



## Data Protection, Privacy and Information Security Policy

### 1 INTRODUCTION

- 1.1 SIXTY-ONE is a charitable incorporated organisation with charity number 1159302 (the “**Charity**”).
- 1.2 The Charity is administered by a board of directors (the “**Trustees**”).
- 1.3 The Charity’s objects are:
  - (a) The relief of those in need or hardship in Bristol and the surrounding region and in particular prisoners, ex-prisoners and those who are at risk of entering the prison system by (in each case in ways which are consistent with principles of the Christian faith):
  - (b) Providing and financing a mentoring service to assist such persons in developing skills to improve their conditions of life and to advance their education; and
  - (c) Promoting and financing such other charitable activities as the Charity’s trustees see fit in order to relieve such persons from hardship and to improve their conditions of life.
- 1.4 The Charity recognises the importance of establishing and operating a high standard of data protection for personal data.
- 1.5 In the ordinary course of its activities, the Charity is likely to collect, hold, process and transfer personal data relating to, inter alia:
  - (a) The Trustees
  - (b) Employees
  - (c) Volunteers
  - (d) Beneficiaries and service users
  - (e) Members
  - (f) Supporters and donors
  - (g) Third party service providers

(together, and including any other individuals in relation to whom the Charity processes personal data, the “**Data Subjects**”).
- 1.6 The Charity is the data controller for any personal information that it processes in connection with the operation of the Charity.

## **2 DATA PROTECTION LEGISLATION**

For the purposes of this Policy, “**Data Protection Legislation**” is defined as, for the periods in which they are in force in England, the United Kingdom General Data Protection Regulation<sup>1</sup> (the “**UK GDPR**”), any equivalent legislation amending or replacing the UK GDPR and all English laws giving effect or purporting to give effect to, or supplementing, amending or replacing, the UK GDPR (including the Data Protection Act 2018) or otherwise relating to data protection.

## **3 SCOPE**

### **3.1 Who does this Policy apply to?**

This Policy applies to the Charity. The Charity, the Trustees, the members, its employees and its volunteers should all have regard to this Policy in the course of the operation of the Charity.

### **3.2 What does the Policy relate to?**

- (a) This Policy applies to the processing of “personal data” (see section 3.3 below) in relation to the Charity. “Processing” means:
  - (i) carrying out any operation or set of operations on the data;
  - (ii) collecting, recording or holding the data; and
  - (iii) any other use of the data which includes but is not limited to transferring, amending, consulting, sharing, storing, archiving and even destroying it.
- (b) It makes no difference where the personal data is held as long as it is in digital form or in a physical filing system, e.g. whether it is in a computer database, on e-mails, or on paper in a filing system of such a type that the data is readily obtainable.

### **3.3 What is personal data?**

- (a) “Personal data” is any information relating to a living Data Subject who is a natural person and:
  - (i) from which such Data Subject can be identified, directly or indirectly (either from the specific data on its own or in conjunction with other data which the Charity or a third party might reasonably be expected to obtain); or
  - (ii) relates to a living Data Subject who has already been identified or could be identified from data held by the Charity.
- (b) By way of example, personal data may therefore include, but is not limited to, a person’s:
  - (i) name;
  - (ii) address;
  - (iii) date of birth;
  - (iv) any identification number such as a National Insurance number;

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<sup>1</sup> Regulation (EU) 2016/679, as incorporated into UK law by the European Union (Withdrawal) Act 2018 and as modified by UK domestic law

- (v) health data;
- (vi) one or more factors specific to the physical, psychological, mental, economic, cultural or social identity of that person; or
- (vii) criminal offence data.

#### **4 THE CHARITY'S CONTACT DETAILS**

4.1 The Charity can be contacted via:

- (a) Address: Sixty-One, c/o St Agnes Church, Thomas Street, BRISTOL, BS2 9LL
- (b) Phone: 01174037905
- (c) Email: [info@sixty-one.org](mailto:info@sixty-one.org)
- (d) Website: <https://www.sixty-one.org/>

4.2 The individual with primary responsibility for dealing with issues arising under or in relation to this Policy and for the Charity's data protection obligations generally is the Chair of the Trustees. For the avoidance of doubt, that person is not formally appointed as a Data Protection Officer for the purposes of the Data Protection Legislation.

#### **5 TYPES OF PERSONAL DATA HELD BY THE CHARITY**

5.1 The Charity is likely to hold personal data including:

- (a) Names and contact details
- (b) Gender
- (c) Dates of birth
- (d) Information relating to an individual's personal and/or family lives
- (e) Information relating to an individual's health and medical needs
- (f) Information relating to an individual's religious beliefs
- (g) Details of an individual's career including their career history and their current occupation and role
- (h) Criminal offence information
- (i) Unique identifiers including tax reference numbers and social security numbers
- (j) Photographic likenesses (such as the photo page of a passport)
- (k) The level of risk posed by an individual (which may include information relating to the nature of past convictions and / or mental health information).

5.2 For the avoidance of doubt not all of these types of personal data are likely to be processed in relation to all Data Subjects. For example, the Charity is only likely to process unique identifiers including tax reference numbers and social security numbers in relation to limited categories of Data Subject such as its employees.

## 6 COLLECTION AND USE OF PERSONAL DATA (INCLUDING THE PURPOSES FOR WHICH IT IS TO BE USED)

- 6.1 The Charity may collect or receive personal data of Data Subjects in many ways including, but not limited to, from the Data Subjects themselves and from third parties such as the NPS probation agencies, Prison Chaplaincy Departments, prison officers, the Substance Misuse Team, Resettlement Team, Education, National Careers Service, and other referral organisations within the community.
- 6.2 Such personal data is collected and processed in order to facilitate, directly or indirectly, the Charity's pursuit of its charitable objects.
- 6.3 The Charity notes that its interests in processing the personal data of certain Data Subjects, in particular individuals who benefit from the Charity, are aligned with the interests of those Data Subjects because the purpose of the Charity is to support them.
- 6.4 From the Charity's perspective (and without limiting the Charity's commitment to comply with all applicable principles under Data Protection Legislation), the key underlying principles for the collection and use of personal data are that:
- (a) it should be processed fairly and lawfully, only for legitimate needs relating to the Charity and kept confidential;
  - (b) it should be adequate, relevant, and not excessive. No more data should be gathered than is needed and personal data should not be gathered or held "just in case"; and
  - (c) it should be kept no longer than necessary, or as required by law.
- 6.5 The Charity will only process personal data to the extent that it has a lawful basis for doing so. The Charity anticipates that it will generally be processing personal data (special category data and criminal offence data is considered further in section 7 below) in accordance with one or more of:
- (a) Article 6(1)(a) of the UK GDPR (the Data Subject has given consent for the processing);
  - (b) Article 6(1)(c) of the UK GDPR (the processing is necessary for the Charity's compliance with a legal obligation); or
  - (c) Article 6(1)(f) of the UK GDPR (the processing is necessary for the Charity's legitimate interests and those legitimate interests are not overridden by the interests of the Data Subject).

## 7 SPECIAL CATEGORY DATA AND CRIMINAL OFFENCE DATA

- 7.1 The processing of special categories of personal data ("**special category data**") is subject to additional restrictions. Special category data includes data on a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships, physical or mental health, sex life and sexual orientation, genetic data and biometric data.
- 7.2 Personal data relating to criminal convictions and offences, criminal allegations and proceedings or related security measures ("**criminal offence data**") is also subject to additional restrictions.
- 7.3 It is likely that the Charity will process special category data and criminal offence data, particularly in relation to individuals whom it is supporting.

7.4 Special category data and criminal offence data including records of a Data Subject's Offender Assessment System record must be made available to users only on a strict "need to know" basis, and managed with the highest practical level of security and confidentiality.

7.5 Special category data will only be processed in accordance with the additional restrictions on the processing of such data set out in Article 9 of the UK GDPR. In practice the Charity expects that such data will be processed in accordance with Article 9(2)(d) which provides that special category data can be processed where:

*"processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;"*

7.6 Criminal offence data will only be processed in accordance with the additional restrictions on the processing of such data set out in Article 10 of the UK GDPR. In practice the Charity expects that such data will be processed in accordance with Article 10(1), as supplemented by section 10 and paragraph 31 of Schedule 1 of the Data Protection Act 2018. Paragraph 31 of Schedule 1 of the Data Protection Act 2018 provides that:

*"This condition is met if the processing is carried out—*

*(a) in the course of its legitimate activities with appropriate safeguards by a foundation, association or other not-for-profit body with a political, philosophical, religious or trade union aim, and*

*(b) on condition that—*

*(i) the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes, and*

*(ii) the personal data is not disclosed outside that body without the consent of the data subjects."*

7.7 The Charity may also process special category data and/or criminal offence data where the relevant Data Subject has provided their consent to such processing. Where explicit consent is relied on, the Charity must issue a Privacy Notice to the Data Subject to capture explicit consent.

7.8 The Charity will exercise particular care in protecting Special Categories of Personal Data and criminal offence data from loss and authorised access, use or disclosure.

7.9 Where required, or where it is felt appropriate, the Charity will put in place or maintain policy documentation in connection with the processing of criminal offence data.

## **8 TRANSFERS OF PERSONAL DATA AND USE OF THIRD PARTY SERVICE PROVIDERS**

### **8.1 Transfers of personal data**

(a) It is the Charity's policy to ensure that personal data relating to Data Subjects is protected at all times, and it is the responsibility of all users of personal data to ensure that data is treated confidentially.

(b) The Charity may share Data Subjects' personal data with third parties such as, Chaplains, Probation Officers, Substance Misuse Team, Resettlement Team, probation officers, community referral agencies, mentors, community partners, to

the extent that it is necessary, directly or indirectly, for the Charity to pursue its charitable objects.

- (c) The Charity does not use Data Subjects' personal data for marketing purposes or transfer personal data to other organisations for the purpose of marketing their goods or services.

## 8.2 Transfers of personal data internationally

The Charity will only transfer personal data outside of the UK (or jurisdictions deemed by the relevant authorities to have equivalent data protection laws) where the Data Protection Legislation permits such transfers and always in compliance with any relevant provisions of the Data Protection Legislation. As appropriate, the Charity (in discussion with its legal advisers as necessary) will record the safeguards (from the options available under Data Protection Legislation) that are in place in respect of such overseas transfers.

## 8.3 Use of third party service providers

- (a) When the Charity shares personal data with a third party, such third party will process Data Subjects' personal data as either a data controller or as the Charity's data processor and this will depend on the purpose of the data sharing.
- (b) Where personal data is disclosed to third parties who will be data processors the disclosure must be made in accordance with Data Protection Legislation. In particular:
  - (i) the Charity must ensure that the third party is reliable and that they will keep the personal data confidential;
  - (ii) a contract must be in place that binds the third party to some of the same data protection obligations as apply to the Charity (as per the list contained in Article 28(3) of the UK GDPR), and under which the third party agrees to act only in accordance with instructions from the Charity, and to take adequate technical and organisational security measures when processing the personal data; and
  - (iii) no more personal data should be provided than is necessary for the performance of the contract.

## 9 PURPOSE LIMITATION

- 9.1 Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
- 9.2 Personal data cannot be used for new, different or incompatible purposes from that disclosed when it was first obtained unless the Data Subject has been informed of the new purposes and they have consented where necessary.

## 10 DATA ACCURACY

- 10.1 The Charity will take reasonable steps to safeguard the accuracy and completeness of personal data, whether in the Charity's possession or in the possession of third parties.
- 10.2 Personal data should be correctly recorded, and updated promptly when appropriate.

## 11 DATA SECURITY

- 11.1 The Charity's policy is to ensure that risk-appropriate technical and organisational measures are in place to prevent unauthorised or unlawful processing and accidental loss, disclosure, destruction, damage or access to personal data, whether in the Charity's possession or in the possession of third parties.

- 11.2 The Charity will comply with the following technical and organisational measures to aim to prevent the unauthorised or unlawful processing and accidental loss, disclosure, destruction, damage or access to personal data. The golden rule is to respect the privacy of the Data Subjects to whom the data relates and to treat their data as highly confidential. This means that the Charity will:
- (a) comply with this Policy in all respects at all times;
  - (b) only record personal data which is necessary for the proper administration of the Charity;
  - (c) only process personal data for the purpose of pursuing the Charity's charitable objects;
  - (d) not provide personal data to those who request it unless certain that the recipient is who they say they are and that they have a valid justification for receiving the data in question and, if that transfer is to be made to a third party, ensuring (in discussion with their legal advisers as necessary) that the Charity has a legal basis under Data Protection Legislation for making that transfer; and
  - (e) ensure that special category data and criminal offence data is kept even more securely, with access strictly limited, and used only for the approved purpose. The Charity will not collect such data unless it is essential to do so.
- 11.3 Elementary housekeeping to ensure the security and confidentiality of personal data is vital. In particular, the Charity will:
- (a) ensure that access to any personal data stored electronically is password protected (whether passwords should apply to the specific data files or to the machine on which they are stored will be for the Charity to determine using a risk-based approach), and keep passwords confidential;
  - (b) Store electronic files on an encrypted drive.
  - (c) ensure that manual data and files are secure at all times, for example in a locked filing cabinet or locked drawer;
  - (d) not leave information unattended, whether paper records or unattended computer screens;
  - (e) ensure that personal data records are accurate and up-to-date, and that unnecessary and outdated records are deleted/destroyed;
  - (f) take appropriate measures to ensure the security of mobile phones, tablets or personal computers and other devices as the case may be; and
  - (g) not forward or share any materials containing personal data except where necessary in the course of the administration of the Charity.

## **12 STORAGE OF DATA AND DELETION AND DESTRUCTION OF DOCUMENTS**

- 12.1 The Charity will consider, on a regular basis, whether it is necessary to retain certain records containing personal data.
- 12.2 In doing so, the Charity recognises that:
- (a) The Charity is a long-term structure;
  - (b) personal data of Data Subjects may remain relevant to the operation of the Charity for many years after it is first collected and processed; and

- (c) various governmental authorities (including the Charities Commission and HMRC) have authority to enquire into the Charity's historic affairs. It will be appropriate to retain certain types of records to facilitate an adequate response in the event that such an enquiry is made in the future.
- 12.3 Taking into account the points made above, the Charity's policy is that personal data will generally be retained for up to six years after the relevant Data Subject interacts with the Charity.
- 12.4 The Charity will also take reasonable steps to delete personal data where it becomes irrelevant and will take reasonable steps to avoid creating unnecessary copies of personal data.
- 12.5 Data Subjects should be informed of the period for which data is stored and how that period is determined.

### **13 RIGHTS OF INDIVIDUALS**

- 13.1 It is the Charity's policy to respect the rights of Data Subjects and to provide them with access to personal data held in relation to them (in accordance with Data Protection Legislation).
- 13.2 The Charity will, where appropriate, issue to Data Subject a Privacy Notice which will provide them with concise, transparent, intelligible, and easily accessible written information about the personal data that the Charity controls.
- 13.3 At their request (a "**Data Request**"), Data Subjects will be provided with access to their personal data held by the Charity unless any such data can be legitimately withheld. The Charity may request a reasonable fee for responding to a Data Request only where appropriate in accordance with the Data Protection Legislation. An example of an appropriate situation in which a fee might be charged would be if requests are manifestly unfounded or excessive, in particular because of their repetitive character.
- 13.4 In order to protect the personal data of Data Subjects from unauthorised access, the Charity will ordinarily require any person making a Data Request to prove his/her identity and may also ask such person to provide additional information to enable the data in question to be located.
- 13.5 The Charity will respond to a Data Request as soon as is practicable and, subject to section 13.6 below, within 30 days of the Data Subject making the request and (to the extent relevant) proving their identity.
- 13.6 The 30 day time limit can be extended by a further two months if the request is particularly complex or a large number of requests are received by the Charity from or on behalf of the individual concerned. Where this is the case, the Charity will let the individual know within the original 30 day time limit.
- 13.7 Data Subjects also have the right to ask the Charity to delete or remove any personal data that the Charity holds in relation to them (a "**Deletion Request**") in accordance with Data Protection Legislation and in particular if:
  - (a) the personal data is no longer necessary for the administration of the Charity ; or
  - (b) they have withdrawn their consent to processing and consent was the only legal basis on which the Charity was entitled to process the data; or
  - (c) they have objected to the Charity's processing of the personal data and there is no overriding legitimate interest for continuing the processing.
- 13.8 The Charity can refuse a Deletion Request where the data is required to comply with a legal obligation.



- 13.9 Data Subjects may also:
- (a) correct or update their personal data as necessary;
  - (b) object, on grounds relating to the data subject's particular situation, to the processing of their personal data to the extent that the Charity is processing that personal data on the basis of Article 6(1)(e) or Article 6(1)(f) of the UK GDPR. Such objections will not affect the processing of personal data to the extent that the Charity can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the Data Subject or the processing is necessary for the establishment, exercise or defence of legal claims; and / or
  - (c) request the restriction of processing of their personal data (for example, asking the Charity to suspend the processing of personal data whilst its accuracy is being established). Such restriction will not prevent the processing of such personal data for, inter alia, the establishment, exercise or defence of legal claims.
- 13.10 Data Subjects may also request that the Charity transfers their personal data (to the extent provided directly by the individual and where the Charity is relying on Article 6(1)(a), 6(1)(b) or 9(2)(a) of the UK GDPR as the basis for their processing) in a structured, commonly used and machine-readable format back to the individual or to another data controller.
- 13.11 The Charity will comply with any requests or applications made by Data Subjects to the extent required by applicable Data Protection Legislation. If the Trustees are unsure as to the extent to which the Charity should comply with any purported exercise of a Data Subject's rights, appropriate legal advice should be sought.
- 13.12 Data Subjects may contact the Information Commissioner's Office, the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)).

#### **14 RECORD KEEPING IN COMPLIANCE WITH DATA PROTECTION LEGISLATION**

The Charity's policy is to maintain records (either within this Policy or separately) of all matters required by Data Protection Legislation and in particular:

- 14.1 The Charity's contact details for all matters connected with Data Protection Legislation;
- 14.2 The purposes for which the Charity processes personal data;
- 14.3 A description of the categories of individual in relation to whom personal data is held and the types of personal data held;
- 14.4 A description of the categories of recipients to whom personal data has been or will be disclosed;
- 14.5 Where possible:
  - (a) the envisaged time limits for holding different categories of personal data;
  - (b) a general description of the measures taken to ensure data security;
- 14.6 The lawful bases on which personal data is held;
- 14.7 Where appropriate, details of transfers of personal data outside of the UK (or jurisdictions deemed by the relevant authorities to have equivalent data protection laws in accordance with Data Protection Legislation); and
- 14.8 The fact of any personal data breaches and the decisions made in relation to whether they are reportable or not.

## **15 REPORTING BREACHES**

### **15.1 Reporting to the Information Commissioner's Office**

- (a) Where there has been a personal data breach the Charity will notify the Information Commissioner's Office without undue delay and where feasible no later than 72 hours after the breach first came to light unless the breach is unlikely to result in a risk to the rights and freedoms of individuals.
- (b) In normal circumstances any reporting will be carried out by the person specified in section 4.2 of this Policy.
- (c) Any breach report should be submitted electronically to casework@ico.org.uk or on the Information Commissioner's Office website, and a copy retained for the Charity's records.
- (d) Breach reports submitted to the Information Commissioner's Office must contain all of the information prescribed in Article 33 of the UK GDPR, together with any other information deemed relevant at the time.

### **15.2 Notifying the individuals affected**

- (a) Where a personal data breach is likely to result in a high risk to the rights and freedoms of individuals, the Charity must also write to any affected individuals to notify them of the breach without undue delay.
- (b) Notifications to individuals must contain all of the information prescribed in Article 34 of the UK GDPR, together with any other information deemed relevant at the time.

### **15.3 Where there is doubt as to whether there has been a breach**

Should there be any doubt as to whether there has been a personal data breach, or whether a particular breach is likely to result in a high risk to the rights and freedoms of individuals, legal advice should be sought as a matter of urgency.

## **16 MISCELLANEOUS**

- 16.1 The Charity will review this Policy every two years unless there are circumstances that merit an earlier review.

Policy created 26/07/2023

Policy last reviewed 18/12/2023