



An Comunn Gàidhealach

Data Management Policy

Data Management Policy

1. Context and overview

Introduction:

An Comunn Gàidhealach needs to gather and use certain information about individuals. These can include customers, suppliers, business contacts, employees, participants and other people the organisation has a relationship with or may need to contact.

This policy¹ describes how this personal data must be collected, handled and stored to meet the company's data protection standards – and to comply with the law.

Why this policy exists:

This data management policy ensures ACG:

- Complies with data protection law and follows good practice
- Protects the rights of customers, staff and partners
- Is transparent about how it stores and processes individuals' data
- Protects itself from the risks of a data breach

Data Protection Law:

The General Data Protection Regulation (GDPR) came into force in the UK and across the EU from May 2018. It requires personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by GDPR in order to safeguard the rights and freedoms of individuals;
- Processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- The controller shall be responsible for, and be able to demonstrate, compliance with the principles.

¹ This policy is based on a sample structure freely provided by The Audience Agency. A Guide to the UK General Data Protection Regulation (UK GDPR) can be found at www.ico.org.uk

2. Who? People and responsibilities

Everyone at ACG contributes to compliance with GDPR. These responsibilities should include (but are not necessarily limited to):

- Keeping management and board updated about data protection issues, risks and responsibilities
- Documenting, maintaining and developing the organisation's data protection policy and related procedures, in line with agreed schedule
- Embedding ongoing privacy measures into corporate policies and day-to-day activities, throughout the organisation. The policies themselves will not stand as proof of compliance.
- Dissemination of policy across the organisation, and arranging training and advice for staff
- Dealing with subject access requests, deletion requests and queries from clients, stakeholders and data subjects about data protection related matters
- Checking and approving contracts or agreements with third parties that may handle the company's sensitive data
- Ensuring all systems, services and equipment used for storing data meet acceptable security standards
- Performing regular checks and scans to ensure security hardware and software is functioning properly
- Evaluating any third-party services the company is considering using to store or process data, to ensure their compliance with obligations under the regulations
- Developing privacy notices to reflect lawful basis for fair processing, ensuring that intended uses are clearly articulated, and that data subjects understand how they can give or withdraw consent, or else otherwise exercise their rights in relation to the companies use of their data
- Ensuring that audience development, marketing, fundraising and all other initiatives involving processing personal information and/or contacting individuals abide by the GDPR principles

Data Protection Officer (DPO) – the person responsible for fulfilling the tasks of the DPO in respect of ACG is:

NAME: Peigi MacLennan

POSITION: Chief Executive Officer

The minimum tasks of the DPO are:

- to inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws
- to monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits
- to be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc)

3. Scope of personal information to be processed

ACG will hold and process data in respect of:

- attendees at classes and organised events
- informing individuals about ACG activities and events
- contracting and paying staff and freelance contractors

Data held may include:

- Name of individuals
- Postal addresses of individuals
- Email addresses
- Telephone numbers
- Bank details

- data is collected by consent from individuals and stored either as a hard copy document in locked storage and/or password protected electronically
- Data will only be kept for as long as is necessary to keep individuals updated of ACG activities, and as long as is required to comply with the legal obligations of other agencies e.g. HMRC, OSCR
- Accompanying this is a **Compliance Grid** (see Appendix 1) in order that a record is kept of where data is stored, for how long, whether consent is required etc., and **Conditions for Lawful Processing**.

Uses and conditions for processing

The table below is an illustrative example:

Outcome/Use	Processing required	Data to be processed	Conditions for processing	Evidence for lawful basis
Information on events, classes and courses	Email notifications	Email address	Consent	'Yes' response to email
Contracts	Freelance contracts	Name, address, email address, Bank details	Consent Necessary for Performance	Performance of a contract

4. Privacy Impact

Assessments

Where necessary and/or desirable a Privacy Impact Assessment (PIA) will be carried out on new projects to:

- describe the processing operations and the purposes, including, where applicable, the legitimate interests pursued by the controller.
- assess the necessity and proportionality of the processing in relation to the project.
- assess the risks to individuals.
- review measures in place to address risk, including security and to demonstrate that you comply.

5. Data Sharing

No data provided to ACG will be shared with a third party without the express consent of the data subject. Consent will be sought through direct contact with the data subject.

6. Security measures

Data stored electronically will be password protected. Hard copy data (e.g. freelance contracts) will be stored in a locked cupboard and will only be held as long as is necessary to fulfil the contract or comply with the law and requirements of HMRC.

Should a data breach occur this will be reported immediately to the ICO (Information Commissioner's Office www.ico.org.uk) and within the 72-hour legal requirement.

7. Subject access requests

All individuals who are the subject of data held by ACG are entitled to:

- Ask what information the company holds about them and why
- Ask how to gain access to it
- Be informed how to keep it up to date
- Be informed how the company is meeting its data protection obligations by contacting ACG directly at info@ancomunn.co.uk

8. The right to be forgotten

Subjects have the right to be deleted from ACG's database by making a request directly to ACG. Following a request electronic and/or hard copy data would be deleted and or destroyed and the subject informed when these actions were carried out.

9. Privacy notices

ACG aims to ensure that individuals are aware that their data is being processed, and that they understand:

- Who is processing their data
- What data is involved
- The purpose for processing that data
- The outcomes of data processing
- How to exercise their rights

To these ends the company has a privacy policy, setting out how data relating to these individuals is used by the company. ACG's privacy policy is available in Appendix 2.

10. Ongoing documentation of measures to ensure compliance

Meeting the obligations of the GDPR to ensure compliance will be an ongoing process. ACG will:

- maintain documentation/evidence of the privacy measures implemented and records of compliance
- regularly test the privacy measures implemented and maintain records of the testing and outcomes.
- use the results of testing, other audits, or metrics to demonstrate both existing and continuous compliance improvement efforts.
- keep records showing training of employees on privacy and data protection matters.

Key details:

- Policy prepared by: James Graham
- Approved by board/management: 19th May 2023
- Policy became operational on: 19th May 2023
- Next review date: September 2025

Appendix 1

An Comunn Gàidhealach
GDPR Compliance

Description	Type/Location	Purpose	Limit	Lawful Processing	Consent	Protected	Method/Action
Classes	Email lists	Information	Annual review	Y/N	Y/N	Y/N	Password protect. Update lists
Contracts	Server & Hard Copy	HMRC	X years	Y/N	Y/N	Y/N	Shred old HCs
BACS details	Bank website	Payments	While current	Y/N	Y/N	Y/N	Delete non current
Email databases	Server	Information and marketing	X years	Y/N	Y/N	Y/N	Update lists and seek consents

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Conditions for Lawful Processing

- Data subject has given consent to the processing of his or her personal data for one or more specific purposes. e.g. marketing list, freely given, not for other purpose.
- Processing necessary for performance of a contract to which data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract e.g. contracting freelancer.
- Processing is necessary for compliance with a legal obligation to which the controller is subject. i.e. by law e.g. PVG
- Processing is necessary in order to protect the vital interests of the data subject or another natural person e.g. health.
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller e.g. OSCR
- Processing is necessary for the purposes of legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Rights of Individuals

- Right of Access – no fee, 1 month to respond. Person can ask what data you have
- Right to be informed – what you are doing and why, where kept and for how long
- Right to rectification
- Right to erasure – to be forgotten
- Right to restriction of processing
- Right to data portability e.g. energy company. It's your data not the company's
- Right to object
- Right to compensation

Appendix 2

An Comunn Gàidhealach

Privacy Notice

An Comunn Gàidhealach (ACG) is committed to protecting your privacy and takes its responsibilities regarding the security of personal information very seriously. This privacy notice explains what personal data we collect about you, how and why we use it, who we may disclose it to, and how we protect your privacy.

1. Who is responsible for your data

Our Privacy Notice applies to the personal data that ACG collects and uses.

We control the ways your personal data are collected and the purposes for which your personal data are used by ACG as the “data controller” for the purposes of the EU GDPR 2018.

ACG is based at:

5 Mitchell’s Lane

Inverness

IV2 3HQ

Tel: 01463 709705

Email: info@ancomunn.co.uk

2. Personal data we collect about you

When using the term “personal data” in our Privacy Notice, we mean information that relates to you and allows us to identify you, either directly or in combination with other information that we may hold. Your personal data may include for example your name and your contact details.

We collect some personal data from you, for example when attending an event or class.

Categories of data we collect

We may collect and process the following categories of information about you:

Your name and surname and your contact details (email address, telephone number and postal address)	When joining a class, attending an event or working on a freelance basis with ACG
Information about your health, if you have a medical condition that may affect your participation in an event.	When you provide us with this information when signing up for an event or activity
Information about your bank details	When you are contracted by ACG and require payment by BACS*

The communications you exchange with us (for example, your emails, letters or calls)	When you contact ACG or you are contacted by ACG
Your posts and messages on social media directed to ACG	When you interact with us on social media
Your feedback	When you reply to our requests for feedback or participate surveys

Sensitive personal data

In the course of providing services to you, we may collect information that could reveal your racial or ethnic origin, physical or mental health, religious beliefs or alleged commission or conviction of criminal offences. Such information is considered “sensitive personal data” under GDPR. We only collect this information where you have given your explicit consent, it is necessary, or you have deliberately made it public. By providing any sensitive personal data you explicitly agree that we may collect and use it in order to provide our services and in accordance with this Privacy Notice.

Email and Web Analytics

ACG’s email and web service is provided through

3. How and why we use your personal data

We may use your personal data for the following purposes:

To communicate with you and manage our relationship with you

- Occasionally we may need to contact you by email and/or SMS for administrative or operational reasons, for example to keep you informed of ACG news, activities or event information.
- You can also choose to opt out from receiving communications at any time by emailing ACG at info@ancomunn.co.uk

To fulfil our administrative purposes

- The administrative purposes for which we will use your information include accounting, billing and audit, legal purposes, statistical and marketing analysis.

To comply with our legal obligations,

- For example, our obligation to provide information to HMRC

4. Requesting access to your personal data

You have a right to request access to the personal data that we hold about you.

If you would like to request a copy of your personal data or if you have questions in relation to your personal data, please contact us at info@ancomunn.co.uk

5. Security of your personal data

We are committed to taking appropriate technical and organisational measures to protect your personal data against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data.

The information that you provide to us will be held in our systems, which are located on our premises.

We will retain your personal data for as long as we need it in order to fulfil our purposes set out in this Privacy Notice or in order to comply with the law.

6. Sharing your personal data

ACG will not share your contact details and other personal data with a third party without your express consent.

7. Updates to our Privacy Notice

We may make changes to this Privacy Notice from time to time, we will update the Privacy Notice and we will publish on our website any new version of this Notice.

8. Contact information

Questions, comments and requests regarding this privacy notice are welcomed and should be addressed to info@ancomunn.co.uk