



## Code of Ethics

All members and volunteers involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each volunteer of the organisation to deliver the highest professional standards in their service to the users of the organisation's services.

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Date of Change	Reason	Authorising Person

## Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used. Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies. Other legislation/law which you must check this document against (required by law): Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination) - Equality Act 2010 - H&S legislation - Data Protection Act 2018 - General Data Protection Regulations (GDPR) (EU) 2016/679

### 1. Policy Aims: (purpose)

The main aim of this policy is to ensure that Beartown Rickshaw, personal information is used appropriately in compliance with the requirements of the Act and that all members and volunteers are clear about what is regarded as acceptable and what is improper use.

The policy is underpinned by procedure that sets out minimum standards and details how those authorised persons having access to any personal information use the information.

### There are 6 Principles under GDPR and Data Protection Act 2018

- 1 – Lawful, Fair and Transparent
- 2 – Specified, explicit, legitimate
- 3 – Adequate, relevant and Limited to what is Necessary.
- 4 - Accurate, up to date
- 5 – Kept no longer than necessary
- 6 – Processed in a secure manner.



## **2. Policy Statement: (Key information)**

Beartown Rickshaw is committed to ensuring that all its members and volunteers undertake their duties in a manner compatible with data protection principles set out in the General Data Protection Regulations (GDPR) (EU) 2016/679 and the Data Protection Act 2018 (herein after described throughout this policy as 'the Act'). The Act regulates the use of information from which a living individual can be identified. It applies to the processing of personal data in most formats including electronic, paper and other media.

A broad objective is to protect individuals from the use of inaccurate personal information, or misuse of accurate personal information. More specific associated objectives are to:

- a) Ensure all persons having access understand their responsibilities regarding their use of personal information.
- b) Eradicate unlawful use of personal information.
- c) Safeguard all personal information.
- d) Protect the reputation of Beartown Rickshaw by strict compliance with the Act.

A right for an individual to access information held about them is provided by the General Data Protection Regulations (GDPR) (EU) 2016/679 and the Data Protection Act 2018. This can be achieved by a Member of the Public submitting a written request to Beartown Rickshaw.

Beartown Rickshaw will take criminal and/or disciplinary action against any person who wilfully accesses and/or misuses personal information held by Beartown Rickshaw.

Any use of personal information that does not have a clear business purpose is likely to constitute a misuse. Using information is described as "processing" in the Act. See Part 1 3(4) of the Act that describes the ways in which data is defined as having been processed (used).

Part 6 Section 166 of the Act identifies the following criminal offence:

A person must not knowingly or recklessly;

- (a) obtain or disclose personal data or the information contained in the personal data, or
- (b) procure the disclosure to another person of the information contained in personal data.

### **1.2 Purpose**

**1.2.1** Beartown Rickshaw needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective volunteers, users of the service and suppliers and others with whom it communicates.

**1.2.2** This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material.

**1.2.3** The lawful and correct treatment of personal information is regarded by Beartown Rickshaw as imperative to successful operations, and to maintaining confidence between those with whom we deal and ourselves. Beartown Rickshaw needs to ensure that the organisation treats personal information lawfully and correctly.

## **2. Processing**

### **2.1 Lawful Processing of Personal Data**

**2.1.1** The principal purpose for which Beartown Rickshaw processes information is for specific purposes connected with the administration of the organisation and its members / volunteers.

**2.1.2** No data will be stored on a computerised system; therefore it will not be processed any further from source and manual access will be at the discretion of the Chair Person for Beartown Rickshaw.



## 2.2 Fair Processing

**2.2.1** In meeting any obligation to ensure that processing of information is fair, due consideration will be given to the adoption of any recognised standards or advice to provide individuals with such information as is necessary to ensure that they are likely to understand:

- a) The purposes for which their personal data are to be processed;
- b) The likely consequences of such processing; and
- c) Whether particular disclosures can reasonably be envisaged.

Chapter 2 of Part 3 describes the six data protection principles as follows –

### 1. Requirement that processing be lawful and fair

The processing of personal data for any purpose must be lawful and fair.

The processing is lawful only if and to the extent that it is based on law and either the data subject has given consent to the processing for that purpose.

### 2. Requirement that purposes of processing be specified, explicit and legitimate

The purposes for which personal data is collected on any occasion must be specified, explicit and legitimate, and personal data so collected must not be processed in a manner that is incompatible with the purpose for which it was collected.

### 3. Requirement that personal data be adequate, relevant and not excessive.

Must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

### 4. Requirement that personal data be accurate and kept up to date

Personal data processed for the organisations business must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the business purpose for which it is processed, is erased or rectified without delay.

### 5. Requirement that personal data be kept for no longer than is necessary

### 6. Requirement that personal data be processed in a secure manner

## 2.2.2. Under GDPR (Part 2 of the DPA 2018) Beartown Rickshaw will process data for:

### General processing purposes

In line with the conditions for lawful processing defined in Article 6 (1) of GDPR, processing will be lawful if at least one of the following applies:

- 6(a) The data subject has given consent to the processing for one or more specific purposes.
- 6(b) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- 6(c) Processing is necessary for compliance with legal obligation to which the controller is subject
- 6(d) Processing is necessary in order to protect the vital interests of the data subject or of another natural person
- 6(e) 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 includes processing of personal data that is necessary.



## **2.3 Registration**

**2.3.1** The National body for the supervision of Data Protection is the Information Commissioner to whom the organisation registers their purposes for processing personal data.

**2.3.2** That registration process serves to provide transparency and openness about the processing of personal data. It is a fundamental principle of the Data Protection Act 2018 that the public should know, or be able to find out, who is carrying out the processing of personal data and for what purpose.

**2.3.3** Copies of the Beartown Rickshaw registration details are available upon request from Beartown Rickshaw.

## **3. Disclosure**

**3.1.1** Requests for the disclosure of any personal information will only be considered once the Chair Person is fully satisfied that the enquirer or recipient is authorised to receive the information.

### **3.1.2 Subject Access and other Subject Rights**

Article 15 of GDPR and section 43 of the DPA 2018 gives individuals the right of access to personal data held about them through the subject access provisions.

Through a subject access request, an individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the personal data; and
- given details of the source of the data, where this is available.

**3.1.3** The Organisation acknowledges and adopts the Information ‘Commissioner’s Subject Access Code of Practice’ when processing subject access requests.

**3.1.4** Under GDPR and Data Protection Act 2018 the individual has a number of additional rights which include Rectification, Erasure or Restriction of their information. If a request is received from an individual to the organisation requesting any of these rights, the request should be forwarded to the Chair Person as soon as possible to allow this to be investigated and responded to appropriately.

## **4. Data Integrity**

### **4.1 Adequacy & Relevance**

**4.1.1** The reliability of information obtained and held by Beartown Rickshaw depends primarily on the data subject providing the personal data which is then held in a manual record system.

**4.1.2** Information held will be adequate, i.e., fit for purpose, unambiguous and professionally worded.

**4.1.3** Forms designed for the collection of information should only request that information which is pre-determined to be relevant in relation to the purpose for which it is required. Enquiry or application forms should include a ‘fair processing notice’ where appropriate.



## **4.2 Accuracy**

**4.2.1** It is the responsibility of the person who is providing the original information to ensure, as far as is possible, that it is accurate, valid, and up-to-date. It is then the organisations responsibility to check it is still accurate, valid, and up to date each time the data subject uses the service(s) of the organisation.

**4.2.2** Cancellations, amendments and deletions should be carried out as a matter of priority. However, in order to retain the Organisations interaction with the person(s) concerned if inaccurate personal information is found and subsequently corrected consideration must be given to retaining the original information, with an appropriate entry being made to direct all future users of that information to the corrected data.

## **4.3 Review, Retention and Disposal of data**

**4.3.1** Reviews of personal data must be carried out at frequent intervals to ensure immediate cancellation or amendment of unneeded or out of date material. This is good practice that should be applied to all information held by the Organisation.

## **4.4 Information Security**

**4.4.1** GDPR Sixth Principle – Integrity & Confidentiality (GDPR Article 5) and Sixth Law Enforcement Principle - Processed Securely of the Data Protection Act 2018 requires that appropriate technical and organisational measures shall be taken to protect data against:

- a) Unauthorised access;
- b) Unauthorised or unlawful processing;
- c) accidental loss, destruction or damage.

**4.4.2** Appropriate organisational security measures include;

- a) Using and developing physical measures to protect the organisations assets
- b) Ensuring the reliability of any person who access the organisations information
- c) Reporting and investigating security issues