

DATA PROTECTION POLICY

FOR EMPLOYEES, VOLUNTEERS, CLIENTS, PARTNER ORGANISATIONS AND ALUMNI OF HOBY UK

1. OVERVIEW

- 1.1. Hoby UK takes the security and privacy of your data seriously. We need to gather and use information or “data” about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 “the 2018 Act” and the EU General Data Protection Regulation (“GDPR”) in respect of data privacy and security. We have a duty to notify you of the information contained in this Policy.
- 1.2. This Policy applies to current and former employees, volunteers, clients, partner organisations and alumni. If you fall into one of these categories then you are a “Data Subject” for the purposes of this Policy. You should read this Policy alongside your contract of employment, terms of engagement and any other notice we issue to you from time to time in relation to your data. In this policy use the term “client” to cover those individuals and their families to whom we provide services.
- 1.3. Hoby UK has measures in place to protect your data.
- 1.4. Hoby UK will hold data in accordance with our Data Retention Policy. A copy of this can be obtained from our website (www.hoby.org.uk). We will hold data only for as long as is necessary for the purposes for which we collected it.
- 1.5. Hoby UK is a “Data Controller” for the purposes of your Personal Data. This means that we determine the purpose and means of the processing of your Personal Data.
- 1.6. This Policy explains how Hoby UK will hold and process your information. It explains your rights as a Data Subject. It also explains your obligations when obtaining, handling, processing or storing Personal Data in the course of working for, on behalf of and with Hoby UK.
- 1.7. This Policy does not form part of any contract of employment and can be amended by Hoby UK at any time. It is intended that this Policy is fully

compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this Policy, Hoby UK intend to comply with the 2018 Act and the GDPR.

2. DATA PROTECTION PRINCIPLES

2.1. Personal Data must be processed in accordance with the 6 “data protection principles”. It must:

- Be processed fairly, lawfully and transparently.
- Be collected and processed only for specified, explicit and legitimate purposes.
- Be adequate, relevant and limited for what is necessary for the purposes for which it is processed.
- Be accurate and kept up-to-date. Any inaccurate data must be deleted or rectified without delay.
- Not be kept for longer than is necessary for the purposes for which it is processed.
- Be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

3. HOW WE DEFINE PERSONAL DATA

3.1. “Personal Data” means information which relates to a living person who can be identified from that data (a “Data Subject”) on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

3.2. This Policy applies to all Personal Data whether it is stored electronically, on paper or on other materials.

3.3. This Personal Data might be provided to us by you, or someone else or it could be created by us. It could be provided or created during the recruitment process or during the course of any contract of employment or after its termination. It could be created during the course of organising attendance at seminars run by Hoby UK.

3.4. We will collect and use the following types of Personal Data about you:

- Recruitment information such as your application form and CV, references, qualifications and membership of any professional body and details of any pre-employment assessments;
- Details of the school that you attended;
- Your contact details and date of birth;
- The contact details of your emergency contact;
- Your gender;

- Your marital status (if appropriate) and family details;
- Information about your contract of employment including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement;
- Details of payments for Hoby UK services and whether you are entitled to an assisted place;
- In the case of employees and others to whom this is relevant, your bank details and information in relation to your tax status including your National Insurance number;
- Information relating to any disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of the proceedings);
- Information relating to your performance and behaviour at work;
- Training records;
- Electronic information in relation to your use of IT systems;
- Your images (whether captured on photograph or video);
- Impact statements provided by you as part of programme evaluation;
- Any other category of Personal Data which we may notify you of from time to time.

4. HOW WE DEFINE SPECIAL CATEGORIES OF PERSONAL DATA

4.1. “Special Categories of Personal Data” are types of Personal Data consisting of information as to:

- Your racial or ethnic origin;
- Your political opinions;
- Your religious or philosophical beliefs;
- Your health (including disability);
- Any criminal convictions and offences;
- Special educational needs.

We may hold and use any of these special categories of your Personal Data in accordance with the law.

5. HOW WE DEFINE PROCESSING

5.1. “Processing” means any operation which is performed on Personal Data such as:

- Collection, recording, organisation, structuring or storage;
- Adaption or alteration;
- Retrieval, consultation or use;
- Disclosure by transmission, dissemination or otherwise making available;
- Alignment or combination; and
- Restriction, destruction or erasure.

This includes processing Personal Data which forms part of a filing system and any automated processing.

6. HOW WILL WE PROCESS YOUR PERSONAL DATA?

6.1. Hoby UK will process your Personal Data (including special categories of Personal Data) in accordance with our obligations under the 2018 Act.

6.2. We will use your Personal Data for:

- Performing any contract of employment between us;
- Complying with any legal obligation; or
- If it is necessary for our legitimate interest (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights in section 12 below.

We can process your Personal Data for these purposes without your knowledge or consent. We will not use your Personal Data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to provide us with certain Personal Data you should be aware that we may not be able to carry out certain parts of the contract between us or provide the training to you which Hoby UK proposes. For example, if you do not provide us with your home and contact details, we may not be able to contact you to organise you to attend at the seminars. Alternatively, if you are an alumnus we may not be able to contact you to let you know of developments within Hoby UK.

7. EXAMPLES OF WHEN WE MIGHT PROCESS YOUR PERSONAL DATA

7.1. We have to process your Personal Data in various situations during your recruitment, employment and after termination of your employment or, in the case of a student, we have to process your Personal Data to contact you to let you know of the events we are running and that we hope you will attend.

7.2. For example:

- To decide whether to employ you;
- To decide, if you are employed, how much to pay you and the other terms of your contract with us;
- If you are a client to contact you to keep you updated as to events;
- To carry out any contract between us including, where relevant, its termination;
- Training you and reviewing your performance;
- To decide what role you should take in the organisation;

- To decide whether and how to manage your performance, absence or conduct (as an employee or volunteer) or your absence or conduct as a young person;
 - To determine whether we need to make reasonable adjustments because of your disability;
 - To monitor diversity and equality opportunities;
 - To monitor and protect the security of Hoby UK, of you and other staff, clients, alumni and others;
 - To protect and monitor the health and safety of you, our other clients, alumni, employees and third parties;
 - Where appropriate, to pay you or to accept money from you to pay courses and, where appropriate, to repay you;
 - If you are an employee to pay tax and National Insurance;
 - To provide a reference upon request from another employer or education provider;
 - To monitor in compliance with you, us and others our policies, including this Policy and our contractual obligations;
 - To comply with employment law, immigration law, health and safety law, tax law and other laws that affect us;
 - To answer questions from insurers in respect of any insurance policies which relate to you;
 - To operate Hoby UK and plan for the future;
 - For the prevention and protection of fraud or other criminal offences;
 - To defend Hoby UK in respect of any investigation or litigation and to comply with any Court or Tribunal Orders for disclosure;
 - To monitor and evaluate the effectiveness of our programmes;
 - For any other reason we may notify you of from time-to-time.
- 7.3. We will only process Special Categories of your Personal Data in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we ask for your consent to process a special category of data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you chose by contacting John Sharples.
- 7.4. We do not need your consent to process Special Categories of your Personal Data when we are processing it for the following purposes, which we may do:
- Where it is necessary for carrying out rights and obligations under employment;
 - Where it is necessary to protect your vital interests or those of another person where you/they are physically incapable of giving consent;
 - Where you have made the Data public;
 - Where processing is necessary for the establishment, exercise or defence of legal claims; and
 - Where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity or ability to attend.

- 7.5. Because Hoby UK engages with clients under the age of 18, we are particularly vigilant in relation to members of Hoby UK that come into contact with the clients. It is therefore vital that we are able to ensure that we can process data relating to you regarding any criminal convictions.
- 7.6. We might process Special Categories of your Personal Data for the purposes in 7.2 above. In particular, we will use information in relation to:
 - Your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
 - Your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work and to attend, may benefits (where appropriate) to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety.
- 7.7. We do not take automated decisions about you using your Personal Data or use profiling in relation to you.

8. SHARING YOUR PERSONAL DATA

- 8.1. Sometimes we might share your Personal Data with third parties to carry out our obligations under contract with you, any agreements with you or for our legitimate interests. For example, where it is necessary we may supply limited Data about you to the venues for residential seminars.
- 8.2. We shall require any third party to which we have passed such data to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it is being shared and in accordance with our instructions.
- 8.3. We do not send your Personal Data outside the European Economic Area. This is particularly important in the case of Hoby UK. Where it may become necessary to share data with an organisation outside of the European Economic Area, we will notify you of this and let you know what protections are in place to protect the security of your Data. You will of course be entitled to object to the Data being processed.

9. HOW SHOULD YOU PROCESS PERSONAL DATA FOR HOBY UK?

- 9.1. Everyone who works for, or on behalf of, Hoby UK and who is a student connected to or alumni of Hoby UK has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this Policy and Hoby UK's data security and data retention policies.
- 9.2. Hoby UK's data protection manager (Rob Barnett) is responsible for reviewing this Policy and updating the Trustees on Hoby UK's data

protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this Policy or data protection to this person.

- 9.3. You should only access Personal Data covered by this Policy if you need it for the work you do for or on behalf of Hoby UK and only if you are authorised to do so. You should only use the Data for the specified lawful purpose for which it was obtained.
- 9.4. You should not share Personal Data informally.
- 9.5. You should keep Personal Data secure and not share it with unauthorised people.
- 9.6. You should regularly review and update Personal Data which you have to deal with on behalf of Hoby UK. This includes telling us if your contact details change.
- 9.7. You should not make unnecessary copies of Personal Data and should keep and dispose of any copies securely.
- 9.8. You should use strong passwords where appropriate.
- 9.9. You should lock any computer screens when you are not attending at your computer.
- 9.10. Personal Data should be encrypted before being transferred electronically to authorised personal contacts.
- 9.11. Consider anonymising Data so that the Data Subject cannot be identified.
- 9.12. Personal Data should never be transferred outside the European Economic Area except in compliance with the law and authorised by Rob Barnett.
- 9.13. You should lock drawers and filing cabinets. Do not leave paper with Personal Data lying about.
- 9.14. Personal Data should be shredded and disposed of securely when you have finished with it.
- 9.15. You should ask for help if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.
- 9.16. Any deliberate or negligent breach of this Policy by you may result in action being taken against you in accordance with our disciplinary procedures.

- 9.17. It is a criminal offence to deliberately conceal or destroy Personal Data which is part of a subject access request. In the case of employees, this would amount to gross misconduct under our disciplinary procedure and could result in your dismissal.

10. HOW TO DEAL WITH DATA BREACHES

- 10.1. We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of Personal Data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in the risks to the rights and freedoms of individuals Hoby UK must also notify the Information Commissioner's Office within 72 hours.
- 10.2. If you are aware of a Data breach you must contact Rob Barnett immediately and keep any evidence you have in relation to the breach.

11. SUBJECT ACCESS REQUESTS

- 11.1. Data Subjects can make a "Subject Access Request" (SAR) to find out the information Hoby UK hold about them. This request must be made in writing. If you receive such a request you should forward it immediately to Rob Barnett who will coordinate a response.
- 11.2. If you would like to make an SAR in relation to your own Personal Data, you should make this in writing to Rob Barnett. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by two further months.
- 11.3. There is no fee for making an SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

12. YOUR DATA SUBJECT RIGHTS

- 12.1. You have the right to inform information about what Personal Data we process, how and on what basis set out in this Policy.
- 12.2. You have the right to access your own Personal Data by way of an SAR.
- 12.3. You can correct any inaccuracies in your Personal Data. To do so you should contact Robert Coward.
- 12.4. You have the right to request that we erase your Personal Data where we were not entitled under the law to process or it is no longer necessary to process it for the purpose of which it was collected. To do so you should contact Rob Barnett.

- 12.5. While you are requesting that your Personal Data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact Rob Barnett.
- 12.6. You have the right to object to data processing where we are relying on legitimate interest to do so and you think that your rights and interests outweigh your own and you wish us to stop.
- 12.7. You have the right to receive a copy of your Personal Data and to transfer your Personal Data to another Data Controller. We will not charge for this and will in most cases aim to do this within one month.
- 12.8. You have the right to be notified of a data security breach concerning your Personal Data.
- 12.9. In most situations we will not rely on your consent as the lawful ground to process your Data. If we do however request your consent to the processing of your Personal Data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact Rob Barnett.
- 12.10. You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

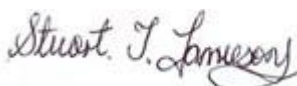
Rob Barnett can be contacted at admin@hoby.org.uk

John Sharples can be contacted at jsharples@hoby.org.uk

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Signed:



(Chair of Trustees)