

BSBI Personal Data Policy

Prepared by & date	Jane Houldsworth, May 2018
Approved by & date	Board of Trustees, 24 May 2018
Next review date	Spring 2021 (3 year review interval)

The following outlines BSBI's Policy and Procedures in relation to generating and handling the personal data essential for the functioning of a membership Society.

A. Policy

1. **Context and Risk Management**

- i. BSBI is a charity made up of members, active volunteers, trustees and staff (individuals often occupying more than one role) and, as such, must collate and handle personal data in order to deliver its charitable objectives
- ii. BSBI has a duty to ensure that data are only collated and stored when it is necessary to do so, with the understanding of the individuals data relate to, and to ensure that the data are handled securely and disposed of when no longer required.
- iii. The public is increasingly subjected to stories related to breaches of trust and legislation where personal data is concerned and its perception of a charity and its moral and ethical behaviour is critical to its reputation and ability to operate and fundraise successfully.
- iv. This Policy sets out how BSBI processes personal data.

2. **Definitions**

- i. Personal Data- defined as data which allows an individual to be identified, including: name, membership number, postal address, email address and phone number, age or bank details.
- ii. Sensitive Personal Data- defined as information relating to: ethnic background, political opinions, religious beliefs, health, sex life or criminal records.
- iii. Data Notice- defined as a short, clear statement informing people why personal data is being collected and how it will be treated.
- iv. Serious Data Breach- defined as a breach of security, either accidentally or deliberately, that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

BSBI Personal Data Policy

3. Application and Exclusions

- i. This policy applies to all members, volunteers, trustees and/or staff who provide, request, hold or use personal membership data on behalf of BSBI.
- ii. This policy excludes the limited personal data associated with botanical records.

4. Purpose

- i. The purpose of this policy is to set out how BSBI handles personal data and the steps taken to safeguard it.

5. Legal framework

This policy has been drawn up having regard to:

- i. Data Protection Act 1998
- ii. Freedom of Information Act 2000
- iii. General Data Protection Regulation 2018.

6. We recognise that:

- i. It is necessary for BSBI to hold personal data in order to function as an active membership Society, deliver its charitable objectives and employ the staff that support this.
- ii. It is necessary for BSBI to hold limited amounts of sensitive personal data on staff and volunteers in order to follow best practise in regards safeguarding, as set out in our Safeguarding Policy, and to manage our staff. We describe how we handle sensitive personal data in B.1.iv and the Personal Data Processing Log (Appendix 2).
- iii. BSBI must be clear in telling people why we are collecting and processing personal data and how it will be treated, as part of a Data Notice (see example in Appendix 1).
- iv. Where BSBI holds data on an individual, it will be deleted within a stated time period when no longer required for the purposes it was collected for (as covered by the Data Notice), or sooner, if requested by the individual the data relates to.
- v. We have a duty to abide by standard data protection principles, as defined by the Data Protection Act 1998, and ensure that information is:
 1. Used fairly and lawfully
 2. Used for limited, specifically stated purposes
 3. Used in a way that is adequate, relevant and not excessive
 4. Accurate
 5. Kept for no longer than is absolutely necessary
 6. Handled according to people's data protection rights

BSBI Personal Data Policy

7. Kept safe and secure
8. Not transferred outside the [European Economic Area](#) without adequate protection

7. We will seek to keep personal data safe by:

- i. Adopting the standard data protection principles as set out in section A.6.
- ii. Adopting a series of related procedures (see section B below).
- iii. Only passing it on to third parties where absolutely necessary and following adequate checks to ensure they follow data protection and GDPR legislation and best practice.
- iv. Communicating regularly with those who hold and process personal data on behalf of BSBI and advising them of our policy and procedures.
- v. Keeping our policy and procedures under review.

8. Related Documents

- i. BSBI's Staff Handbook
- ii. BSBI's Safeguarding Policy

9. Enforcement

- i. Any breaches of this Policy must be reported to either BSBI's Data Protection Officer, Jane Houldsworth (07584 250 070 or jane.houldsworth@bsbi.org) or BSBI's Chair of the Board (see www.bsbi.org/whos-who for details).
- ii. If these breaches are thought to be significant they will be reported to the appropriate statutory agency e.g. the Information Commissioners Office.
- iii. A breach of this Policy by staff may be regarded as a disciplinary offence under BSBI's Staff Disciplinary Procedures.

B. Procedures for personal data

1. How BSBI processes personal data

- i. BSBI only holds and processes personal data in order to function as a membership society and to deliver its charitable aims.
- ii. BSBI keeps a Personal Data Processing Log (see appendix 2) to track all sources of data it processes; documenting what data it holds, where, how and why, including the lawful basis for doing so. In doing this, BSBI is confident that it is compliant with legislation relating to personal data and as set out in section A.6.iii above.

BSBI Personal Data Policy

- iii. The Data Protection Officer is responsible for the Personal Data Processing Log.
- iv. The vast majority of data that BSBI processes is not 'sensitive', the small exception being Disclosure and Barring Service (DBS) information returned in relation to the two Safeguarding Leads and limited personal information relating to the health of staff.
- v. BSBI, on occasion, provides some personal data to third parties in order to carry out its duties. Examples of this would include using Subscriber as the database which holds all membership data, MailChimp to circulate electronic mailouts, PayPal to receive payments for publications and events, Google Analytics to monitor our website statistics, our bank account and SAGE system to administer our finances etc. In all cases, these companies are thoroughly vetted before they are used to ensure they adhere to Data Protection and GDPR regulations.
- vi. BSBI will maintain a log of any data breaches that occur and will report any serious data breaches (as defined in section A.2. above) to the appropriate authority.

2. Staff and volunteers processing personal data must:

- i. Observe this Policy and related procedures.
- ii. Only process personal details where appropriate and necessary and as described in the Personal Data Processing Log.
- iii. Speak with the Data Protection Officer should they wish to process any personal data not described in the Personal Data Processing Log and ensure that appropriate permissions are obtained before any new data processing is established, whether electronic or hardcopy, and whether permanent or temporary.
- iv. Produce Data Notices (see template in Appendix 1) on all forms of communication requesting and using data to make clear why and how the data will be treated.
- v. Delete personal data held, unless it is required for any ongoing communications for which appropriate permission has been obtained.
- vi. Conduct thorough research into any third party before it is used to process personal data.
- vii. Blind copy (Bcc) recipients when electronic communications are sent out to mailing lists. A minor exception is when putting individuals in touch with each other to arrange shared transport.
- viii. Provide, within 30 days, information on the personal data held on an individual, should they request it.

BSBI Personal Data Policy

- ix. Provide clear instructions on regular communications that allow recipients to 'opt out' of future mailings.
- x. Thoroughly and permanently delete any personal data held on an individual, should they request it or when no longer required. This includes from databases, address books and electronic caches and in hard copy format. Care should also be taken when disposing of computer hardware previously used to process personal data.
- xi. Report all data breaches or any other data related concerns to BSBI's Data Protection Officer, Jane Houldsworth (07584 250 070 or jane.houldsworth@bsbi.org).

3. Staff and volunteers handling personal data must not:

- i. Keep personal data if not necessary for the functioning of BSBI.
- ii. Keep personal data if not fully described on the Personal Data Processing Log.
- iii. Share any personal data they hold with any other individual or organisation, whether inside or outside BSBI, unless described on the Personal Data Processing Log.
- iv. Ask for or hold any sensitive personal data (exceptions are covered in B.1.iv. above).
- v. Withhold information on the personal data they hold if queried by the person the data relates to or by any regulatory body.

Appendix 1

Template Data Notice to be used when requesting data

Text in the square brackets should be deleted or amended as appropriate.

We only hold the information requested in order to [manage your subscription/ send you the publication/ information described/ to administer the event advertised]. We will treat your information as confidential, hold it securely and will never pass it on to third parties. [The exception is MailChimp/ our Subscriber database/ TicketTailor etc. which BSBI has checked for full compliance with data protection regulations]. [Your information will be deleted within 2 years of the event taking place and we may contact you within this time to inform you of similar events/ 2 years of your leaving the Society]. The lawful basis for processing this data is defined under [GDPR](#) regulations as [contractual/ consent/ legitimate interests]. You can request to see the data we hold on you at any time and we will remove you from our systems and discontinue contact at your request: just email enquiries@bsbi.org and mark your email 'Unsubscribe'.

BSBI Personal Data Policy

Appendix 2

Personal Data Processing Log

Data	Type of Data	How used	Where held	When deleted	Lawful Basis for processing	Proof
Membership and staff data: name, address, email (sometimes) and payment information (direct debit, bank details etc.)	Personal data	To administer BSBI's membership (including payments) and distribute hardcopy membership newsletters and offers	Our membership database (Subscriber database) and various financial and accounting systems (BSBI Charity Bank Account, SAGE accounting software package, Smartdebit Direct Debit system and hard copies of Direct Debit forms)	<u>From Subscriber:</u> Two years after membership has lapsed <u>From various named accounting websites, databases and hard copy forms:</u> Bank account and other personal details held electronically for members paying by DD are held only for six months and then deleted. Other financial information is deleted six years after membership has lapsed or employment ceased, as per standard accounting practice	Contractual	Membership form and subscriptions
Financial information: name, address and bank account details (account number and sort code) of the organisations and people paid.	Personal data	To make payments from BSBI. This includes to staff, volunteers, sole traders, companies etc.	BSBI Charity Bank Account, SAGE accounting software package, Excel, word or PDFs, all securely stored on the Finance Officer's laptop.	Six years after used, as per standard accounting practice.	Contractual	Various, but most often on invoices or payment claims.

BSBI Personal Data Policy

<p>Staff/ officers/ volunteers/ trustees/ committee members/ VCRs/ referees etc</p>	<p>Personal data</p>	<p>Contact details are made available to BSBI's membership when staff take up a post or volunteers take up a role. Additional information relating to staff and trustees is supplied to the Finance Officer and Head of Operations to support administration, e.g. electronic signatures, marital status and DOB.</p>	<p>Many places- held individually by others (mainly email only but some addresses), in Yearbook and on website (with express permission). A full membership list is available to a small number of staff and key volunteers in a password protected Excel file to enable them to assist in administering the Society. The additional information provided to the Finance Officer and Head of Operations is held securely on a backed-up machines. No one else can access them.</p>	<p>When deletion is requested by an individual or when they no longer hold a voluntary or paid position</p>	<p>Legitimate interests</p>	<p>Legitimate Interest Assessment has been completed.</p>
<p>Membership list: online list of members contact details- who have consented on their membership form to their details being made available on it.</p>	<p>Personal data</p>	<p>By members in order to contact others. When a new member joins, if they have consented to being on the members list we tell their local VCR that a new member has joined in their patch.</p>	<p>Subscriber database then uploaded as a pdf document which is password protected and stored in a password protected area of the BSBI website (different password).</p>	<p>When membership has lapsed</p>	<p>Consent</p>	<p>Membership form</p>

BSBI Personal Data Policy

Yearbook: Contact details (where appropriate) of the staff and volunteers mentioned under 3.	Personal data	By members in order to contact others in the Society	In print format in the Yearbook which is provided to each member annually. An electronic version (password protected) is available in the Members only area of the BSBI website (different password required).	When deletion is requested by an individual or when they no longer hold a voluntary or paid position	Legitimate interests	Legitimate Interest Assessment has been completed.
E-news: email addresses	Personal data	To send monthly electronic newsletters to active recorders	Mail chimp (or about to be) and administered by BSBI's Scottish Officer	When deletion is requested by an individual or when the publication ceases to exist	Consent	Recipients asked to opt in in late April and May 2018. Scottish Officer holds the returns.
Events: names and usually email but occasionally addresses are collected too. Payment details are collected where attendees must pay a fee.	Personal data	By event organisers in order to administer the event	Many places by individual event organiser- staff or volunteers. Some events use Ticket Tailor/ Event Brite and PayPal. All details are deleted after the event unless request to hold information for 1 or 2 years has been made.	2 years after the event has taken place	Contractual	Event booking form
Publications: names and addresses when orders for publications are placed with BSBI	Personal data	By volunteers distributing publications and staff in handling payments	In Subscriber database and also provided in Excel format to the volunteers distributing publications and staff in handling payments	6 months after the publication has been dispatched	Contractual	Order form

BSBI Personal Data Policy

Local Groups: names and emails and occasionally addresses of group members	Personal data	By group leaders to administrate their groups	In group leaders own systems. Leaders are usually BSBI members but not necessarily.	When deletion is requested by an individual	Consent	Advice provided by BSBI to LG leaders in May 2018 suggesting they get members to opt-in. Leaders hold the opt-in information as it their responsibility and not BSBI's
Fundraising: on very rare occasions BSBI contacts members with a fundraising appeal, always in hard copy format	Personal data	By staff administering the appeal	Subscriber database	As per the entry on Membership	Contractual	Membership form and subscriptions
DBS checks: criminal record checks for the two Safeguarding Leads	Sensitive personal data	In order to comply with safeguarding best practise, as set out in BSBI's Safeguarding Policy, DBS checks are carried out on the two named Safeguarding leads to ensure their appropriateness for the role.	The requests are made by the Chair of the Board and the findings (once approved by the Chair) are passed to the Head of Operations for safe keeping. These are stored securely on a backed-up machine. No one else can access them.	When the individual concerned no longer holds the Safeguarding Lead role.	Consent	Consent provided by both Safeguarding Leads. Proof of need here: https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities
Personal information on staff members: could include information on health, national insurance numbers etc.	Sensitive personal data	In administering and managing staff	This information is held by the Head of Operations and Finance Manager on their laptops and in a secure server. No one else has access to it.	When individual concerned no longer holds the staff role.	Consent	Staff provide this, on occasion when requested, by BSBI and for a specific purpose, e.g. recording sick leave or processing pensions.

BSBI Personal Data Policy