

General Data Protection Regulation Policy

**Littlehampton Bonfire
Society Limited**

Document Control

Reference: Littlehampton Bonfire Society Ltd 03379689 General Data Protection Regulation Policy.

Issue No: 01/BB

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General Data Protection Regulations Policy (GDPR)

1. Introduction

1.1. Background to the General Data Protection Regulation ('GDPR')

The General Data Protection Regulation 2016 replaces the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the "rights and freedoms" of natural persons (i.e. living individuals) and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

1.2. Definitions used by the organisation (drawn from the GDPR)

Material scope (Article 2) – the GDPR applies to the processing of personal data wholly or partly by automated means (i.e. by computer) and to the processing other than by automated means of personal data (i.e. paper records) that form part of a filing system or are intended to form part of a filing system.

Territorial scope (Article 3) – the GDPR will apply to all controllers that are established in the EU (European Union) who process the personal data of data subjects, in the context of that establishment. It will also apply to controllers outside of the EU that process personal data in order to offer goods and services, or monitor the behavior of society member who are resident in the EU.

1.3. Article 4 definitions

Establishment – the main establishment of the controller in the EU will be the place in which the controller makes the main decisions as to the purpose and means of its data processing activities. The main establishment of a processor in the EU will be its administrative centre. If a controller is based outside the EU, it will have to

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appoint a representative in the jurisdiction in which the controller operates to act on behalf of the controller and deal with supervisory authorities.

Personal data – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special categories of personal data – personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Data controller – the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data subject – any living individual who is the subject of personal data held by an organisation.

Processing – any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

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Profiling – is any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person, or to analyse or predict that person's performance at work, economic situation, location, health, personal preferences, reliability, or behavior. This definition is linked to the right of the data subject to object to profiling and a right to be informed about the existence of profiling, of measures based on profiling and the envisaged effects of profiling on the individual.

Personal data breach – a breach of security leading to the accidental, or unlawful, destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. There is an obligation on the controller to report personal data breaches to the supervisory authority where the breach is likely to adversely affect the personal data or privacy of the data subject.

Data subject consent - means any freely given, specific, informed, and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data.

Child – the GDPR defines a child as anyone under the age of 16 years old, although this may be lowered to 13 by Member State law. The processing of personal data of a child is only lawful if parental or custodian consent has been obtained. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child.

Third party – a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

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Filing system – any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

2. Policy statement

- 2.1.** The [Board of Directors and Committee] of [Littlehampton Bonfire Society Ltd.], registered business address can be found by visiting Companies House Website which will show the most up to date business address. Website: <https://find-and-update.company-information.service.gov.uk/company/03379689/officers> A member is a person who has paid a membership fee to be a member of the society, this includes all Officers and Committee members. The Society is committed to compliance with all relevant EU and Member State laws in respect of personal data, and the protection of the “rights and freedoms” of individuals whose information [Data Controllers] collect and processes in accordance with the General Data Protection Regulation (GDPR).
- 2.2.** Compliance with the GDPR is described by this policy and other relevant policies such as the Information Security Policy, along with connected processes and procedures.
- 2.3.** The GDPR and this policy apply to all [Littlehampton Bonfire Society Ltd.]’s personal data processing functions of our members Personal data, suppliers’ and partners’ personal data, and any other personal data the organisation processes from any source including company business emails.

This policy applies to all [Members of the of the Littlehampton Bonfire Society] Any breach of the GDPR will be dealt with under [Littlehampton Bonfire Society]’s Code of Conduct policy and may also be a criminal offence, in which case the matter will be reported as soon as possible to the appropriate authorities.

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- 2.4. Any new Directors or Committee including Officers if appointed to [Littlehampton Bonfire Society Ltd, will be expected to have read, understood and to comply with this policy. No third party will ever have access or require personal data held by [The Membership Officer of Littlehampton Bonfire Society Ltd or committee, Officers or Directors] without the agreement and authorisation of the Society Data Controllers of the Littlehampton Bonfire Society Ltd. Personal Data would only ever be shared in the most exceptional circumstances i.e. In the process of criminal investigation or during Bonfire week in the event of an emergency if required.

3. Responsibilities and roles under the General Data Protection Regulation

- 3.1. [Littlehampton Bonfire Society Ltd.] is a *[data controller and/or data processor]* under the GDPR.
- 3.2. [The Board of Directors] and all those serving on the Committee/Officer or supervisory roles throughout [Littlehampton Bonfire Society Ltd.] are responsible for developing and encouraging good information handling practices within [Littlehampton Bonfire Society Ltd.]; responsibilities are set out within this policy and all Directors including the Committee and Officers of Littlehampton Bonfire Society Ltd will be required to comply.
- 3.3. All current appointed Directors, Officers and Committee of the Littlehampton Bonfire Society Ltd will be responsible for compliance with this policy on a day-to-day basis and, in particular, has direct responsibility for ensuring that [Littlehampton Bonfire Society Ltd] complies with the GDPR, as do all of the Societies Members.
- 3.4. In respect of data processing the appointed data controllers and any Directors or Officers or Committee Members will be responsible for processing data that takes place within their area of responsibility.

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- 3.5. The Society Data Controllers have specific responsibilities in respect of procedures such as the Subject Access Request Procedure and are the first point of call for [Members] seeking clarification on any aspect of data protection compliance.
- 3.6. Compliance with data protection legislation is the responsibility of all [Society Data Controllers, Directors, Officer and Committee Members] of [Littlehampton Bonfire Society Ltd.] who process personal data.
- 3.7. [Directors and ANY Member] of [Littlehampton Bonfire Society Ltd.] are responsible for ensuring that any personal data about them and supplied by them to [Littlehampton Bonfire Society Ltd.] is accurate and up to date.

4. Data protection principles

All processing of personal data must be conducted in accordance with the data protection principles as set out in Article 5 of the GDPR. [Littlehampton Bonfire Society Ltd.]’s policies and procedures are designed to ensure compliance with the principles.

- 4.1. Personal data must be processed lawfully, fairly and transparently
Lawful – identify a lawful basis before you can process personal data. These are often referred to as the “conditions for processing”, for example consent.

Fairly – in order for processing to be fair, the data controller has to make certain information available to the data subjects as practicable. This applies whether the personal data was obtained directly from the data subjects or from other sources.

The GDPR has increased requirements about what information should be available to data subjects, which is covered in the ‘Transparency’ requirement.

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Transparently – the GDPR includes rules on giving privacy information to data subjects in Articles 12, 13 and 14. These are detailed and specific, placing an emphasis on making privacy notices understandable and accessible. Information must be communicated to the data subject in an intelligible form using clear and plain language.

4.2. Personal data can only be collected for membership and contact detail purposes only.

Data obtained for specified purposes must not be used for a purpose that differs from those formally notified to the supervisory authority as part of [Littlehampton Bonfire Society Ltd].

4.3. Personal data must be adequate, relevant and limited to what is necessary for processing

4.3.1. The [Membership Officer] is responsible for ensuring that [Littlehampton Bonfire Society Ltd.] does not collect information that is not strictly necessary for the purpose for which it is obtained.

[The Board Directors] will ensure that, on a Three yearly or subject to legislation changes all data collection methods are reviewed to ensure that collected data continues to be adequate, relevant and not excessive.

4.4. Personal data must be accurate and kept up to date with every effort to erase or rectify without delay

4.4.1. Data that is stored by the Membership Officer must be reviewed and updated, as necessary. No data should be kept unless it is reasonable to assume that it is accurate.

4.4.2. It is also the responsibility of all members to ensure that data held by [Littlehampton Bonfire Society Ltd.] is accurate and up to date. Completion

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- of a membership registration form by a member will include a statement that the data contained therein is accurate at the date of submission.
- 4.4.3. All members of the Society are required to notify [Littlehampton Bonfire Society Ltd.] of any changes in circumstance to enable personal records to be updated accordingly. It is the responsibility of [Littlehampton Bonfire Society Ltd.] to ensure that any notification regarding change of circumstances is recorded and acted upon.
- 4.4.4. [Society Data Controllers] are responsible for ensuring that appropriate procedures and policies are in place to keep personal data accurate and up to date, taking into account the volume of data collected, the speed with which it might change and any other relevant factors.
- 4.4.5. On an annual basis when the following years subscriptions will be due in order to continue to be a Society member, the Membership Officer] will ensure that data that any data that is no longer required will be securely deleted/destroyed in line with the Secure Disposal of Storage. Membership data will be deleted from the electronic records if subscriptions have not been renewed within twenty-eight working days of expiration.
- 4.4.6. The Membership Officer is responsible for responding to requests for rectification from members within twenty-eight working days of receipt via contacting the society. [Members] contacting the Society should do so through its email address or in writing to the registered business address at the time of application.
- 4.5. Personal data must be kept in a form such that the data subject can be identified only as long as is necessary for processing.
- 4.5.1. Where personal data is retained by the Society for the purposes of membership, the electronic records will be encrypted with a password in order to protect the identity of the member on database, only Committee members and Directors who require access are permitted to use the

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software. Any paper records held by the society where personal data is held will be stored in a secure safe location.

- 4.5.2. Personal data will be retained all the time a member has paid their annual membership. If the membership has not been paid, the membership Officer will remove data after there has been twenty-eight clear days of expiration of membership fees, in accordance with this policy.

4.6. Personal data must be processed in a manner that ensures the appropriate security

In determining appropriateness, the Company Directors should also consider the extent of possible damage or loss that might be caused to individuals (e.g. society members) if a security breach occurs, the effect of any security breach on [Littlehampton Bonfire Society Ltd.] itself, and any likely reputational damage including the possible loss of membership.

When assessing appropriate technical measures, the Company Directors will consider the following:

- Password protection.
- Removal of access rights for USB and other memory media.
- Virus checking software and firewalls.
- Encryption of software used for the purposes of storage of personal data or society electronic documents held by the Membership Officer, Directors or Officers or Committee members.
- Privacy enhancing technologies such as pseudonymisation and anonymisation.

When assessing appropriate organisational measures the Company Directors will consider the following:

- Measures that consider the reliability of members (such as references etc.);
- Monitoring of members for compliance with relevant security standards.
- Physical access controls to electronic and paper-based records.
- Storing of paper-based data in a safe secure location.

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All appointed Directors, Officers and Committee members will under no circumstances ever use their personal email address, to circulate or communicate or transfer data in which identifies a member or contains a member's personal data.

All Directors, Officers and Committee members will use specific Committee approved email accounts which have been setup for Bonfire business only, and all the above matters in accordance with this policy.

All members that wish to contact the Society, Committee members, Officers or Directors must use the specific setup email addresses. ANY member who contacts any of the above mentioned via their own personal email address, will be considered unsafe and inappropriate if emails contain information about members or Bonfire business. This could have the risk of being leaked into the public domain which could cause unnecessary distress or embarrassment to an individual member which could be considered defamation of a member's character or the organisations reputation, which could bring it into disrepute.

These controls have been selected on the basis of identified risks to personal data, and the potential for damage or distress to individuals/Society whose data is being processed and held for the purpose of the duration of membership and the running of the business.

4.7. The controller must be able to demonstrate compliance with the GDPR's other principles (accountability)

The GDPR includes provisions that promote accountability and governance. These complement the GDPR's transparency requirements. The accountability principle in

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Article 5(2) requires you to demonstrate that you comply with the principles and states explicitly that this is your responsibility.

The [Littlehampton Bonfire Society Ltd.] will demonstrate compliance with the data protection principles by implementing data protection policies, adhering to codes of conduct, implementing technical and organisational measures, as well as adopting breach notification procedures and incident response plans.

5. Data subjects' rights

- 5.1. Data subjects have the following rights regarding data processing, and the data that is recorded about them:
 - 5.1.1. To make subject access requests regarding the nature of information held and to whom it has been disclosed.
 - 5.1.2. To prevent processing likely to cause damage or distress.
 - 5.1.3. To not have significant decisions that will affect them taken solely by automated process.
To take action to rectify, block, erased, including the right to be forgotten, or destroy inaccurate data.
 - 5.1.4. To request the supervisory authority to assess whether any provision of the GDPR has been contravened.
 - 5.1.5. To have personal data provided to them in a structured, commonly used and machine-readable format, and the right to have that data transmitted to another controller.
 - 5.1.6. To object to any automated profiling that is occurring without consent.
- 5.2. [Littlehampton Bonfire Society Ltd.] ensures that data subjects may exercise these rights:

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- 5.2.1. Members may make data access requests as described in Subject Access Request Procedure; this procedure also describes how [Littlehampton Bonfire Society Ltd.] will ensure that its response to the data access request complies with the requirements of the GDPR. The process will be by members making a formal request in writing via; letter or email to the Society email address or in writing to the registered business address and will have thirty working days from date received to respond and consider such a request.
- 5.2.2. Members have the right to raise a complaint to [Littlehampton Bonfire Society Ltd.] related to the processing of their personal data, the handling of a request from a data subject and appeals from a data subject on how complaints have been handled in line with the Complaints Procedure.

6. Consent

- 6.1 [Littlehampton Bonfire Society Ltd.] understands 'consent' to mean that it has been explicitly and freely given, and a specific, informed and unambiguous indication of the members wishes that, by statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. The Society member can withdraw their consent at any time.
- 6.1. [Littlehampton Bonfire Society Ltd.] understands 'consent' to mean that the Society member has been fully informed of the intended processing and has signified their agreement, while in a fit state of mind to do so and without pressure being exerted upon them. Consent obtained under duress or on the basis of misleading information will not be a valid basis for processing.
- 6.2. There must be some active communication between the parties to demonstrate active consent. Consent cannot be inferred from non-response to a communication. The Controller must be able to demonstrate that consent was obtained for the processing operation.

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- 6.3. For sensitive data, explicit written consent of Society member must be obtained unless an alternative legitimate basis for processing exists.
- 6.4. In most instances, consent to process personal and sensitive data is obtained routinely by [Littlehampton Bonfire Society Ltd.] using standard consent documents membership application forms and consent to storing data forms. i.e when a new member joins the society or renews membership.

7. Security of data

- 7.1. All [Members] are responsible for ensuring that any personal data that [Littlehampton Bonfire Society Ltd.] holds and for which they are responsible, is kept securely and is not under any conditions disclosed to any third party unless that third party has been specifically authorised by [Littlehampton Bonfire Society Ltd.] to receive that information and has entered into a confidentiality agreement.
- 7.2. All personal data should be accessible only to those who need to use it, and access may only be granted in line with Company Directors approval. All personal data should be treated with the highest security
 - in a safe secure location and/or
 - if computerised, password protected in line with this policy
- 7.3. Care must be taken to ensure that PC screens and terminals are not visible except to authorised [Members] of [Littlehampton Bonfire Society Ltd.].
- 7.4. Manual records may not be left where they can be accessed by unauthorised personal.

8. Disclosure of data

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- 8.1. [Littlehampton Bonfire Society Ltd.] must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends, government bodies, and in certain circumstances, the Police. All [Members] should exercise caution when asked to disclose personal data held on another individual to a third party. It is important to bear in mind whether or not disclosure of the information is relevant to, and necessary for, the conduct of [Littlehampton Bonfire Society Ltd]'s business.
- 8.2. All requests to provide data for one of these reasons must be supported by appropriate paperwork and all such disclosures must be specifically be authorised by the Society Data Controllers and Company Directors.

9. Retention and disposal of data

- 9.1. [Littlehampton Bonfire Society Ltd.] shall not keep personal data in a form that permits identification of members for a longer period than is necessary, in relation to the purpose(s) for which the data was originally collected.
- 9.2. [Littlehampton Bonfire Society Ltd.] may store data for longer periods if the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes or where disciplinary action is necessary that may be taken against a member, subject to the implementation of appropriate technical and organisational measures to safeguard the rights and freedoms of the Society Member.
- 9.3. Personal data must be disposed of securely in accordance with the sixth principle of the GDPR – processed in an appropriate manner to maintain security, thereby protecting the “rights and freedoms” of data subjects. Any disposal of data will be done in accordance with the secure disposal procedure.

Failure to comply with this policy

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1.1 Failure to comply with this Society GDPR policy would be a breach and could be also deemed a breach in line with the Societies code of conduct and may result in termination of membership if deemed necessary.

Document Owner and Approval

The [Littlehampton Bonfire Society Ltd] is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the review requirements stated above.

A current version of this document is available to all members on request via paper or electronic copy.

This policy was approved by the [Board of Directors and Committee] on [21/12/2020] and is issued on a version-controlled basis under the signature of the Director: Barry Bastable of Littlehampton Bonfire Society Ltd.

Signature: B.Bastable

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Change History Record

Issue	Description of Change	Approval	Date of Issue	Date to be reviewed
1	Initial issue	Barry Bastable	22/12/2020	December 2023

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