

METROPOLITAN PUBLIC GARDENS ASSOCIATION

DATA PROTECTION POLICY

Background

In the course of pursuing its charitable aims, the MPGA ('the Association') collects and processes **personal data** about its members and supporters, beneficiaries, members of the public such as enquirers and correspondents, and its suppliers.

The Association is aware that the possession and use of such information is regulated by data protection legislation and this policy is intended to demonstrate how the MPGA proposes to comply with legal requirements in this area.

The collecting and processing of information

The MPGA regularly **processes** the following categories of personal data:

Members and Volunteers

The Association holds personal data of its members, supporters, beneficiaries, personnel, suppliers and London park managers. Such data includes those persons' names, addresses, email addresses and telephone numbers and is processed in order to administer membership, collect subscriptions and donations, and organize events such as the Annual General Meeting of the Association. Disclosure of this information is restricted to some only of the Association's personnel.

Beneficiaries

Applications for awards of financial grants by the Association are made by individuals acting on behalf of organisations. The Association will, as a matter of course, collect and process personal data with regard to those individuals representing such organisations.

The Public

The Association may enter into correspondence with members of the public, such as those who support its aims or seek information as to its activities. When it does so, it may collect incidental data such as contact details and will process such personal data in order to respond to queries.

Suppliers

The Association holds personal data relating to individuals within organisations which supply it with goods or provide it with services. It processes such information in order to purchase and pay for such goods and services and to maintain its accounting records.

Photographic Material

The Association is in possession of some photographic material featuring MPGA personnel and members of the public in connection with its charitable activities. Such material is sometimes used for publicity purposes.

APPLICABLE LAW

This policy document does not specify all legislation relating to data protection. It focuses upon key responsibilities which the introduction of new regulations will impose on relevant organisations, such as the Association.

Should other issues arise in practice which are not covered by this Policy document, the Association will consider such issues as and when they arise. The Policy will be regularly reviewed and amended where necessary.

THE GENERAL DATA PROTECTION REGULATION ('GDPR')

The GDPR

- (i) will replace the Data Protection Act 1998 and takes effect on **25 May 2018**,
- (ii) contains a number of important principles which organisations will need to observe when processing personal data, and
- (iii) is enforced through the Information Commissioner's Office (the 'ICO'), which publishes guidance on data protection law.

The Association is committed to observing these principles.

THE DATA PROTECTION PRINCIPLES

Fairness

Organisations may not process the personal data of individuals in a way which an individual would not reasonably have expected.

Transparency

Organisations must provide certain prescribed information to individuals when processing their personal data, including the organisation's identity, the purposes for which personal data are being processed, or are to be processed, and any third party recipients of the personal data.

This information must accurately and comprehensively reflect the processing activities of the organisation and is provided by way of a 'Privacy Notice' published on the Association's website [www.mpga.org.uk].

Lawfulness

Organisations are required to establish at least one of a number of *lawful grounds for processing*. The grounds which appear most relevant for the purposes of the Association's operations are the following:

1. The data subject must have **consented to the processing**. Such consent must be freely-given, informed, specific and capable of withdrawal at any time without detriment to the data subject. It must also be given by way of an unambiguous, positive affirmation by the data subject.
2. Processing is **necessary for the performance of a contract** to which the data subject is a party.
3. Processing is necessary for the purposes of **legitimate interests** pursued by the data controller and when balanced against the interests or fundamental rights and freedoms of data subjects.

In the circumstances, the Association will invoke the following grounds and reasons for processing the relevant data in its possession:

Members and Volunteers

The processing of contact and any financial data regarding Members and Volunteers is such as is necessary for the purpose of the legitimate interests of the MPGA.

Having balanced this against the interests or fundamental rights and freedoms of its Members and Volunteers, the Association has concluded that it need not in the circumstances seek individual consent from the Members and Volunteers to the limited amount of data processing involved in this regard.

Beneficiaries

The processing of contact data of those who represent applicants for grants from the Association (whether or not successfully) is necessary for the purposes of the legitimate interests of the Association

Having balanced this against the interests or fundamental rights and freedoms of such persons, the Association has concluded that it need not in these circumstances seek individual consent from such persons to the limited amount of data processing involved in this regard.

The Public

Engagement with members of the General Public showing interest in the activities of the Association is necessary for the purposes of the legitimate interests of the Association.

Having balanced this against the interests or fundamental rights and freedoms of such persons, the Association has concluded that it need not in these circumstances seek individual consent from such persons to the limited amount of data processing involved in this regard.

Suppliers

The processing of contact data of those persons representing the suppliers of goods or the provision of services to the Association is necessary for the purposes of the legitimate interests of the Association. Further, the processing of such material is necessary for the performance of contracts to which such suppliers or providers are party.

Having balanced these factors against the interests or fundamental rights and freedoms of such persons, the Association has concluded that it need not in these circumstances seek individual consent from such persons to the limited amount of data processing involved in this regard.

Photographic Material

The processing of photographic material for the purpose of publicizing the activities of the Association is necessary for the purposes of the legitimate interests of the Association.

Having balanced this against the interests or fundamental rights and freedoms of such persons, the Association has concluded that it need not in these circumstances seek individual consent from such persons to the limited amount of data processing involved in this regard.

Purpose limitation

The purposes for which personal data are processed will be limited by the Association to those purposes which are specified in the transparency information provided to affected data subjects.

Data minimization

The Association will collect only personal data which is strictly necessary for the purpose for which it was collected.

Accuracy

The Association will keep personal data accurate and up-to-date.

Storage limitation

The Association will not keep personal data for longer than is necessary for the purposes for which the data are processed.

Integrity and confidentiality

The MPGA will process personal data in a manner which ensures its security and includes protection against unauthorized or unlawful processing and against accidental loss, destruction or damage.

Data subjects' rights

Data subjects are entitled to access their personal data held by the Association (Article 15), have the right to have incorrect personal data about them corrected without undue delay (Article 16) and the right to request the Association to erase all data held in respect of them in various circumstances (Article 17).

Data protection breaches

The ICO has a broad range of powers, including the ability under the GDPR to issue fines of up to 4% of annual turnover or 20 million euros (whichever is greater) and to conduct compulsory audits of the data handling processes of an organization.

The Association has in place a documented GDPR Breach Protocol and knows that should such a breach occur, it must notify the breach to the ICO and to the individuals concerned without undue delay.