

Privacy Policy for Trustees

1. What is the purpose of this document?

- 1.1. Swindon Mentoring and Self Help Youth Project ("SMASH", "we", "our" or "us") is committed to protecting the privacy and security of your personal information.
- 1.2. This privacy policy describes how we collect and use personal information about you during and after the time you act as a volunteer mentor for us, in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 1.3. SMASH is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy policy.
- 1.4. This policy applies to prospective, current and former mentors ("you", "your"). This policy does not form part of any contract of employment or other contract to provide services. We may update this policy at any time.
- 1.5. It is important that you read this policy, together with any other privacy policy we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

2. Data Protection Principles

- 2.1. We will comply with data protection law. This says that the personal information we hold about you must be:
 - a) used lawfully, fairly and in a transparent way;
 - b) collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
 - c) relevant to the purposes we have told you about and limited only to those purposes;
 - d) accurate and kept up to date;
 - e) kept only as long as necessary for the purposes we have told you about; and
 - f) kept securely.

3. The kind of information we hold about you

- 3.1. Personal data or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).
- 3.2. There are "special categories" of more sensitive personal data which require a higher level of protection.
- 3.3. We will collect, store and use personal information about you which may include the following categories:
 - a) personal contact details such as name, title, addresses, telephone numbers and email addresses;
 - b) date of birth;
 - c) gender;
 - d) nationality;
 - e) details about your work history including paid and unpaid positions;
 - f) details about your qualifications and skills;
 - g) information about your hobbies and interests;
 - h) your job role, skills and your working time pattern;
 - i) your availability including start dates and end dates;
 - j) right to work documentation which may include photographic ID such as a passport, birth certificate, resident permit or a copy of a visa. The exact documentation that we require is based on government guidance and will depend upon your individual circumstances. We will provide you with details of the documents needed at the time we carry out the checks;
 - k) information about your criminal records history to the extent that this is required for a Disclosure Barring Service check;
 - l) information about your involvement with social services regarding child protection concerns;
 - m) details about you provided to us by third parties in references;
 - n) a copy of your signature where you sign documentation in the course of your role;

4. How is your personal information collected?

- 4.1. We typically collect personal information about trustees through the application process either directly from you or from a background check, referee or other sources available. We may sometimes collect additional information from third parties including the disclosure barring service or other background check agencies
- 4.2. We will collect additional personal information throughout the period of you volunteering for us. This will usually be directly from you but may be from third parties such as other mentors, employees and mentees.

5. How we will use information about you

- 5.1. We will only collect your personal information where we have a lawful basis for doing so. Under the General Data Protection Regulation, there are six lawful bases as follows:
 - a) where you have given us your consent;
 - b) to decide whether to enter a contract with you or to perform that contract with you;
 - c) to comply with a legal obligation;
 - d) where processing your data is in your vital interests where we may be required to provide information to protect your life (e.g. to a medical professional if you become seriously unwell or injured whilst at work);
 - e) where processing is necessary to perform a public task; and
 - f) where we have a legitimate interest to process your information provided your interests and fundamental rights do not override those interests.
- 5.2. Some of the grounds for processing can overlap and there may be several grounds which justify our use of your personal information.
- 5.3. Our primary lawful bases for the data we process in relation to our volunteers are to perform our contract with you and to enable us to comply with legal obligations.
- 5.4. We will also process your personal data where we or a third party has a legitimate interest to do so which may include:
 - a) to enable us to deal with and defend any dispute or legal proceedings;
 - b) to enable to monitor the services we provide and protect our interests;

- c) to ensure you continue to be suitable to assist children, vulnerable adults and comply with our safeguarding requirements.

5.5. We may also use your personal information in the following situations, which are likely to be rare:

- a) where we need to protect to your interests (or someone else's interests). For example, where you are seriously unwell or have an accident whilst acting as Trustee and we provide a hospital with personal information about you.
- b) where it is needed in the public interest or for official purposes. For example, this may involve assisting with a police investigation.

5.6. The situations in which we will process your personal information in accordance with the lawful bases set out above may include:

- a) determining how you volunteer for us and whether to offer you a volunteer role;
- b) checking you are legally entitled to work in the UK;
- c) business management and planning, including accounting and auditing;
- d) gathering evidence for possible complaints and disciplinary actions;
- e) making decisions about your continued engagement;
- f) dealing with legal disputes involving you, other mentors, staff and mentees;
- g) complying with health and safety obligations;
- h) enabling us to comply with our safeguarding requirements to make sure you are suitable to work with children, vulnerable adults and our mentees;
- i) complying with our regulatory and legal obligations.

5.7. If you fail to provide certain information when requested, we may not be able to allow you to volunteer with us, or we may be prevented from complying with our legal obligations.

5.8. We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is incompatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

- 5.9. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6. How we use your special category data

- 6.1. "Special category data" requires higher levels of protection.
- 6.2. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:
- a) in limited circumstances, with your explicit written consent;
 - b) where we need to carry out our legal obligations in line with our data protection policy;
 - c) where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data management policy.
 - d) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards; and/or
 - e) Where it is necessary for establishing, exercising or defending legal claims.
- 6.3. Less commonly, we may process this type of information where it is to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. For example if you became seriously unwell or had an accident at work we may need to provide a hospital with medical information we are aware of.
- 6.4. We will use your special category data in the following ways:
- a) we will use information about your physical or mental health, or disability status to ensure your health and safety and to assess your fitness to act as Trustee, to provide appropriate adjustments;
 - b) we will use information about your race or national or ethnic origin to monitor diversity within our organisation. This information may be provided anonymously as a statistic where it is relevant to an application for funding. For example, an application for national lottery funding;
 - c) we may use all special categories of data to defend legal claims.
- 6.5. We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. For example, to ensure

we provide you with a safe place of work or to consider making reasonable adjustments. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

7. Information about Criminal Records

- 7.1. We envisage that we may collect some information about criminal convictions from you directly.
- 7.2. We are justified in obtaining criminal records information for the following reasons:
 - a) it is necessary for the performance of your mentor relationship with us;
 - b) it is required in order for us to comply with a legal obligation;
 - c) it is required to protect the vital interests of vulnerable service users; and/or
 - d) necessary for the purposes of our legitimate interests in safeguarding our mentees.
- 7.3. Due to our requirements to safeguard our mentees and the nature of our business, all trustees will be subject to a DBS check and you will be asked about their criminal convictions as part of that process.
- 7.4. We comply with the DBS code of practice and will only ask you to provide criminal records information in relation to convictions that we would be legally entitled to see. If you would like to read a copy of the DBS Code of Practice, it is available [here](#);
- 7.5. Our DBS checks are undertaken by a third party which is currently Swindon Borough Council. The information about criminal convictions is supplied directly to them and we only receive information relating to the outcome of the DBS check stating whether the check contains any information or not.
- 7.6. Once criminal records information has been verified through a DBS check, we will:
 - a) if inconsistencies emerge between the information provided by you and the information in the DBS certificate, give the applicant the opportunity to provide an explanation in accordance with paragraph 5;
 - b) record that a DBS check was completed and whether it contained information or not (this information will be kept in accordance with our data management policy); and
 - c) delete the DBS certificate and any record of the information contained in it unless, in exceptional circumstances it is clearly relevant to our ongoing relationship.
- 7.7. If we have concerns about the information disclosed by the DBS, we will discuss our concerns with you and carry out a risk assessment. We will not refuse an appointment purely on the basis that you have a criminal record, but we will take account of:
 - a) the relevant of the conviction or other matter revealed to the position in question;
 - b) the seriousness of the offence or other matter revealed;
 - c) the circumstances of the offence;
 - d) the age of the offence;

- e) whether there is a pattern of offending and
 - f) whether circumstances have changed since the offending took place.
- 7.8. We will treat all applicant volunteers fairly but reserve the right to withdraw an offer of appointment if a DBS check reveals information which we reasonably believe would make you unsuitable for the role.

8. Data sharing

- 8.1. We may share your personal information with third parties including our mentees where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.
- 8.2. "Third parties" includes third-party service providers (including contractors, designated agents, training course providers, our software providers and external consultants) and other entities within our group. The activities are carried out by third-party service providers include:
- a) Disclosure barring services checks by Swindon Borough Council.
- 8.3. All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.
- 8.4. We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.
- 8.5. We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

9. Transferring information outside of the EU

- 9.1. We do not envisage that we will share information about you outside of the EU.

10. Data Security

- 10.1. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business

need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from Chief Executive Officer

- 10.2. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

11. Data retention

- 11.1. We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our data management policy which is available from Chief Executive Officer.
- 11.2. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 11.3. In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

12. Rights of access, correction, erasure and restriction

- 12.1. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.
- 12.2. Under certain circumstances, by law you have the right to:
 - a) **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
 - b) **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
 - c) **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your

personal information where you have exercised your right to object to processing (see below).

- d) **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- e) **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- f) **Request the transfer** of your personal information to another party.

12.3. If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact our Chief Executive Officer in writing.

12.4. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

12.5. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

13. Right to withdraw consent

13.1. In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Chief Executive Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

14. Responsibility for compliance

14.1. Our Data Compliance Officer, Chief Executive Officer is responsible for overseeing our compliance with this privacy policy. If you have any questions about this privacy policy or how we handle your personal information, please contact Chief Executive Officer. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. See www.ico.org.uk

15. Changes to this privacy policy

15.1. We reserve the right to update this privacy policy at any time, and we will notify you when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy policy, please contact the Data Compliance Officer.