



## **Volunteer Privacy Policy – Personal Support Unit\***

This document describes how we protect the privacy and security of your personal information. It explains how we collect and use personal data or personal information about you, in accordance with the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force.

To comply with that legislation, when processing data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find appropriate to your engagement with us in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- process it in a way that ensures it will not be lost or destroyed or used for anything that you are not aware of or have not consented to (as appropriate)

Personal Support Unit is a “data controller”. This means that we are responsible for deciding on the purpose and means of processing personal data relating to you.

“Personal data”, or “personal information”, means any information relating to an identified, or identifiable individual, in particular any 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.

There are “special categories” of sensitive personal data, meaning data about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, genetic data, and biometric data, which require a higher level of protection.

This data protection compliance statement (privacy notice) applies to current and former volunteers.

\*The Personal Support Unit is the operating name of Court Based Personal Support. The operating name is used throughout this document.

## **DETAILS OF INFORMATION WE WILL HOLD ABOUT YOU**

The list below identifies the kind of data that we will hold about volunteer applicants:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- location of volunteering
- information included on your CV, education history and employment history
- current and previous job titles, job descriptions, and professional membership
- referees and their details
- medical or health information, including whether or not you have a disability

If recruited, we will also keep the following kinds of data:

- volunteering start date
- documentation relating to your right to volunteer in the UK (e.g. passport, visa, etc.)
- dates volunteered
- bank account details (for reimbursing expenses)
- internal training record
- emergency contact and their details
- information about your use of our information and communications systems
- internal performance information, including formal warnings and related documentation
- information and relevant communications regarding any disciplinary and grievance issues

The following is an example of data which falls within the scope of “special categories” of more sensitive personal information, and will be processed accordingly:

- information about your health, including any medical conditions and disabilities
- information about criminal convictions and offences

## **METHOD OF COLLECTION OF PERSONAL INFORMATION**

Your personal information is obtained through: the application and recruitment process (which may be directly from you, or from a third party who undertakes background checks); forms that you complete at the start of your volunteering, such as your emergency contact details; and from official documentation such as your driving license, passport or other right to work evidence. Further data may also be collected during the course of your engagement with us, for relevant purposes. Data may be collected during the course of your engagement with us to enable its continued existence or development.

Personal data is kept in personnel files or within our HR and IT systems.

## PROCESSING INFORMATION ABOUT YOU

We will only administer personal information in accordance with the law. At least one of the following will apply when we process personal data:

- consent: you have given clear consent for us to process your personal data for a specific purpose.
- agreement: the processing is necessary for an agreement we have with you, or because we have asked you to take specific steps before entering into an agreement.
- legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).
- vital interests: the processing is necessary to protect someone's life.
- public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect your personal data which overrides those legitimate interests.

## LAWFUL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION

The basis on which we will process the data listed above (**details of information we will hold about you**), is that we consider it necessary to comply with our legal obligations and to ensure the safety and integrity of the PSU and the vulnerable clients we help. Occasionally, we may also process personal information about you to pursue legitimate interests of our own or of third parties provided there is no good reason to protect your interests, and your fundamental rights do not override those interests.

The circumstances in which we will process your personal information are listed below.

- making decisions about who to offer volunteer positions to.
- responding to requests from third parties such as a reference request
- reimbursing volunteer expenses
- maintaining comprehensive up to date personnel records about you to ensure, amongst other things, that we can communicate effectively with you, and that we can contact the right person in an emergency.
- monitoring your conduct and your performance and undertaking procedures with regard to both of these if needed
- offering you a course of action against any decisions made about you via a grievance procedure
- assessing training needs
- gaining expert medical opinion if we need to make decisions about your fitness to volunteer
- business planning and recruitment exercises
- dealing with any legal claims that might be made against us
- preventing fraud
- ensuring our administrative and IT systems are secure and robust against unauthorised access

There may be more than one reason for processing your personal information.

## **LAWFUL BASIS FOR PROCESSING “SPECIAL CATEGORIES” OF SENSITIVE DATA**

“Special categories” of particularly sensitive personal information require higher levels of protection. We need further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- consent: you have given clear consent for us to process your personal data for a specific purpose.
- agreement: the processing is necessary for an agreement we have with you, or because we have asked you to take specific steps before entering into an agreement.
- legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations) and meets the obligations under our data protection policy.
- vital interests: the processing is necessary to protect someone’s life.
- public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law and meets the obligations under our data protection policy. (For example, in the case of equal opportunities monitoring)
- legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests (For example, to assess your capacity to work on the grounds of ill health)

Occasionally, special categories of data may be processed where you are not capable of giving your consent, or you have already made the information public; or in the course of legitimate business activities or legal obligations, and in line with the appropriate safeguards.

Examples of the circumstances in which we will process special categories of your sensitive personal information are: (this list is non-exhaustive):

- in order to protect your health and safety in the workplace
- to assess your physical or emotional fitness to volunteer
- to determine if reasonable adjustments are needed or are in place
- to fulfil equal opportunity monitoring or reporting obligations

Where appropriate, we may seek your written authorisation to process special categories of data. If we do, we will aim to provide full and clear reasons for the request, so that you can make an informed decision. You are under no contractual obligation to comply with such a request, and if you choose not to consent, you will not suffer any detriment.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

Information regarding criminal convictions may be processed in accordance with our legal obligations. Occasionally, we may process such information to protect your, or someone else’s, interests and you may not be able to give your consent; or we may process such

information in cases where you have already made the information public. We may ask for such information as part of the recruitment process or in the course of your time with us.

Where relevant, we anticipate that we will process information about any criminal convictions.

## **AUTOMATED DECISION-MAKING**

We do not anticipate that any of our decisions will occur without human involvement.

## **SHARING DATA**

Your data will be shared with colleagues within the charity, if it is necessary for them to undertake their duties, such as the Service Manager for their management of you, and the finance department for administration of volunteer expenses.

It may be necessary for us to share your personal data with a third party or third party service provider (including, but not limited to, contractors, agents or other associated/group companies) within, (or possibly outside of), the European Union (EU). Data sharing may arise due to a legal obligation, as part of the performance of a contract or in situations where there is another legitimate interest (including a legitimate interest of a third party) to do so.

The list below identifies which activities are carried out by third parties on our behalf:

- Paying volunteer expenses
- IT services
- System support (e.g. Sharepoint, CRM, etc.) (KSS added)
- legal advisors
- security
- insurance providers

Data may be shared with 3<sup>rd</sup> parties in the following circumstances:

- in the process of regular reporting of our performance
- with regards to a business or group re-organisation, sale or restructure
- in relation to the maintenance support and/or hosting of data
- to comply with a legal obligation
- in the process of obtaining advice and help in order to comply with legal obligations

If data is shared, we expect third parties to comply with the GDPR and protect any data of yours that they process. We do not permit any third parties to process personal data for their own reasons. Where they process your data, it is for a specific purpose according to our instructions.

We do not anticipate that we will transfer data to other countries.

## **DATA SECURITY**

As part of our commitment to protecting the security of any data we process, we have put

in place a Data Protection Policy. If you would like further details, please contact [it@thepsu.org.uk](mailto:it@thepsu.org.uk).

We also have further security measures in place to avoid data from being accessed, interfered with, lost, damaged, stolen or compromised. In case of a breach, or suspected breach, of data security you will be informed, as will any appropriate regulator, in accordance with our legal obligations.

Any data that is shared with third parties is restricted to those who have a business need, in accordance with our guidance and in accordance with the duty of confidentiality.

## **DATA RETENTION**

We anticipate that we will retain your data as part of the recruitment process, for no longer than is necessary for the purpose for which it was collected.

We have considered the following in order to decide the appropriate retention period:

- quantity
- nature
- sensitivity
- risk of harm
- purpose for processing
- legal obligations

At the end of the retention period (6 months for applicants and 6 years after leaving for recruited volunteers), or upon conclusion of any agreement we may have with you, or until we are no longer legally required to retain it, it will be reviewed and deleted, unless there is some special reason for keeping it. Occasionally, we may continue to use data without further notice to you. This will only be the case where any such data is anonymised and you cannot be identified as being associated with that data.

## **YOUR RIGHTS IN RELATION TO YOUR DATA**

We commit to ensuring that any data we process is correct and up to date. It is your obligation to make us aware of any changes to your personal information.

In some situations, you may have the:

- **right to be informed.** This means that we must tell you how we use your data, and this is the purpose of this privacy notice.
- **right to request access.** You have the right to access the data that we hold on you. To do so, you should make a subject access request.
- **right to request correction.** If any data that we hold about you is incomplete or inaccurate, you may require us to correct it.
- **right to request erasure.** If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it.
- **right to object to the inclusion of any information.** In situations where we are

relying on a legitimate interest (or those of a third party), you have the right to object to the way we use your data where we are using it.

- **right to request the restriction of processing.** You have the right to ask us to stop the processing of data of your personal information. We will stop processing the data (whilst still holding it) until we have ensured that the data is correct.
- **right to portability.** You may transfer the data that we hold on you for your own purposes.
- **right to request the transfer.** You have the right to request the transfer of your personal information to another party.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data, where permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact the Service Manager at the PSU you applied to volunteer/volunteered at.

### **Consequences of your failure to provide personal information**

If you neglect to provide certain information when requested, it may affect our ability to allow you to/continue to volunteer, and it may prevent us from complying with our legal obligations.

### **Change of purpose for processing data**

We will only process your personal information for the purposes for which it was collected, except where we reasonably consider that the reason for processing changes to another reason, which is consistent with the original basis for processing. Should we need to process personal information for another reason, we will inform you of this and advise you of the lawful basis upon which we will process.

Important note: We may process your personal information without your knowledge or consent, in compliance with the above rules (see above section - **lawful basis for processing your personal information**).

In the event that you volunteer with us, any information already collected may be processed further in accordance with our data protection policy, a copy of which will be provided to you.

### **QUESTIONS OR COMPLAINTS**

Should you have any questions regarding this statement, please contact [HR@thepsu.org.uk](mailto:HR@thepsu.org.uk).

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you can make a complaint to the ICO (<https://ico.org.uk>).