

4.2. Legitimate interest of third parties

The legitimate interests of third parties are to ensure that the interests and well-being of the data subject are properly met when the charities activities are carried out by the third party.

4.3. Any recipient or categories of recipients of the personal data

The Article 11 Trust may Data Subjects' personal data:

- 4.3.1.** with the Charity Commission, HM Revenue & Customs, the Police, local authorities, the Courts and any other central or local government bodies where they request it and we may lawfully disclose it.
- 4.3.2.** with the Article 11 Trust's professional advisors (eg: our lawyers, accountants) when they need it to provide appropriate advice on the Article 11 Trust's activities.
- 4.3.3.** where we are legally obliged to do so, eg: to comply with a court order.
- 4.3.4.** with other people who make a reasonable subject access request to us, provided that we are allowed to do so by law.

4.4. Retention period or criteria used to determine the retention period

- 4.4.1.** Data Subject's personal data processed on the basis of Legal Obligation and shared with HM Revenue & Customs are retained for the prevailing statutory period (currently 6 years).
- 4.4.2.** Trustees' personal data processed on the basis of Legal Obligation and shared with the Charity Commission are retained for 3 years after they cease to be a Trustee.
- 4.4.3.** Data Subject's personal data processed on the basis of Legitimate Interest are retained for 2 years after you cease to be a Trustee.
- 4.4.4.** Data Subjects' personal data processed on the basis Subject Consent are retained for 3 months after the purpose for which the data was collected was concluded, or for a period of time specified in advance to the Data Subject

5. Details of transfers to third country and safeguards

5.1. *The Article 11 Trust does not transfer any personal data to third countries.*

6. The existence of each of data subject's rights

6.1. Data subjects have all the data subject rights, as prescribed by the General Data Protection Regulation, namely: The rights:

- a) to be informed about the personal data held by the Data Controller on behalf of the Article 11 Trust, the purpose(s) for which they are held; the manner in which they are processed; the recipients (if any) of the data;
- b) to be given access to their personal data;
- c) to request the erasure of their personal data;
- d) to withdraw consent (where given) for their personal data to be processed;
- e) to rectification – the correction of any error in the data and/or the completion of any incomplete data;
- f) to restrict processing – where they have legitimate justifiable concerns about the accuracy, validity or legality of data held by the Article 11 Trust or the way in which the data are being processed. Data process may be resumed once either the cause(s) of the concern has(have) been rectified or their concerns are demonstrated to be unjustified.
- g) to object to processing – where they have reasonable grounds relating to their impact on your particular circumstances and where the legal basis of the processing is Public Task or Legitimate Interest. However, the processing of their data can be resumed if the Data Controller can demonstrate compelling legitimate grounds for the processing which override their interests, rights and freedoms, or for the establishment, exercise or defence of legal claims;

7. *The source the personal data originates from and whether it came from publicly accessible sources*

7.1. Personal data may be obtained directly from the data subject or from publicly accessible sources.

7.2. Where personal data is not obtained directly from the data subject, due diligence will be undertaken to ensure that the source of the data complies with relevant data protection legislation.

8. *Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data*

8.1. The provision of Trustees' personal data for this is a statutory requirements under UK taxation and charity legislation.

8.2. Failure to provide the data, or the provision of data which are inaccurate or late, render both the Trustee and the Article 11 Trust to significant penalties or legal action.

9. *The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.*

9.1. *The Article 11 Trust does not use any automated decision-making software in the processing of personal data. Nor will the Article 11 Trust make personal data available to any other organisation for such purposes.*

10. The right to lodge a complaint with a supervisory authority

10.1. *Data subjects have the right to lodge a complaint with the Information Commissioner's Office, the supervisory authority for the UK, if they are dissatisfied with the way that the Article 11 Trust is collecting, holding, processing and using their personal data and they feel that their reasonable attempts to raise the issues and get them addressed have failed.*

11. Is personal information secure?

11.1. The Article 11 Trust takes the security of personal information very seriously.

11.2. The Article 11 Trust complies with the relevant prevailing legislation which requires us to have in place appropriate security measures at all times, including where we share your information with others.

12. What additional information do is collected and when?

12.1. In addition to the statutory information that the Article 11 Trust collects, holds and processes for the purpose of managing our obligations and legitimate interests we also collect and hold:

12.2. All information submitted to us when Data Subjects communicate with us by post, e-mail, messaging, or other form of image-based (*eg*: photographs), sound-based (*eg*: sound files) or text-based communication, whether physical (*eg*: ink & paper) or electronic.

12.3. Copies of any notes that we take, whether physical (*eg*: ink & paper) or electronic, during verbal communications between us (*eg*: telephone; Skype®; Hangouts®).

12.4. Information on what we communicate to Data Subjects by post, e-mail, messaging, or other form of image-based or text-based communication whether physical (*eg*: ink & paper) or electronic, including information in all ancillary materials (*eg*: attachments, images, brochures).

13. Updates to this policy

13.1. This policy will be updated from time to time as our services change.

13.2. We will endeavour to tell Data Subjects in advance by sending a service message to them if we hold their email address. Otherwise, they are advised to please check the The Article 11 Trust website for notifications of significant changes to this policy.

13.3. If Data Subjects do not notify us that you wish the information that we hold on you to be deleted (*ie*: to have no further contact with us) we will take it that they accept the changes.