BIRCH Data Protection/Privacy Policy

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Definitions

GDPR	means the General Data Protection Regulation.
Register of Systems	means a register of all systems or contexts in which personal data is processed by the Charity.

This policy tells you what to expect when Birmingham Community Hosting Network (BIRCH Network) uses your personal information.

1. **Data protection principles**

BIRCH is committed to processing data in accordance with its responsibilities under the GDPR.

We are required to maintain certain personal data about individuals for the purposes of satisfying our operational and legal obligations. We recognise the importance of correct and lawful treatment of personal data as it helps to maintain confidence in our organisation and to ensure efficient and successful outcomes when using this data.

The types of personal data that we may process include information about current, past and prospective employees, clients who contact the service for support and assistance, volunteers, supporters and other organisations with whom we have dealings.

Personal data may consist of data kept on paper, computer or other electronic media; all of which is protected under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

a. processed lawfully, fairly and in a transparent manner in relation to individuals;
b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

2. General provisions

a. This policy applies to all personal data processed by BIRCH.
b. The Board of Trustees shall take responsibility for the Charity's ongoing compliance with this policy.
c. This policy shall be reviewed at least annually.
d. BIRCH shall register with the Information Commissioner's Office as an organisation that processes personal data.
e. all staff and relevant trustees will receive training as part of their induction on our privacy and GDPR policies and procedures

3. Lawful, fair and transparent processing

a. To ensure its processing of data is lawful, fair and transparent, BIRCH shall maintain a Register of Systems.
b. The Register of Systems shall be reviewed at least annually.
c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

4. Lawful purposes

BIRCH has identified the legal basis from Article 6 of the GDPR, under which we will process personal data. The legal basis under which we will process data is legitimate interests.

- Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

BIRCH has identified the legal basis from Article 9 of the GDPR, under which we will process sensitive personal data on employees. The legal basis under which we will process data is employment and social security and social protection law.

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the BIRCH's systems.

Why we process data

We collect and use your personal data for several reasons, this depends on how you interact with BIRCH Network. Some of the data may be classed as special category data.

We need to collect your personal or special category data of a more sensitive nature, to deliver some of our services. No more information will be collected than is required to deliver that service.

Types of personal information we collect about you may include:

- personal details (name, address, email address, telephone number, date of birth)
- Identification numbers (e.g. NHS number, National Insurance number, Home Office/Asylum Support Number)
- family details
- lifestyle and social circumstances
- economic / financial details
- employment and education details
- housing needs
- visual images, personal appearance and behaviour
- case file information

Special Categories of data, also known as sensitive personal information, that we may hold about you, include:

- physical or mental health details
- social care needs
- racial or ethnic origin
- religious or other beliefs of a similar nature
- criminal proceedings, outcomes and sentences
- genetic or biometric data
- sex life or sexual orientation
- Equalities information

BIRCH Network may use information such as your;

- ethnic background
- first language
- gender
- sex life or sexual orientation
- age

This will be for statistical reasons and to help comply with our legal obligations and to plan the provision of future services. This type of analysis will not identify individuals.

5. Data minimisation
BIRCH shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

6. Accuracy

a. BIRCH shall take reasonable steps to ensure personal data is accurate.
b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

7.Sharing your information
Sharing to provide services

Your personal information may be shared with external partners and agencies outside of BIRCH Network. Sometimes we will have a legal reason to share your data with a partner. They will only have access to your information on a need to know basis. We will only share what they need to know to do the job or deliver a service to you.

Sharing to comply with the Law

BIRCH Network may also provide personal information to third parties, where it is necessary to do so to comply with the law. We will share where we are required to under UK Data Protection law (General Data Protection Regulation 2016/679, Data Protection Act 2018).

BIRCH Network puts agreements in place with partners we share with to ensure we all protect your data properly, and are only sharing the minimum amount of data we need to provide you with a service. Where we need to share sensitive or confidential information such as medical details, we will do so only with your permission or where we are legally required to. We may share sensitive or confidential information to prevent risk of harm to you or another person, for example in the case of Safeguarding vulnerable people.

Collection and Use of data for marketing purposes:

We may collect personal data about you when you take part in one of our fundraising events or challenges, make a donation, apply to work or volunteer with us or use our website.

We may also receive information about you from third parties that we work with, for example,

JustGiving, where you have consented to them sending us your information.

We will never sell your personal data. We may on occasion work with carefully selected organisations for the purpose of conducting market research activities, in order to gain a better understanding of our supporter demographics and to update your contact details such as your address.

· BIRCH Network will hold and use your personal data gathered through non-service delivery mechanisms mainly for operational, planning and administrative purposes. However, from time to time we may also use this information to keep you updated about our work and how you can get involved with either our fundraising opportunities or volunteering. We will never sell your details to other organisations.

· We will keep a record of your permission on file but should you wish to change your preferences at any time, just contact us - BIRCHnetwork@gmail.com.

Face-to-face: We may keep a record of your contact to assist on the delivery and improvement of the services we provide to you and others. Any such records that include any personal information will be kept securely.

Emails: If you email us, we may keep a record of your contact and your email address for our record keeping. We will not include any confidential information about you in any email we send to you unless sent securely, or you have agreed to us contacting you with this information. We would also suggest that you keep the amount of confidential information you send to us via email to a minimum.

On systems: We may log any information you provide to us on our database or computer system to help us keep track of your request, or any actions we need to complete. We may add your information to systems where we are required to by laws.

8. Archiving / removal
To ensure that personal data is kept for no longer than necessary BIRCH will retain information as follows:

- Data held on hosts, befrienders and volunteers – 10 years
- Data held on guests and other individuals receiving support – 10 years

9. Security
Electronic information, such as referral forms. staff records, volunteer applications sent via email, will be stored securely on individual practitioners computers, our online database or on a shared GDrive which is password protected. Only Refugee Support Practitioners and trained volunteers will have access to these accounts.

10. Confidentiality
Access to confidential information will be defined on a “need to know” basis; no one should have access to information unless it is relevant to their work or volunteering role.

Where information is needed to be shared to support befriending and/or hosting a confidentiality agreement should be signed by the young person or guest consenting to share information with their host/befriender. This information could include information about their past/ current situation/ health/

immigration status/ dietary needs.

Training in data protection and confidentiality will form part of the volunteer training for hosts and befrienders. Staff will also be provided with a copy of the data protection policy as part of their induction.

Where there is a risk of significant harm to a child or vulnerable adult, confidentiality can be broken without the explicit consent of the person concerned (see Safeguarding policy).

11. Your Data Rights

Under the General Data Protection Regulation 2016/679 and the Data Protection Act 2018, you have rights of how your personal and special category (known as sensitive) information is used.

Your Rights

You have the right to:

- request a copy of your information (known as a subject access request),
- request rectification or erasure of your information,
- request a restriction on the processing of your information,
- object to processing of your information

Subject access requests should be sent to BIRCH in writing through the Refugee Support Practitioner, who will proceed in consultation with the Trustees, and resolve the request within the legal time limit of 28 calendar days.

Where the Refugee Support Practitioner does not personally know the individual there should be provision for checking their identity before handing over any information.

12. Breach

Any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, should be reported to the Board of Trustees. The board of Trustees will take a view as to whether the incident needs to be reported to the Information Commissioners' Office (ICO).

13. Data Protection Officer (DPO)

In accordance with Article 29, BIRCH have determined that a DPO is not required for the charity as personal data is only processed on a small scale. This decision will be reviewed annually as part of the policy review. The Board of Trustees have overall accountability for the charities ongoing compliance with this policy.

14. How to raise a complaint about information

If you have a complaint in relation to your data rights or a freedom of information request, please contact us in the first instance to request an internal review of our response - birchnetwork@gmail.com