Caritas Social Action Network (CSAN)
is the social action agency of the
Catholic Church in England & Wales

Caritas Social Action Network
Data Protection Policy
(GDPR Compliant)

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For internal use

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1. INTRODUCTION

This document sets out the policy of Caritas Social Action Network (**"CSAN"**; the **"Company"**, **"we"** or "**us"**) relating to the processing of personal data (as defined below) (the "**Policy"**). The objective of this Policy is to ensure that all the processing of personal data carried out by us, or on our behalf, complies with national and EU data protection law, in particular the EU General Data Protection Regulation (the **"GDPR"**) (collectively the **"DP Legislation"**).

2. WHO IS IN CHARGE

We do not have a Data Protection Officer as CSAN does not meet the requirements set out in the DP Legislation.

If you have questions or problems when implementing this Policy, please get in touch with our Data Privacy Lead (**"DPL"**) whose contact information is set out in Schedule 1 of this Policy. Please note that the DPL is not the data protection officer (**"DPL"**) as defined in the GDPR and his/her role is more limited than those required for a DPL.

Our data processing activities may be supervised by various governmental authorities. We do not envisage that you will need to contact those authorities directly, but if you have any questions about the authorities or the authorities get in touch with you, please contact the DPL.

While there is harmonisation of laws in the DP Legislation within the European Economic Area ("**EEA**"), the data protection laws of other territories vary. If you are in any doubt about applicable laws – particularly if you are dealing with personal data deriving from outside the EEA – please contact the DPL.

3. WHAT IS PERSONAL DATA?

Personal data means any data that allows you to identify someone. The following includes, without limitation, some examples of what is considered personal data:

(a) Names;

(b) Addresses;

(c) Phone numbers;

(d) E-mail addresses;

(e) Photographic and audio-visual images;

(f) Identification numbers;

(g) Social security/national insurance numbers;

(h) Postal or ZIP codes; and

(i) Location data.

The list is not exhaustive – please remember other types of information may be classified as personal data. Furthermore, even if certain information is not classified as personal data within the meaning of the DP Legislation (i.e. the data does not allow you to identify individuals on its own), if other information available to you can be combined with such data and together can be used to enable you to identify individuals, all of that information should be treated as personal data.

4. WHEN WE CAN PROCESS PERSONAL DATA

Processing is defined in the GDPR as "any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction".

When processing personal data, please confirm whether you have one of the following lawful bases for your processing activities:

(a) CSAN has obtained the appropriate consent to the processing for a specific purpose;

(b) We have a contractual relationship with the individual or the organisation for which the individual works and the processing is necessary to perform our obligations under the contract;

(c) It is necessary to process personal data for the purposes of legitimate interests pursued by CSAN or a third party, except where such interests are overridden by the interests, rights or freedoms of the individuals concerned.

To rely on (c) above, you need to balance the legitimate interests against the interests, rights or freedoms of the individual concerned, which is a complicated exercise. Normally it would fall within the lawful basis to process personal data in ways the individuals concerned would reasonably expect in business contexts. For example, it would be permitted to call contacts of our member organisations to maintain business relationships using contact information provided by these contacts and to share contact information of our member organisations in the Network. Please contact the DPL for further guidance.

If none of these lawful bases apply, it is unlikely that you will be allowed to process the personal data lawfully. There are other legal bases which permit the processing of personal data but these rarely apply in business contexts relevant to us; please contact the DPL for further guidance.

When you process someone's personal data based on their consent, such consent must be specific, freely given, informed and unambiguous. For example, if you intend to obtain someone's consent on a form, clearly explain in the form why you are asking for consent to

use their personal data and obtain their positive consent (e.g. by asking them to tick a box saying "I agree"). Never use a phrase such as "please tick a box if you do not agree to us using your personal data" or ask them to untick the box if they do not wish us to use their personal data. Please also note that individuals can withdraw their consent at any time – their right to do so should be spelt out in any form or correspondence requesting consent. Furthermore, you must keep good records of such processing in order to demonstrate the following:

(a) Who consented: the name of the individual, or other identifier (eg, online user name, session ID).

(b) When they consented: a copy of a dated document, or online records that include a timestamp; or, for oral consent, a note of the time and date which was made at the time of the conversation.

(c) What they were told at the time: a master copy of the document or data capture form containing the consent statement in use at that time, along with any separate notice, including version numbers and dates matching the date consent was given. If consent was given orally, your records should include a copy of the script used at that time.

(d) How they consented: for written consent, a copy of the relevant document or data capture form. If consent was given online, your records should include the data submitted as well as a timestamp to link it to the relevant version of the data capture form. If consent was given orally, you should keep a note of this made at the time of the conversation - it doesn't need to be a full record of the conversation.

(e) Whether they have withdrawn consent: and if so, when.

5. SPECIAL CATEGORIES OF PERSONAL DATA

If you intend to process the personal data of a child under 16 years old or anybody's sensitive personal data such as data concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, sex life or sexual orientations or criminal record, you will be required to ensure that additional safeguards are in place before such processing. Please get in touch with the DPL if you intend to process such information.

6. FAIR PROCESSING NOTICE

Before or at the time of collecting personal data, you must give the individuals concerned the prescribed information regarding the processing of their personal data which is set out in 0 (called a "fair processing notice"). In particular, you must tell them the purpose for which their personal data will be processed and who will have access to that data. You are only allowed to collect personal data that is necessary in relation to the purpose for which it has been collected. You will also need to inform individuals whether there is a statutory or contractual requirement for providing their personal data and the consequences of failing to provide the

personal data (for instance they may not be able to enjoy the benefit of the CSAN's products and services).

If you receive personal data from third parties and not directly from the individuals concerned, you will need to provide those individuals with the prescribed information as set out in Schedule 3 within a reasonable period (within one month at the latest) after receiving it and before further processing it. For example, as a part of your dealing with a recruitment agency, you may receive personal data that they have collected. In such case, you will need to get in touch with the individuals to provide them with the prescribed information within a reasonable period of time after receiving the information from the agency or at the first time you get in touch with the individuals using the information *unless* the agency has already obtained the individuals' consent to your use of their personal data on your behalf providing the prescribed information to the individuals. Please get in touch with DPL to discuss how the individuals should be contacted in such case.

If personal data is collected via a cookie, notice is required to be done in accordance with ePrivacy laws as well as the DP legislation.

Please get in touch with the DPL for further guidance if you set up or administer the Company's websites using cookies, storing IP addresses or collecting personal data.

7. FOR WHAT PURPOSES DO WE PROCESS PERSONAL DATA

You may use the personal data only for the purposes specified at the time of collection. If you wish to use the personal data for any other purposes (which could be permitted under limited circumstances in accordance with the DP Legislation), you need to inform the individuals concerned of the new purpose, but do not need to send the other information set out in 0 or Schedule 3 again as they should have that already. Please get in touch with the DPL in such a case.

8. DIRECT MARKETING

The use of personal data by electronic means for direct marketing is tightly regulated. If you wish to send any advertising or marketing material to specified individuals, you should discuss the matter first with the DPL, but as a general rule:

(a) you should not use personal data to market any of CSAN's products or services by email unless the recipient has consented in advance or the Company has obtained their email address in the course of providing similar services to them (or in the course of negotiating to do so) and the individual has not asked not to be contacted;

(b) you should not market any of CSAN's products or services by any means if the recipient of the communication has asked us not to market our services to them;

(c) you should update any marketing database for which you are responsible with details of any such consent or indication you have received, and of how you obtained the individual's contact details, to enable others to comply with this requirement; and

(d) whenever you email any person to market any of CSAN's products or services to them, you must include standard wording approved by the DPL explaining how they can opt out of receiving further communications in future.

9. SECURITY, MAINTENANCE AND DELETION OF PERSONAL DATA

You must ensure that any personal data you process is appropriately protected and that its accuracy will not be compromised. For example, you should not store personal data in an unprotected electronic file which can be accessed by any person. Where appropriate, consider encryption, password protection, "need to know" access and other measures to protect the integrity of the data. Please make sure that you do not leave any devices containing personal data unprotected (such as mobile phones, memory sticks and laptop computers). Please make sure you consult Cafod's IT and Facilities Security Policy.

Furthermore, if you no longer need to process personal data, and where there is no need to archive such personal data, please ensure that it is deleted. You should also consult the Document Retention Policy.

10. RECORD OF PROCESSING ACTIVITIES

You are required to maintain a record of processing activities which should include the information set out in Schedule 44 if such processing activities are related to higher risk processing, such as (i) processing personal data that is likely to result in a risk to the rights and freedoms of individuals or (ii) processing of special categories of personal data (see paragraph 5 for the definition of special categories of personal data. The form must always be filled out by the person in charge of each processing activity in advance of carrying out the processing of personal data.

11. DATA SHARING WITH OTHER CONTROLLERS

Sharing of personal data with other controllers (including Caritas Europa and Caritas Internationalis) is prohibited unless certain conditions are met. A controller is a company that determines the purposes and means of processing personal data. In contrast, a company that is responsible for processing personal data on behalf of a controller is called a processor.

Before you share personal data with other controllers, you need to confirm that all of the following conditions are met:

(a) Such transfer is necessary for the purpose for which the personal data was collected;

(b) There is one of the lawful bases specified in paragraph 4 in relation to such transfer (including specific consent from the individual concerned); and

(c) If the other controllers are based outside the EEA, such transfer is made in accordance with paragraph 13.

12. OUTSOURCING THE PROCESSING OF PERSONAL DATA

When a service provider processes personal data on behalf of other company, this service provider is called a processor under the GDPR. An example of a processor is a cloud service provider. Processors can process personal data on our behalf in accordance with our instructions, but only where they have entered into a contract satisfying the requirements set out in the GDPR. If the processors are based outside the EEA, transfers of personal data to them also need to satisfy the conditions explained in paragraph 13.

If you intend to outsource the processing of personal data, please get in touch with the DPL for further guidance on what clauses need to be included in the contract with the service provider.

13. RESTRICTIONS ON TRANSFERS OUTSIDE THE EEA

Transfers of personal data to a third country outside the EEA are prohibited under the GDPR unless certain conditions are met.

These conditions include:

(a) the EU has decided that the third country to which the personal data is being transferred ensures an adequate level of protection for personal data;

(b) adequate safeguards set out in the GDPR are provided such as Standard Contractual Clauses (SCC) approved by the EU and a Binding Corporate Rules (BCR) approved by a competent regulator of a member state; and

(c) the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards.

For other transfers of personal data outside the EEA, please get in touch with the DPL for further guidance.

14. DATA PROTECTION IMPACT ASSESSMENT

In addition to the principles set out elsewhere in this Policy, you will be required to pay special attention if you intend to process personal data in a way which involves a high risk to the individuals concerned. For example, if you are planning to trial new technology that involves processing personal data, particularly a large volume of data. Under such circumstances, we may be required to undertake a review to establish the impact such activities are likely to have on the personal data that you intend to process. Such review must be undertaken in advance of any relevant processing. If you believe that your processing of personal data falls into this

category, please get in touch with the DPL so that we can properly assess the impact of such processing and advise you on the course of action.

15. RESPONDING TO A REQUEST FROM AN INDIVIDUAL

Individuals have various rights in relation to their personal data including, without limitation, the right to:

(a) access and receive copies of their own personal data that a data controller holds about them;

(b) correct their personal data;

(c) request the erasure of their personal data (also known as the "right to be forgotten");

(d) restrict the processing of their personal data;

(e) receive the personal data which they provided to a controller in a structured, commonly used and machine readable format and transmit those data to another controller;

(f) object to the processing of their personal data;

(g) be notified of a security breach involving their personal data; and

(h) not be subject to automated decision-making.

If an individual gets in touch with you to exercise any of their rights, we must respond to such request in a timely manner and at the latest within one month of receipt of the request. Therefore, as soon as you receive a request, you must urgently contact the DPL to discuss how to process it.

16. DATA BREACH

A personal data breach (i.e. accidental or unlawful disclosure of or access to the personal data) is a serious matter. In the event of a breach that could result in a risk to the rights and freedoms of individuals, we are required to notify the authorities of a breach without undue delay and within 72 hours after we become aware of such incident. In addition, in the event of a breach that could result in a high risk to the rights and freedoms of individuals, we are required to notify the individuals concerned of a breach without undue delay. If you become aware of an actual or potential breach of personal data held by CSAN, you must contact the DPL immediately.

17. PROCESSING OF BUSINESS CARDS

In the course of your business, you may receive many business cards of your business contacts. While there is uncertainty as to what processing is permitted based on the fact that you have received the business cards from the individuals, CSAN is of the view that:

(a) You can store the personal data on the business cards in the systems approved by the DPL (e.g. shared contacts lists in Outlook);

(b) You can share the personal data on the business cards with your colleagues or any of the associated entities of the Company (and their employees) within the EEA to the extent your business contacts would reasonably expect such sharing;

(c) Other than these, you are prohibited from sharing business card information with a third party without the consent from the individual concerned; and

(d) You can contact your business contacts using the personal data on the business cards in ways they would reasonably expect.

18. PROCESSING OF EMPLOYEES' PERSONAL DATA

It may be necessary for you to process the personal data of CSAN's employees as a part of your job. The personal data of such employees should not be treated any differently from the personal data of CSAN's members or affiliates and it must at all times be processed in accordance with this Policy. Please get in touch with the DPL if you have any questions concerning how to process employees' personal data.

19. BREACHES OF THIS POLICY

You are required to comply with this Policy at all times. Breaches of this Policy may give rise to disciplinary procedures for gross misconduct and may result in disciplinary sanctions including summary dismissal from the Company.

You should be aware that breaches of this Policy may also constitute criminal offences and result in the individual being subject to criminal charges.

caritas
social action network

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SCHEDULE 1: DPL'S CONTACT INFORMATION

Email: dataprivacy@csan.org.uk

Post: Sandra Lawman

Data Privacy Lead, Caritas Social Action Network

Romero House, 55 Westminster Bridge Road, London SE1 7JB

SCHEDULE 2: INFORMATION TO BE CONVEYED TO INDIVIDUALS WHEN PERSONAL DATA ARE COLLECTED FROM THESE INDIVIDUALS ('FAIR PROCESSING NOTICE')

Where personal data relating to an individual are collected from the individual, the data controller shall, at the time when personal data are obtained, provide the individual with all of the following information:

(a) the identity and the contact details of the Company;

(b) the contact details of the DPL;

(c) the intended purposes of the processing as well as the legal basis for the processing;

(d) where the processing is based on the legitimate interests of the Company or a third party, the nature of such interest;

(e) the recipients or categories of recipients of the personal data, if any;

(f) where transfer of personal data outside the EEA is intended:

(i) the fact that the Company intends to transfer personal data to a third country outside the EEA;

(ii) the existence or absence of an adequacy decision by the European Commission;

(iii) the appropriate or suitable safeguards in terms of transfer of personal data outside the EEA and how the individual can obtain a copy of the document setting out such safeguards;

(g) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;

(h) details of the individual's right to request access to, rectification or erasure of the personal data, alongside details of their right to restrict or object to processing as well as their right to data portability;

(i) where the processing is based on consent, the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

(j) the right to lodge a complaint with a supervisory authority;

(k) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the individual is obliged to provide the personal data and the possible consequences of failure to provide such data; and

(l) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the individual.

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SCHEDULE 3: INFORMATION TO BE CONVEYED TO INDIVIDUALS WHEN PERSONAL DATA ARE COLLECTED FROM THIRD PARTIES

Where personal data relating to an individual are collected from a third party, the data controller shall, at the time when personal data are obtained, provide the individual with all of the following information:

(a) the identity and the contact details of the Company;

(b) the contact details of the DPL;

(c) the intended purposes of the processing as well as the legal basis for the processing;

(d) the categories of personal data

(e) the recipients or categories of recipients of the personal data, if any;

(f) where transfer of personal data outside the EEA is intended:

  (i) the fact that the Company intends to transfer personal data to a third country outside the EEA;

  (ii) the existence or absence of an adequacy decision by the European Commission;

  (iii) the appropriate or suitable safeguards in terms of transfer of personal data outside the EEA and how the individual can obtain a copy of the document setting out such safeguards;

(g) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;

(h) where the processing is based on the legitimate interests of the Company or a third party, the nature of such interest;

(i) details of the individual's right to request access to, rectification or erasure of the personal data, alongside details of their right to restrict or object to processing as well as their right to data portability;

(j) where the processing is based on consent, the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

(k) the right to lodge a complaint with a supervisory authority;

(l) the source the personal data originates from and whether it came from publicly accessible sources; and

(m) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the individual.

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SCHEDULE 4 : DATA PROCESSING RECORD FORM

Date	*Date of filling out this form*
Controller	*Insert the full name of CSAN, department and the person in charge with his/her contact details. If there are joint controllers, please include their information as well.*
[Data Protection Officer (if applicable)]	*[Insert the name of the Data Privacy Lead with his/her contact details.]*
[EU representative (if applicable)]	*NA for CSAN*
Purpose	*Please set out the purpose of the processing.*
Data Subjects	*Please set out whose personal data you are processing. Categories of individuals are fine.*
Personal Data	*Please set out what personal data you are processing. Categories of personal data are fine.*
Legal Basis	*Please set out the legal basis for the processing.*
Recipients	*Please set out who will receive or have access to the personal data. Categories of such recipients are fine.*
International Transfers	*Please set out if any of the recipients are located in a country outside of the EEA. Specify the relevant third countries.*
Erasure	*Please set out when you will finish using the personal data and erase them.*
IT/Security	*Please set out any IT/security measures which are implemented to protect the personal data. CSAN may refer to Cafod IT Security Policy for details.*
Other	*Any other information which should be specifically mentioned.*

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