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| **Swansea Community Farm**  | SCF-logo-letterhead size |
| **Data Protection and Privacy Policy** |
| Effective Date: | 25/05/18 | Approved Date:  | 21/05/18 | Revision Date: | 25/05/21 |
| The Farm’s policies are reviewed every three years with annual updates made if there is a significant change in legislation or practice |

**Introduction:**

For the purposes of administration, marketing and the management of the business, Swansea Community Farm needs to retain and process personal and sensitive information about those that engage with the Farm. This policy applies to the personal data of job applicants, employees, former employees, volunteers, clients and visitors (data subjects).

Swansea Community Farm is committed to protecting the rights of its employees, volunteers, clients and visitors in line with current data protection legislation. This means ensuring that all personal information is processed fairly and lawfully. Data subjects have the right to access their personal information, to object to the processing of personal information, to rectify, to erase, to restrict and to transport their personal information.

**What is the GDPR?**

The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK. The GDPR sets out requirements for how businesses will be legally required to handle personal data from 25th May 2018. ‘Personal data’ refers to any information relating to an identifiable person who can be directly or indirectly identified.

The GDPR authorises the Swansea Community Farm to process a data subject’s personal information:

* If it is in connection with a contract, e.g. a client, or employee.
* Where there is a legal obligation e.g. employee.
* If it is in the public interest.
* If it is in the vital interest of the data subject (e.g. emergency contact information, medical information).
* If it is in Swansea Community Farm’s legitimate interest. E.g. volunteers contact details, incident reports, accident books
* If the data subject has provided explicit consent.

All members of staff at Swansea Community Farm (Data Processors) are required to comply with the Data Protection Legislation. To ensure the Swansea Community Farm is compliant across all data processes the farm has appointed a Data Protection Lead:

Sophie Lacey

Trustee

Sophielacey03@gmail.com

For more information about your rights or if you are unhappy with how your data has been processed, you are advised to discuss with the Data Protection Officer to resolve the issue. However if the data subject remains dissatisfied, you have the right to apply directly to the Information Commissioner for a decision:

Information Commissioner’s Office,
Wycliffe House,
Water Lane,
Wilmslow,
and Cheshire,
SK9 5AF

[www.ico.org.uk](http://www.ico.org.uk)

The Farm is committed to being transparent about how it collects and uses the personal data of all those that engage with the Farm and to meeting its data protection obligations. This policy is available to all Swansea Community Farm data subjects as detailed below and will be provided to data subjects when personal data is collected. More information is provided below regarding the different types of ‘data subjects’, defining what information is collected and why, how this information is processed and the how the information is kept secure in line with Data Protection legislation.

**Subject Access Request:**

As a data subject (categories detailed below), individuals have a number of rights in relation to their personal data. Individuals have the right to make a subject access request. If an individual makes a subject access request, the Farm will tell him/her:

* 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 out 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 amend or erase data, or to restrict or object to processing;
* His/her right to complain the Information Commissioner (as detailed above) if he/she thinks the Farm has failed to comply with her/her data protection rights; and
* Whether or not the organisation carries out automated decision-making and the logic involved in such decision-making.

For an individual to make a subject access request, he/she is required to send the request to the DPO. The Farm will ask for proof of identification before the request can be processed as a data protection precaution. If an individual makes a subject access request, the Farm will process within 30 days having received the request with no administration fee, providing an electronic copy of the personal data undergoing processing. If the Farm is unable to meet the request for any reason the Farm will be responsible for informing the ICO and the data subject that submitted the request. If an individual wants additional copies, the Farm will charge a fee of £10 covering administrative costs. There may also be further charges if requests are repeated.

**Data Subjects:**

1. **Data subject: Employees**

The Farm will only collect employee information that is due to a legal basis for processing or information that the Farm has a legitimate interest in retaining for the purposes of the employee-employer relationship (potential, current or past). Personal data collected by the Farm may include:

* Individual data such as gender, age, contact details and similar (including any obligation arising under the Disability Discrimination Act).
* Recruitment, promotion and career development.
* Pay and remuneration including payroll, tax, NI and other deductions.
* Pension and other benefits.
* Appraisals and performance reviews.
* Disciplinary and Grievance procedures followed.
* Maternity, Paternity, Adoption and Shared Parental leave.
* Flexible working arrangements.
* Sickness pay and leave, or absences

The Farm may retain records relating to an individual’s employment with the farm for a period of up to seven years from the date of termination of employment where necessary. The purpose for which the Farm holds any information about Employees after the end of employment is for use solely in relation to residual employment related matters including, but not limited to; the provision of job references, processing applications for re-employment, matters relating to retirement benefits the fulfilment of contractual or statutory obligations. Employee payroll and timesheet information may be kept indefinitely to comply with funder audit requirements to retain information (see document retention policy for EU funded projects).

All employee records retained will be kept in a secure location. All digital files are secured and access is limited to specific members of staff. Any retained paper records are physically secured on site. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information.

Employees are responsible for helping the organisation keep their personal data up-to-date. Individuals should inform the Farm of any changes or errors in information which they have provided e.g. change of address, change in bank details.

**2.a Data subject: Volunteers (Over 13 years old)**

The Farm will only collect volunteer information that is either due to a legal obligation or information that the Farm has a legitimate interest in retaining for the purposes of planning, reporting, income generation, equality and diversity and performance management. This may include current and previous volunteers. Personal data collected by the Farm may include:

* Individual data such as gender, age, ethnicity, disability, contact details and similar (including diversity and monitoring data).
* Emergency contact or medical information
* Recruitment and development (e.g. job application, exit interview).
* Hours and timesheets.
* Expenses (may include bank details for expense claims)
* Appraisals and performance reviews.
* Disciplinary and Grievance procedures followed.

The Farm may retain records relating to an individual’s voluntary agreement with the Farm for a period of up to two years from the date of completion of the agreement where necessary. The purpose for which the Farm holds any information about volunteers after the end of the agreement is for use solely in relation to residual agreement related matters including, but not limited to; the provision of job references, funding reporting and auditing purposes. (EU funded projects (and possibly welsh government funded projects) may require us to keep participant records for longer than two years ‘until informed by WEFO that we may destroy them’). We have separate records for recent EU project so would still be able to dispose of main vol records within 2 years.)

All volunteer records retained will be kept in a secure location. All digital files are secured and access is limited to specific members of staff and trained volunteers. Any retained paper records are physically secured on site. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information.

Volunteers are responsible for helping the organisation keep their personal data up-to-date. Individuals should inform the Farm of any changes or errors in information which they have provided e.g. change of address, change in bank details.

**2.b Data subject: Volunteers (Under 13 years old)**

The Farm will only collect volunteer information that is either due to a legal obligation or information that the Farm has a legitimate interest in retaining for the purposes of planning, reporting, income generation, equality and diversity and performance management. This may include current and previous volunteers. Personal data collected by the Farm may include:

* Individual data such as gender, age, ethnicity, disability, contact details and similar (including diversity and monitoring data).
* Emergency contact or medical information
* Recruitment and development (e.g. job application, exit interview).
* Hours and timesheets.
* Expenses (may include bank details for expense claims)
* Appraisals and performance reviews.
* Disciplinary and Grievance procedures followed.

Due to the volunteers age, consent is required to process the individual’s personal data. Consent will need to be obtained from whoever holds parental responsibility for the individual. Induvial, regardless of age, have the same rights as data subjects over the age of 13; this includes the rights to access their personal data; request rectification; object to processing and have their personal data erased.

The Farm may retain records relating to an individual’s voluntary contract with the Farm for a period of up to two years from the date of completion of the contract where necessary. The purpose for which the Farm holds any information about volunteers after the end of the contract is for use solely in relation to residual contract related matters including, but not limited to; the provision of job references, funding reporting and auditing purposes.

All volunteer records retained will be kept in a secure location. All digital files are secured and access is limited to specific members of staff and trained volunteers. Any retained paper records are physically secured on site. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information.

Volunteers (and those responsible for the volunteers) are responsible for helping the organisation keep their personal data up-to-date. Individuals should inform the Farm of any changes or errors in information which they have provided e.g. change of address, change in bank details.

1. **Data subject: Clients**

The Farm will only collect client information that is either due to a legal obligation or information that the Farm has a legitimate interest in retaining for the purposes of customer relation management and planning, reporting and income generation. This may include current and previous clients. Personal data collected by the Farm may include:

* Individual data such as contact details and company information.
* History of engagements and content (e.g. CRM)
* Past, current or prospective engagement opportunities.

The Farm may retain records relating to a client with the Farm indefinitely from the date of initial engagement where necessary. The purpose for which the Farm holds any information about clients after the end of an engagement is for use solely in relation to relationship management related matters including, but not limited to; monitoring and tracking of existing and previous communications and collaborations, business engagement and professional courtesy, funding reporting and auditing purposes.

All client records retained will be kept in a secure location. All digital files are secured and access is limited to specific members of staff and trained volunteers. Any retained paper records are physically secured on site. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information.

1. **Data subject: Visitors**

The Farm will only collect visitor information that the Farm has a legitimate interest in retaining for the purposes of reporting, statistical analysis, planning and marketing. Personal data collected by the Farm may include:

* Individual data such as gender, age, ethnicity, disability, contact details and similar (including diversity and monitoring data).
* Case studies, quotes and feedback.
* Accident and incident reports

The Farm will only collect a visitor’s personal information provided explicit consent has been granted. Visitors have the right to withdraw this consent at any time, these details will be provided upon collection of data. A record of consent will also be kept, along with the retrieved personal data. The Farm may retain records relating to a visitor indefinitely from the date of issue. All visitor records retained will be kept in a secure location. All digital files are secured and access is limited to specific members of staff and trained volunteers. Any retained paper records are physically secured on site. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information.

**Farm Procedures**

Individuals engaged with the Farm may have access to the personal data of other individuals (and of our customers and clients) in the course of their (employment, contract, volunteer period, or engagement). Where this is the case, the Farm relies on individuals to help meet its data protection obligations to staff (and to visitors, volunteers and clients). Any individual who processes or has access to personal information must ensure that the data protection principles under the legislation are followed and fully implemented. The Farm will provide training to individuals processing data about their data protection responsibilities as part of the induction process. The Farm will ensure that all appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of personal data.

Individuals 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 Farm) who have appropriate authorisation.
* To keep data secure (e.g. by complying with rules on access to the site, office access, computer access, including password protection, and to secure file storage and destruction);
* Not to remove personal data or devices containing (or that can be used to access personal data), from the Farm’s premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
* Not to store personal data on local drives or on personal devices that are used for work purposes.
1. **Farm Procedures: Data handling policies**

In connection with other staff members, clients and anyone who’s personal information may be provided to the Farm, all Employees are responsible for ensuring; any personal data which they hold is kept securely; any personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised Employee, client or other third party. Where disclosure to a third party is a necessity Employees should ensure that the appropriate consent is in place before any information is released.

All personal data will be accessible only by those who need to use it and will be kept; in a secure environment and be password protected if computerised. Data will only be kept on a portable storage device where absolutely necessary and if that device itself is kept in a secure environment.

Disciplinary action may be taken against any employee who breaches any of the instructions or procedures in this policy. The Farm is committed to the highest standards of confidentiality in relation to all its data subjects. As such, any breaches of this procedure will be regarded as a serious matter and could lead to dismissal.

**Keeping Data Relating to Accidents**-For insurance claim purposes we need to keep data relating to any serious accidents/ incidents for insurance purposes for up to 21 years if it relates to someone under 18 yrs old. (Otherwise claim period for people is 3 years). Reports relating to accidents should be collated near the time and saved in a folder and on the F drive.

1. **Farm Procedures: Transferring data**

Personal data will not be transferred to third party unless there is a legal or vital obligation, e.g. HR data, first aid purposes.

1. **Farm Procedures: Data breach**

If the Farm discovers there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of the discovery of the breach. The Farm will also report this to the data subject. The Farm will record all data breaches, regardless of the effect.