



Sheffield Social Enterprise Network

GDPR and Data Protection Policy

September 2023

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



Rationale

Sheffield Social Enterprise Network (SSEN) is committed to a policy of protecting the data rights and privacy of individuals, including learners, staff and others, in accordance with the UK General Data Protection Regulation (GDPR) May 2018, Data Protection Act (DPA) and Privacy and Electronic Communications Regulations (PECR).

The new regulatory environment demands higher transparency and accountability in how organisations and companies manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use, including giving individuals the right to know what information is held about them.

The GDPR contains provisions that SSEN agrees to be aware of as a data controller. Such provisions include the need to enhance the protection of personal data we hold, whether that be of a staff member, volunteers, members, newsletter subscribers, those we are representing in the sector or any other individual we come into contact with through our business. The GDPR requires that we must ensure that our organisational privacy notices are written in a clear and plain way that all those in contact with us will understand.

SSEN needs to process certain information about its staff, volunteers, members, newsletter subscribers and other individuals with whom we have a relationship for various purposes including, but not limited to:

1. The recruitment and payment of staff and freelance contractors
2. The administration of membership, events and monthly newsletter.
3. Membership enrolment
4. Recording of event attendance
5. Evaluation of and data from events and work with social enterprises and individuals that is a part of a funding programme.
6. Information about contact social enterprises and individuals have had with relevant partnership organisations or consortiums that we are a part of.
7. Recording of incident reports, which may hold personal data
8. Collecting fees and payments of invoices and membership payments
9. Complying with legal obligations to funding bodies, HMRC, Local Authorities we are contracted with, Government, including Local Government.

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



To comply with data protection legal obligations, including the obligations imposed by the GDPR, SSEN's management and Board of Directors, with a registered address at 57 Burton Street, Sheffield, England, S6 2HH, are committed to ensuring that the organisation is fully compliant with all applicable UK and EU data protection legislation in respect of personal data, as well as safeguarding the "rights and freedoms" of those whose information we hold. We will ensure that all information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

SSEN is registered with the ICO (Information Commissioners Office) under registration reference ZA829534.

Compliance

All staff, freelancers, volunteers, Board of Directors and others working with SSEN will be expected to read and comply with this policy as part of their agreement or contract with working with us. Any breach of this policy or of the Regulation itself will be considered an offence and disciplinary action will be taken.

As a matter of best practice, other agencies and individuals and partners working with SSEN and who have access to personal information, will be expected to prove they are working within the UK DPA, PECR and GDPR data law in accordance with this policy. It is expected that the DPO and The Board of Directors and management dealing with external bodies will take the responsibility for ensuring that such bodies sign relevant contracts which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

General Data Protection Regulation (GDPR)

The GDPR regulates the processing of personal data, and protects the rights and privacy of all living individuals. The purpose of the GDPR is to ensure the "rights and freedoms" of living individuals, and to protect their personal data by ensuring that it is never processed without their knowledge and, when possible, their consent.

Under the GDPR, individuals who are the subject of personal data are given a general right to access the personal data which related to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; videos), and may include facts or opinions about a person.

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The GDPR also sets out specific regulations for those working with other organisations through the Data Sharing Code of Practice (DPCoP) and data sharing agreements. When working with partners and other organisations SSEN will work within these regulations

Responsibilities under GDPR

Data Protection Officer

Sheffield Social Enterprise Network (SSEN) is the 'data controller' under the terms of the legislation. This means it is ultimately responsible for controlling the use and processing of the personal data.

Appointed employees of SSEN with managerial or supervisory responsibilities and The Board of Directors are responsible for ensuring that good personal data handling practices are developed, reviewed and encouraged within SSEN.

The position of Data Controller

Under the GDPR regulations SSEN has deemed that we are not required to appoint a Data Protection Officer (DPO) under the premises that:

- We are not a public authority.
- Our core activities do not require large scale, regular and systematic monitoring of individuals; and
- Our core activities do not consist of large scale processing of special category data or data relating to criminal convictions and offences.

The Board of Directors agrees to take collective responsibility for managing and overseeing the implementation of the GDPR and Data Protection within SSEN. This responsibility and the need to appoint a DPO will be reviewed yearly, or sooner where law and regulations change.

The Board of Directors, accepts responsibility for:

- being accountable for the development and implementation of the data systems used by the organisation and for day-to-day compliance with this policy, both in terms of security and risk management;
- for ensuring that SSEN is GDPR compliant in respect of data processing;
- the implementation of training for all staff members and volunteers in GDPR and data protection and, for those it is relevant to, training in system procedures;
- making sure data processors (cloud software and server services) are compliant with GDPR and maintain a contract between SSEN and themselves in regards to their services and personal data they have access to. (For the ICO guidance we follow see https://ico.org.uk/media/for-organisations/documents/1540/cloud_computing_guidance_for_organisations.pdf)

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



- being the first point of contact for any employees of SSEN who require guidance in relation to any aspect of data protection;
- for other procedures, such as a Subject Access Request

The Board of Directors and appointed employees are responsible for making sure that day-to-day data protection matters are followed by those within the organisation and relevant contractors and subcontractors (freelancers); that all members and staff and relevant individuals abide by this policy; and for developing and encouraging good information handling.

Employees, volunteers, sub-contractors, freelancers, members and all other individuals who provide personal data to SSEN are personally responsible for ensuring that the information and consents they have provided to the organisation are accurate and up-to-date.

Risk Assessments

SSEN makes sure we are aware of all risks associated with personal data, using a risk assessment process to help us to assess the level of risk. SSEN also carries out assessments of the personal data processing undertaken by other organisations on its behalf and to manage any identified risks, so as to mitigate the likelihood of potential non-compliance with this policy. This includes organisations such as Mail Chimp, Eventbrite, Sheep CRM, Google Suite as well as relevant partners

Where personal data processing is carried out by using new technologies, or when a high risk is identified in relation to the “rights and freedoms” of natural persons, SSEN will engage in a risk assessment of the potential impact. More than one risk may be addressed in a single assessment (also known as a Data Protection Impact Assessment (“DPIA”)).

If the outcome of a DPIA points to a high risk that SSEN’s intended personal data processing could result in distress and/or may cause damage to data subjects, the matter should be escalated to The Board of Directors and they will decide whether to proceed. If significant concerns have been identified The Board of Directors may escalate the matter to the Information Commissioner's Office (ICO) and other regulatory authorities.

It is the role of SSEN, as the Data Controller, to ensure that appropriate controls are in place to ensure that the risk level associated with personal data processing is kept to an acceptable level, as per the requirement of GDPR and SSEN’s documented risk acceptance criteria.

Data Protection Principles

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The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. In order to comply with its obligations, SSEN undertakes to adhere to the eight principles.

1. Process personal data fairly and lawfully.

SSEN will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purpose of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

2. Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.

SSEN will ensure that data collected is only for specified, explicit and legitimate reasons. When personal data is obtained for specific purposes it will only be used for the reason for which the data was originally collected, unless the individual is informed of any additional processing before it takes place.

3. Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

SSEN will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data is given by individuals, they will be destroyed immediately.

4. Keep personal data accurate and, where necessary, up to date.

SSEN will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate. Each individual should notify the organisation if, for example, a change in circumstances means that the data needs to be updated. It is the responsibility of SSEN to ensure that any notification regarding the change is noted and acted upon.

SSEN's CRM and membership system, Sheep CRM, has a login portal to help with this process, and individuals can update data we hold via this system or the link in the Mailchimp Newsletter at any point.

Staff, freelancers and volunteers (including The Board of Directors) will be able to use the CRM system to update their details, or they can alternatively complete a personal detail form and send it to the Network Lead at terry@ssen.org.uk

5. Only keep personal data for as long as necessary.

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SSEN undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. SSEN regularly reviews the information that is held and deletes and destroys it when it is no longer required.

SSEN disposes of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste). A log is kept of the records destroyed including confidential waste certificates where relevant.

6. Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including a right to:

- Be told the nature of the information SSEN holds and any parties to whom this may be disclosed.
- Prevent processing likely to cause damage or distress.
- Prevent processing for purposes of direct marketing.
- Be informed about the mechanics of any automated decision making process that will significantly affect them.
- Not have significant decisions that will affect them taken solely by automated process.
- Sue for compensation if they suffer damage by any contravention of the legislation.
- Take action to rectify, block, erase or destroy inaccurate data.
- Request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

SSEN will only process personal data in accordance with individuals' rights.

7. Put appropriate and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

All members of staff, volunteers, Directors and contractors (freelancers) are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised parties. All data must not be saved directly onto personal computers.

SSEN will ensure that all personal data is accessible only to those who have a valid reason for using it. SSEN uses a paperless system with all data securely stored on encrypted servers. Such systems are encrypted and password protected.

Security measures SSEN has in place include:

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



- Password protecting personal data held electronically, and using 2 way verification sign-in where possible.
- Making sure all data is encrypted when stored on servers and when being transferred.
- Archiving personal data which are then kept securely on an encrypted server.
- Following a Personal Device Policy, and those using personal computers (such as Directors or contractors) signing out of accounts and cloud software when they are not in use, and making sure their devices are security protected.
- Ensuring that PC screens are not left unattended without a password protected screen-saver being used.
- Provide training to all staff and those working with SSEN on security of data and using passwords.

In addition, SSEN maintains appropriate measures for the deletion of personal data according to our data retention and disposal procedures. Manual records are shredded or disposed of as 'confidential waste' and appropriate contract terms put in place with any third parties undertaking this work. Hard drives of redundant PCs/laptops, tablets and mobile phones are wiped clean before disposal or if that is not possible, destroyed physically. A log is kept of all data retention periods and records destroyed.

This policy also applies to staff and freelancers who process personal data 'off-site', e.g. when working at home or in the community, and in circumstances additional care must be taken regarding the security of the data. Staff are not permitted to hold hard physical copies of data when working at home or in the community.

8. Ensure that no personal data is transferred to a country or a territory outside the European Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

SSEN works with cloud computing programmes and data processors. We work closely with them to ensure that no personal data is transferred to a country or territory outside of the EEA that does not ensure adequate levels of protection for the rights and freedoms of data subjects in relation to the processing of personal data. We retain contracts with our data processors and require them to respect the security of the personal data they process and to treat it in accordance with EU and UK law. We do not currently hold any data processes that we deem high risk under the GDPR Article 35 (1). Should we implement a data process we perceive may be high risk according to GDPR law, we will use a Data Protection Impact Assessment, to assess the risk and make sure adequate safeguarding and levels of protection are implemented according to the General Data Protection Regulations Articles 44 – 50. We expect all of our processors to give guarantees and demonstrate compliance with all technical and organisational security measures governing the processing being

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



carried out (a full list of our data processors and cloud providers and their privacy policies are available via our Data Privacy Policy).

Consent as a basis for processing

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when SSEN is processing any sensitive data, as defined by the legislation.

SSEN understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via the enrolment form) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

SSEN will make sure that;

- Consent is freely given and never given under duress, when the data subject is in an unfit state of mind or provided on the basis of misleading or false information;
- The reason for consent and the method that the consent is given is explicit and specific;
- Consent given is done so in a clear and unambiguous indication of the wishes of the data subject;
- The data subject is informed before giving consent;
- Consent is provided either in a statement or by unambiguous affirmative action;
- Consent is demonstrated by active communication between us, the data controller, and the individual, the data subject, and must never be inferred or implied by omission or a lack of response to communication;
- In relation to sensitive data, consent may only be provided in writing, unless there is an alternative legitimate basis for the processing of personal data.

Explicit consent is required for us to use individuals as case studies, or to take/use photos or videos of those we are working with. This can be given via our CRM system or relevant consent forms provided and can be withdrawn at any time through contacting us or changing the consents on the member portal account.

SSEN works closely with employees, freelancers and volunteers to make sure that consent is given where necessary in order to process personal and sensitive data. All individuals working for and with SSEN have been notified of their rights under GDPR, as well as their obligation under the GDPR in regards to our members, individuals in the network and customers.

Subject Access Rights

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



Individuals have a right to access any personal data relating to them which is held by SSEN. As much as possible we work to make any data of our members, network, staff and customer readily available to individuals via our CRM system. However, there may be data that is not easily accessible to individuals such as case studies, photos and videos, personal data received by SSEN from third-parties. Where an individual wishes to request access to all personal data they should apply in writing to the The Board of Directors if they are a staff member, contractor or volunteer, or the Network Lead if they are a Network Member. Any staff member (including freelancers) receiving a Subject Access Right should forward this to the The Board of Directors.

SSEN reserves the right to charge a fee for data subject access requests (currently £10).

Under the terms of the legislation, any such requests must be complied with within 40 days.

Disclosure of Data

SSEN takes appropriate steps to ensure that no personal data is disclosed to unauthorised parties. This includes friends and family members of the data subject, governmental bodies, other organisations and work colleagues of the data subject. All employees, contractors (freelancers) and volunteers of SSEN are required to attend specific training in order to learn how to exercise due caution when requested to disclose personal data to a third party.

Disclosure is permitted by the GDPR without the consent of the data subject under certain circumstances, namely;

- In the interests of safeguarding national security;
- In the interests of crime prevention and detection which includes the apprehension and prosecution of offenders;
- In the interests of assessing or collecting a tax duty;
- In the interests of discharging various regulatory functions, including health and safety;
- In the interests of preventing serious harm occurring to a third party; and
- In the interests of protecting the vital interests of the data subject i.e. only in a life and death situation.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from a SSEN email may be accessed by someone in the organisation other than the recipient, for system management and security purposes.

The Board of Directors are responsible for handling all requests for the provision of data for these reasons, and authorisation by The Board of Directors shall only be granted with support of appropriate documentation.

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



Complaints

All complaints about SSEN’s processing of personal data may be lodged by a data subject directly with The Board of Directors, via the Chair of Directors, by providing the complaint in writing, either via letter to Sheffield Social Enterprise Network (SSEN). The data subject must be provided with the organisation's Privacy Policy at this stage.

Complaints may also be made by a data subject directly to the relevant regulatory body.

All complaints in relation to how a complaint has been handled and any appeals following the submission of a complaint shall be escalated and dealt with by The Board of Directors and the data subject is required to submit a further complaint.

Procedure for document review

Sheffield Social Enterprise Network (SSEN) is the owner of this policy document and as a Data Controller, must ensure that it is periodically reviewed according to the review requirements contained herein.

The latest version of this policy document is available to all members, network individuals, employees, freelancers, volunteers and others working with SSEN via the privacy section of the website. All employees and freelancers must read the policy upon appointment.

This policy document was approved by Sheffield Social Enterprise Network’s Board of Directors and is issued by the Board on a version controlled basis.

Signature on behalf of The Board of Directors:

Richard Kirtley

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Name of Director signing on behalf of The Board of Directors:

Richard Kirtley (Chair)

Date: ...6th September 2023.....

Sheffield Social Enterprise Network, 57 Burton Street, Sheffield, England, S6 2HH



Change history record

Issue	Description of Change	Approval	Date of Issue
1	Creating of Document	Board of Directors	24th September 2021
2	Change of registered address on footer Change of role from 'Network Co-ordinator' to 'Network Lead' Change of employee details from Jodie to Terry	Board of Directors	6th Sep 2023