



Trustee Data Policy and Privacy Notice

1. INTRODUCTION

1.1 This document sets out Moray Rape Crisis' (MRC)'s policy on the protection of information relating to Trustees.

1.2 Protecting the confidentiality and integrity of personal data is a critical responsibility that MRC takes seriously at all times.

1.3 MRC will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

2. KEY DEFINITIONS

2.1 Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

2.2 Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers MRC possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

2.3 Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

3. PRIVACY NOTICE

3.1 This policy, together with the information contained in the table of Trustee data appended to the policy, constitutes a privacy notice setting out the information MRC holds about Trustees, the purpose for which this data is held and the lawful basis on which it is held. MRC may process personal information without Trustee's knowledge or consent, in compliance with this policy, where this is required or permitted by law.

3.2 If the purpose for processing any piece of data about Trustees should change, MRC will update the table of Trustee data with the new purpose and the lawful basis for processing the data and will notify Trustees.

4. FAIR PROCESSING OF DATA

4.1 Fair processing principles

In processing Trustees' data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely.

4.2 Lawful processing of personal data

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, MRC will use personal information in the following circumstances:

- when it is needed to perform the role of Trustee of MRC;
- when it is needed to comply with a legal obligation; or
- when it is necessary for MRC's legitimate interests (or those of a third party) and Trustees' interests and fundamental rights do not override those interests.

MRC may also use personal information in the following situations, which are likely to be rare:

- when it is necessary to protect Trustees' interests (or someone else's interests); or
- when it is necessary in the public interest or for official purposes.

4.3 Lawful processing of sensitive personal data

MRC may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- in order to meet legal obligations; or
- when it is needed in the public interest or for official purposes.

Less commonly, MRC may process this type of information where it is needed in relation to legal claims or where it is needed to protect a Trustee's interests (or someone else's interests) and the Trustee is not capable of giving consent, or where a Trustee has already made the information public. MRC may use particularly sensitive personal information in the following ways:

- information about Trustees' physical or mental health, or disability status, may be used to ensure health and safety in the workplace, and to provide appropriate workplace adjustments.

4.3 Lawful processing of information about criminal convictions

Where appropriate, MRC collects information about criminal convictions as part of the Trustee recruitment process or may require Trustees to disclose information about criminal convictions during the course of undertaking their role as Trustee of MRC. MRC thereby envisages that it will hold information about criminal convictions. MRC will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out MRC's obligations. Less commonly, MRC may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect a Trustee's interests (or someone else's interests) and the Trustee is not capable of giving consent, or where the Trustee has already made the information public.

4.4 Consent to data processing

MRC does not require consent from Trustees to process most types of Trustee data. In addition, MRC will not usually need consent to use special categories of personal information in order to carry out legal obligations. If a Trustee fails to provide certain information when requested, MRC may not be able to perform the agreement entered into with the Trustee. MRC may also be prevented from complying with legal obligations (such as to ensure the health and safety of Trustees).

Where Trustees have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once MRC has received notification of withdrawal of

consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

4.5 Automated decision making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

MRC does not envisage that any decisions will be taken about Trustees using automated means, however Trustees will be notified if this position changes.

5. COLLECTION AND RETENTION OF DATA

5.1 Collection of data

MRC will collect personal information about Trustees through the application and recruitment process directly from candidates. MRC may sometimes collect additional information from third parties including former employers and other background check agencies, specifically Volunteer Scotland Disclosure Services and Disclosure Scotland.

The table of Trustee data appended to this policy relates to information which is collected at the outset of undertaking the role of Trustee of MRC. From time to time, MRC may collect additional personal information in the course of related activities throughout the period of performing the role of Trustee of MRC. If MRC requires to obtain additional personal information, this policy will be updated or Trustees will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

5.2 Retention of data

MRC will only retain Trustees' personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the table of Trustee data appended to this policy.

When determining the appropriate retention period for personal data, MRC will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether MRC can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances MRC may anonymise personal information so that it can no longer be associated with individual Trustees, in which case MRC may use such information without further notice to Trustees.

After the data retention period has expired, MRC will securely destroy Trustees' personal information.

6. DATA SECURITY AND SHARING

6.1 Data security

MRC has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are available upon request from Caroline Burrell (Manager) at contact@morayrapecrisis.scot

Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on MRC instructions and are subject to a duty of confidentiality.

MRC expects staff members handling personal data to take steps to safeguard personal data of Trustees (or any other individual) in line with this policy.

6.2 Data sharing

MRC requires third parties to respect the security of Trustee data and to treat it in accordance with the law. MRC may share personal information with third parties, for example in the context of seeking legal advice. MRC may also need to share personal information with a regulator such as the Office of the Scottish Charity Regulator or to otherwise comply with the law.

MRC may also share Trustee data with third-party service providers where it is necessary to administer the working relationship with Trustees or where MRC has a legitimate interest in doing so. The following activities are carried out by third-party service providers: disclosure and Protecting Vulnerable Group checks, legal advisors, health and safety advisory services, and IT services.

7. TRUSTEE RIGHTS AND OBLIGATIONS

7.1 Accuracy of data

MRC will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Trustees are under a duty to inform MRC of any changes to their current circumstances. Where a Trustee has concerns regarding the accuracy of personal data held by MRC, the Trustee should contact Caroline Burrell (Manager) to request an amendment to the data.

7.2 Trustee rights

Under certain circumstances, Trustees have the right to:

- **Request access** to personal information (commonly known as a “data subject access request”).
- **Request erasure** of personal information.
- **Object to processing** of personal information where MRC is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.
- **Request the transfer** of personal information to another party.

If a Trustee wishes to make a request on any of the above grounds, they should contact Caroline Burrell (Manager) at contact@morayrapecrisis.scot . Please note that, depending on the nature of the request, MRC may have good grounds for refusing to comply. If that is the case, the Trustee will be given an explanation by MRC.

7.3 Data subject access requests

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

MRC may need to request specific information from the Trustee to help confirm their identity and ensure the right to access the information (or to exercise any of the 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.

8. COMPLIANCE WITH THIS POLICY

8.1 MRC’s responsibility for compliance

MRC’s Manager is tasked with overseeing compliance with this policy.

If Trustees have any questions about this policy or how MRC handles personal information, they should contact Caroline Burrell (Manager) at contact@morayrapecrisis.scot

Trustees 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.

8.2 Data security breaches

MRC has put in place procedures to deal with any data security breach and will notify Trustees and any applicable regulator of a suspected breach where legally required to do so. Details of these measures are outlined in MRC's Data Breach Policy, available on the MRC Sharepoint file system.

In certain circumstances, MRC will be required to notify regulators of a data security breach within 72 hours of the breach. Therefore, if a Trustee becomes aware of a data security breach it is imperative that they report it to Caroline Burrell (Manager).

8.3 Privacy by design

MRC will have regard to the principles of this policy and relevant legislation when designing or implementing new systems or processes (known as "privacy by design").

8.4 Trustees' responsibility for compliance

All Trustees, particularly those tasked with handling personal data of colleagues, staff members, volunteers or service users, have responsibility for ensuring that processing meets the standards set out in this policy. Trustees should observe, as a minimum, the following rules:

- Trustees must observe to the letter any instruction or guidelines issued by MRC in relation to data protection.
- Trustees should not disclose personal data about MRC colleagues or third parties unless that disclosure is fair and lawful, in line with this policy;
- Trustees must take confidentiality and security seriously, whether the Trustee considers the information to be sensitive or not.
- Any personal data collected or recorded manually which is to be inputted to an electronic system should be inputted accurately and without delay.
- Trustees must not make any oral or written reference to personal data held by MRC about any individual except to Trustees or staff members of MRC who need the information for their work or an authorised recipient.
- Great care should be taken to establish the identity of any person asking for personal information and to make sure that the person is entitled to receive the information.
- If a Trustee is asked by an unauthorised individual to provide details of personal information held by MRC the Trustee should ask the individual to put their request in writing and send it to Caroline Burrell (Manager) at contact@morayrapecrisis.scot If the request is in writing the volunteer should pass it immediately to Caroline Burrell (Manager).
- Trustees must not use personal information for any purpose other than their work for MRC.

- If a Trustee is in doubt about any matter to do with data protection they must refer the matter to Caroline Burrell (Manager) or the Chair of MRC's Board of Trustees immediately.
- Passwords should not be disclosed and should be changed regularly;
- Trustee, volunteer, staff member or third party personal data should not be left unsecured or unattended, e.g. on public transport;
- Trustees must follow the MRC's "clear desk" policy and ensure that all confidential information, whether containing trustee, staff member, volunteer or third party personal data or not, is secured when it is not in use or when the Trustee is not at MRC;
- Trustees may only use MRC's company email to send and receive emails;
- As far as possible, trustee, volunteer, staff member or third party personal data contained in emails and attachments should be anonymised before it is sent by email; and
- Documents containing sensitive information should be password protected and, if the document requires to be transmitted, the document and password should be transmitted separately.

Any breach of the above rules will be taken seriously and, depending on the severity of the matter, may lead to the termination of appointment as Trustee of MRC, in accordance with MRC's constitution.

9. DECLARATION

I confirm that I have received a copy of this policy and that I have read and understood it.

Name: _____

Signature: _____

Date: _____

TRUSTEE DATA						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Name	No	Administering appointment and service of Trustee To comply with statutory requirements to maintain a Register of Trustees	OSCR Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland Members of the public	Legal obligation Legitimate interests	N/A	Six years from the date the person ceased to be a charity trustee
Address	No	Administering appointment and service of Trustee To comply with statutory requirements to maintain a Register of Trustees	Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland	Legal obligation Legitimate interests	N/A	Six years from the date the person ceased to be a charity trustee.

TRUSTEE DATA						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Date appointed to position of Trustee	No	Administering appointment of Trustee To comply with statutory requirements to maintain a Register of Trustees	Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland Members of the public OSCR	Legal obligation Legitimate interests	N/A	Six years from the date the person ceased to be a charity trustee.
Date appointment as Trustee ceased	No	Administering appointment of Trustee To comply with statutory requirements to maintain a Register of Trustees	Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland Members of the public OSCR	Legal obligation Legitimate interests	N/A	Six years from the date the person ceased to be a charity trustee.

TRUSTEE DATA (continued)						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Record of minutes of General Meetings and Board meetings	No	To main records of company business	Professional advisors OSCR	Legal obligation Legitimate interests	N/A	6 years
Contact details (email address and phone number)	No	Recruitment Administering service of Trustee	Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Gender	No	Making recruitment decisions	Professional advisors Volunteer Scotland Disclosure Services and Disclosure Scotland	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Next of kin / emergency contact	No	Safety and security	N/A	Legal obligation Legitimate interests	N/A	During appointment as Trustee

TRUSTEE DATA (continued)						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
NI number	No	To process Disclosure Scotland checks where required	Volunteer Scotland Disclosure Services and Disclosure Scotland	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Bank details	No	To reimburse expenses where required	N/A	Legitimate interests	N/A	6 months' post-termination of appointment as Trustee
CV/Application form	No	Making recruitment decisions Ascertaining ability to perform the role of Trustee	N/A	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Qualifications	No	Making recruitment decisions Ascertaining ability to perform the role of Trustee	N/A	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee

TRUSTEE DATA (continued)						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Employment history	No	Making recruitment decisions Ascertaining ability to work	N/A	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Information about disability	Yes	Health and safety requirements To make reasonable adjustments	Professional advisors	Legal obligation Legitimate interests	Legitimate activities Conduct of legal claims	3 years post-termination of appointment as Trustee
Training records	No	Training and development with regards to role of Trustee	Professional advisors	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee
Information about use of IT systems	No	Ensuring network and data security	Professional advisors	Legal obligation Legitimate interests	N/A	3 years post-termination of appointment as Trustee

TRUSTEE DATA (continued)						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Photographs	No	MRC communications (for display on MRCwebsite)	Members of the public	Legitimate interests	N/A	During the period in which a Trustee is appointed
Health information	Yes	Making reasonable adjustments	Professional advisors	Legal obligation Legitimate interests	Legitimate Activities Conduct of legal claims	3 years post-termination of appointment as Trustee
Disclosure Scotland Certificates (including details of criminal convictions and offences)	Yes	Making decisions about recruitment/re-appointment	Disclosure Scotland Professional advisors	Legal obligation Legitimate interests	Legitimate activities Conduct of legal claims	6 months from date of certificate
Result of criminal record checks (not including details of criminal convictions or offences)	Yes	Making decisions about recruitment/re-appointment	Disclosure Scotland Professional advisors	Legal obligation Legitimate interests	Legitimate activities Conduct of legal claims	3 years post-termination of appointment as Trustee

Unsuccessful Applicants for role of Trustee						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Contact details	No	Recruitment and selection	Professional advisors	Legitimate interests	N/A	12 months following conclusion of recruitment
Gender	Yes	Recruitment and selection	Professional advisors	Legitimate interests	Recruitment purposes Conduct of legal claims	12 months following conclusion of recruitment
CV/Application form	No	Recruitment and selection	Professional advisors	Legitimate interests	N/A	12 months following conclusion of recruitment
Criminal convictions and offences (disclosed in self-declaration form)	Yes	Recruitment and selection	Professional advisors	Legitimate interests	Recruitment purposes Conduct of legal claims	12 months following conclusion of recruitment