



Bethnal Green Nature Reserve Trust

Data Protection Policy

Last Updated: 01 May 2024

About this Policy

The Bethnal Green Nature Reserve Trust (the **Trust**) is committed to a policy of protecting the rights and privacy of individuals, staff, and others in accordance with data protection legislation. This policy outlines the principles and practices that guide the processing of personal data processed by the Trust in the course of our work.

Purpose

The purpose of this policy is to help you understand what personal data the Trust collects, why we collect it and what we do with it. It will also help you to identify what your rights are and who you can contact for more information, to exercise your rights or to make a complaint. The Trust is committed to ensuring that all personal data is handled and dealt with appropriately however it is collected, recorded, and used, and whether it is on paper, in electronic records or recorded in other formats, on other media, or by any other means. It includes information held on computers (including email), paper files, photographs, audio recordings and CCTV images.

Scope

This policy applies to personal data as defined by the Data Protection Act 2018, as it incorporates and amends the General Data Protection Regulation (together, the **UK GDPR**); that is, any information relating to an identified or identifiable living person. This includes all individuals working with or visiting the Trust, including past and present trust staff, trustees, volunteers, and visitors. Personal Data includes information which on its own does not identify someone, but which would identify them if put together with other information. The UK GDPR extends the definition of personal data to include identification numbers, such as Unique Candidate Identifier (UCI). Personal data may include an individual's IP address and social media name.

This policy also applies to special categories of personal data. Special category personal data is data that is particularly sensitive and therefore merits specific protection. The special categories of personal data specifically include data relating to an individual's racial or ethnic group, political opinions, religious or philosophical beliefs, trade union membership, genetic data and/or biometric data, health and sexual orientation.

This policy also applies to criminal offence data to the limited extent such data is processed by the Trust. All personal data within the Trust's control shall be identified as personal data, special category personal data or criminal offence data to ensure that it is handled in compliance with legal requirements and processing does not breach the rights of the individuals to whom it relates.

1. Data Subjects Relevant to the Trust

The Trust collects personal data from a variety of sources. This can range from personal data given to us directly when you contact us, personal data we receive for the administration of grant awards from third party funding organisations , to personal data used for HR purposes.

We process personal data relating to the following data subjects:

- employees and contractors
- job applicants
- external experts
- consultants and advisers
- individuals working for funding organisations
- staff, suppliers, and service providers
- individuals who make enquiries, complainants, and their representatives (including whistleblowers, individuals making freedom of information applications)
- personal data of those subject to a complaint
- respondents and their responses to consultations and surveys
- journalists and the media
- lobbyists
- research participants
- event or conference attendees
- educational teams including teachers and teaching assistants
- volunteers
- other stakeholders (such as individuals in other government departments connected with the Nature Reserve)

2. The Types of Personal Data Processed by the Trust

We process the following types of personal data:

- names of individuals
- email addresses, WhatsApp and text messages
- contact information (for example postal address, telephone number of staff, trustees, volunteers)
- 1st Aid records including all accidents and incidents
- Safeguarding notes and concerns
- information in relation to activities, opinions, and complaints that identify an individual
- occupation or job title
- places of work information about an individual's education and qualifications
- information about an individual's skills and expertise
- information relevant to our HR function
- photographs and visual images, including signed permission forms

Children's Data

Children under the age of 13 are unable to consent to the processing of personal data. Children aged 13 years and over may lawfully provide their own consent for the processing of their personal data. The Trust obtains consent from the person who holds parental responsibility over the child if they are under 13. However, it should be noted that where processing is lawful under other grounds, consent need not be obtained from the child or the holder of parental responsibility.

Examples of special category personal data processed by the Trust

We may also process the following forms of special category personal data:

- physical or health details
- racial or ethnic origin
- religious or other beliefs
- political opinions
- sexual orientation
- trade union membership

Criminal offence data

The Trust may process personal data relating to the commission or alleged commission of a criminal offence by an individual and relating to legal proceedings, outcomes and sentences or convictions in respect of such offences to the extent that such matters are relevant to the Trust's functions. For example, we may process criminal convictions data where it is necessary for us to do so as an employer, or where such data is relevant to the exercise of our role as the regulator of qualifications (for example in circumstances where an individual has infringed the Trust's intellectual property or where there has been alleged qualification fraud).

3. Why we process personal data and our legal basis for processing

We process the above listed personal data to carry out one or more of the following activities to:

- carry out our statutory functions: provision of learning, ecology, health and cultural activities for all ages within the Nature Reserve setting
- comply with contractual obligations for staff and external contractors
- carry out research and community learning
- understand people's views and opinions (for example for policy purposes through consultations relating to the day to day management of the Nature Reserve)
- to improve our services and better understand how people engage with what we do
- support and manage our employees and contractors
- carry out administrative functions (for example HR, finance, or procurement)
- maintain our own records and accounts
- provide or obtain professional advice
- send you information that we think might be of interest to you, if you have given us your consent to do so (such as if you sign up to receive our monthly newsletters or social media posts)
- comply with any legal and regulatory obligations that the Trust is subject to

Lawful basis for processing personal data

The UK GDPR lists six lawful reasons for processing personal data. The processing of personal data can only take place if at least one of these lawful reasons applies.

In most circumstances, the Trust's legal basis for processing the personal data for the listed activities will fall under one of the following conditions:

- *Article 6(1)(a)* - the data subject has **given consent** to the processing (consent has to be specific, informed, freely given and unambiguous). Where you have given your consent to the processing, you should be informed that you have the right to withdraw consent at any time. Your consent must be as easy to withdraw as to give.
- *Article 6(1)(b)* - processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- *Article 6(1)(e)* - Processing is necessary for the **performance of a task carried out in the public interest or in the exercise of official authority** vested in the controller.
- *Article 6(1)(f)* - processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

Further conditions apply when processing special categories of personal data. In most circumstances, the Trust's legal basis for processing special categories of personal data will fall under one of the following conditions:

- *Article 9(2)(a)* – the data subject has given **explicit consent** to the processing of those personal data. Circumstances in which the Trust might rely on consent include where we process information about access needs, dietary requirements, or to enable us to make reasonable adjustments so that individuals can access our services or enjoy working for the Trust.
- *Article 9(2)(b)* – 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 domestic 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. Processing under this condition would include the information we process for recording staff sickness absences.
- *Article 9(2)(c)* – processing is necessary to **protect the vital interests of the data subject** or of another natural person. This would include circumstances where we might disclose medical information about an employee in an emergency.
- *Article 9(2)(g)* – processing is necessary **for reasons of substantial public interest**, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interest of the data subject.

4. Data protection principles and how we process your personal data

The Trust will process your personal data in accordance with the data protection principles which are set out in Article 5 of the UK GDPR. This means personal data will:

- be processed lawfully, fairly and in a transparent manner.
- be collected for specified, explicit and legitimate purposes and not processed further in a manner that is incompatible with those purposes.
- be adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed
- be accurate and where necessary, kept up to date (we will take every reasonable step to ensure that inaccurate personal data is corrected or erased without delay).
- be kept in a form that does not enable identification of the person(s) for longer than necessary; we may store personal data for longer periods if it is processed solely for archiving purposes (in the public interest), scientific or historical research or statistical purposes pertaining to upkeep of the Nature Reserve.
- be processed in a way that ensures appropriate security of the personal data including protection from unauthorised or unlawful processing and from accidental loss, damage, or destruction, using appropriate technical or organisational measures.

The Trust, as data controller, is responsible for, and must be able to demonstrate compliance with these principles. We follow procedures to ensure that all employees, contractors, agents, consultants, and other parties who have access to any personal data held by or on behalf of us are fully aware of, and abide by, their duties and responsibilities under data protection legislation.

All Trust staff are required to respect the personal data and privacy of others and must ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to personal data.

5. Sharing your personal data

We will not disclose personal data to any third party unless we have a lawful basis for doing so. Confidentiality will be respected, where appropriate. We do sometimes need to share personal data with third parties. This is generally to enable us to undertake our statutory functions, to regulate effectively and/or to comply with our legal or regulatory obligations.

Where it is appropriate for us to do, we share information with the following categories of third parties:

- the Parliamentary Ombudsman and regulatory authorities (including for example first aid and health and safety qualification regulators)
- awarding organisations
- family, associates and representatives of the person whose personal data we are processing
- professional advisers and consultants
- supplier's and services provider's credit reference agencies
- current, past or prospective employers
- financial organisations
- organisations that are subject to a complaint
- police forces
- prosecuting authorities and courts
- personnel vetting agencies (e.g., Disclosure & Barring Service and UK Secure Vetting)

For example, we may need to share personal data with third parties in order to investigate and respond to correspondence we receive from you, such as complaints, allegations of malpractice and from whistleblowers relating to funding organisations and qualification regulators .

When collecting your personal data, the Trust will let you know how your personal data will be shared through appropriate privacy notices and relevant policies (e.g., the Trust's [Whistleblowing Policy](#) and [Internal Grievance Handling Policy](#)).

If processing is undertaken by a third party on behalf of the Trust (by a “data processor”), you should also refer to their websites for details of their privacy notices. Where the Trust uses a data processor it ensures that the processor has in place appropriate technical and organisational measures which comply with the UK GDPR and protect the rights of data subjects. Any processing by a data processor is governed by a contract (or other legal act) in compliance with Article 28(3) UK GDPR.

In certain circumstances, information relating to employees acting in a business capacity may be made available, provided that:

- we have the statutory power or are required by law to do so; or
- the information is clearly not intrusive in nature; or
- the employee has consented to the disclosure; or
- the information is in a form that does not identify individual employees

6. Your Rights

Access to your personal data

Under Article 15 of the UK GDPR, you are entitled to ask for a copy of the personal data that is held about you – this is called a Data Subject Access Request (**DSAR**).

When you submit a request for your personal data, you are entitled to:

- confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and the following information:
 - o to know why we have processed your personal data – the reason(s) and purpose(s) for the processing
 - o the categories of personal data concerned
 - o to know if we have shared or will share your personal data and if so, with whom and for what purpose(s). In particular with recipients in third countries and international organisations
 - o where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
 - o a copy of the personal data undergoing processing
 - o the existence of the right to request for rectification or erasure of personal data or restriction of processing of personal data concerning you or to object to such processing
 - o where the personal data are not collected from you, any available information as to their source
- complain to the information commissioner’s office (**ICO**)

Other Rights

In addition to the right to access your personal data (detailed above), you have the following rights in relation to your personal data:

- right to rectification – you can ask the Trust to rectify any inaccuracies in your personal data and receive notification that this has been done; this includes processing carried out on our behalf by third parties
- right to erasure – you can ask the Trust to erase, delete or destroy any personal data we process concerning you
- right to restrict processing – you can ask the Trust to restrict certain personal data we process about you
- where any rectification, erasure of personal data or restriction of processing is carried out in accordance with the above, the Trust shall communicate any rectification, erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. You are entitled to be informed about those recipients upon request
- right to data portability – you have the right to receive personal data held in a structured, commonly used, machine readable format (the Trust does not typically or routinely process this form of data)
- right to object to automatic decision-making and profiling (the Trust does not undertake this form of processing)

For detailed information regarding your rights, please refer to the Information Commissioner’s Office (ICO) website at <https://ico.org.uk/for-the-public/>.

You can also contact info@bethnalgreennaturereserve.org

Making a complaint

If you feel that the Trust has not complied with this policy or in accordance with the UK GDPR or other data protection legislation, please contact info@bethnalgreennaturereserve.org in the first instance. You can also make a complaint via our complaint’s procedure.

You also have the right to make a complaint to the Information Commissioner’s Office (ICO) <https://ico.org.uk/>. The ICO is the UK’s independent body set up to uphold information rights in the public interest.

Requests regarding your personal data and for more information

For more information or any request regarding your personal data (e.g., rights of access, for rectification, erasure, restriction), please submit your request in writing to the Trust either:

- By email: info@bethnalgreennaturereserve.org
- By post to Bethnal Green Nature Reserve Trust, 24 Sunbury Workshops, Swanfield Street, London E2 7LF, UK.

7. Additional Relevant Definitions:

General Data Protection Regulation (GDPR): The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

Data Controller: the entity that determines the purposes, conditions, and means of the processing of personal data.

Data Processor: the entity that processes data on behalf of the Data Controller.

Data Protection Authority: national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union.

Data subject: a natural person whose personal data is processed by a controller or processor.

Personal data: any information related to a natural person or 'data subject', that can be used to directly or indirectly identify the person.

Privacy Impact Assessment: a tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data.

Processing: any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

Profiling: any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour.

Regulation: a binding legislative act that must be applied in its entirety across the Union.

Subject Access Right: also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them.

8. Related Legislation and Documents

EU General Data Protection Regulation (GDPR): <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

Information Commissioners Office Guide to the GDPR: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

This policy will be reviewed on an ongoing basis, at least once a year. The Trust will amend this policy, following review, where appropriate.