



DATA PROTECTION POLICY AND GUIDELINES

INTRODUCTION

1. As part of its strategy to achieve both its charitable and business objectives WAND UK processes personal information about WAND members, customers and other external contacts, and markets to these individuals WAND products, services, events and qualifications. WAND UK activities of processing personal data and marketing to individuals are governed by UK legislation and regulations e.g. [Data Protection Act](#), and the [Privacy and Electronic Communications Regulations](#).

2. Eight principles are defined to ensure “personal data” of living individuals is handled properly. They state that data must be:

- (a) processed fairly and lawfully
- (b) processed for specified and lawful purposes
- (c) adequate, relevant and not excessive
- (d) accurate and, where necessary, kept up to date
- (e) kept for no longer than is necessary
- (f) processed in line with the rights of individuals
- (g) kept secure
- (h) not transferred outside the European Economic Area unless there is adequate protection

3. Failure to observe these principles puts the professional reputation of WAND UK at risk. It may result in the Information Commissioner issuing an enforcement notice or criminal prosecution in respect of unlawful disclosure, unlawful obtaining or procuring of personal data, unlawful selling or offering to sell personal data etc.



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4. Good information handling enhances WAND UK's reputation by increasing member, customer and partner confidence in the organisation. Data protection is the responsibility of all members as well as all staff and agency or contract employees.
5. To assist in the understanding and application of data protection principles within the organisation's processes, and ensure compliance, WAND UK has appointed a Data Protection Officer and defined the following Data Protection Policy, which applies to all WAND Staff and volunteers.
6. The policy embeds hyperlinks within the text to give additional explanation and is best read on-line. Definitions, and explanations, of the terms used are given below.

POLICY

7. The policy addresses the use of personal information about living individuals.
8. The processes and procedures of WAND UK will be compliant with the Data Protection Act, the eight data protection principles, and the terms of the Privacy & Electronic Communications Regulations, insofar as they apply. The organisation will regularly monitor for compliance.
9. Data protection is the responsibility of all WAND UK Staff and volunteers who have access to any personal data in connection with WAND UK activities. Individuals should use their judgement to determine compliance with the Data Protection Policy and guidelines. WAND UK will:
provide appropriate training, guidance and support, but if in doubt, advice should be sought from WAND UK Data Protection focal point.
10. Any staff or volunteer found to have acted contrary to this policy and related guidelines may be subject to investigation which could result in suspension from activities involving access to personal data.
11. WAND UK will take all necessary steps to minimise the risk of civil action being taken against it by the Information Commissioner. It will deal promptly and efficiently with any query, complaint, action, or threatened action, and make any necessary amendments to its policies, processes and procedures to ensure continuing compliance.

POLICY GUIDELINES

12. The policy applies to:
 - (a) Electronic records & media, e.g. databases, files, tapes, emails etc.;
 - (b) Manual records where structured, e.g. personnel files, member & customer files, card indexes and paper lists of customer contacts etc. See Appendix B;



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- (c) Emails and voicemails where the focus is on an individual.
 - (d) CCTV recordings.
13. All Staff and volunteers dealing directly with personal information will be required to take part in mandatory training relating to the Data Protection Act. This is included in the Staff and volunteers' induction training.
14. Personal data must only be processed in accordance with WAND instructions and procedures.
15. Data may only be used for WAND UK's business and for the purpose for which it has been compiled.
16. Personal data should be protected in accordance with WAND UK Information Security Policy. Computers storing or accessing WAND personal data files should not be left unattended. Users accessing WAND data over the web should log out of the secure site as soon as their query has been completed.
17. No personal data held by, or on behalf of, WAND UK should be sold or inappropriately disclosed to a third party.
18. Personal data should not be collected from minors (under 16) without prior agreement and advice from WAND UK Data Protection Officer¹.
19. Prior to the collection of personal data or the deployment of a process, system, service or application etc. using personal data, a review should be held to determine:
- (a) what personal data is to be collected, and its sensitivity;
 - (b) why WAND UK requires this personal data – the “purpose”;
 - (c) whether that “purpose” is in line with WAND UK's data protection notification; charity status and ethics;
 - (d) where a marketing purpose, compliance with the Customer Contact Policy and Guidelines
 - (e) the minimal personal information required to be collected;
 - (f) the strategy for collecting, maintaining (the accuracy) and deleting the personal data;
 - (g) the risks to the data subject or WAND should the information be inaccurate when processed;
 - (h) the retention period to keep the personal data;
 - (i) how the information (in electronic form and hardcopy) will be protected;
 - (j) where the information will be held (electronic & physical location);
 - (k) who will have access;
 - (l) the process by which the information will be disclosed in the event of a “[Subject Access Request](#).”
20. The form in Appendix A should be completed and sent to WAND UK Data Protection Focal point.
21. Any volunteer storing personal data on behalf of WAND UK is responsible for ensuring adequate controls are in place for its protection.



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22. Any new purposes for collecting data should be communicated to WAND UK Data Protection focal point.
23. Personal data should be held with an indication as to the date of its:
 - (a) collection or modification
 - (b) review or deletion.
24. The collection and processing of sensitive personal data (e.g. racial or ethnic origin, health, political views, religious beliefs, trade union membership etc.) requires very strict controls. Sensitive personal data should only be collected with the explicit consent of the individual it pertains to, and should not be collected without prior authorisation from WAND UK Data Protection Officer.
25. All external requests for disclosure ("Subject Access Requests", police enquiries etc.) should be forwarded to WAND UK Data Protection Officer, who will pass on to the most appropriate person.
26. Staff and volunteers must submit all details of WAND members, prospective members, event delegates and any other individual who has disclosed their contact (and other) details in connection with WAND UK whenever requested by the Data Protection Officer. This instruction takes precedence over all other guidelines. Data transfer will be compliant with the data protection laws of the country of collection.
27. Where relevant, all roles descriptions should contain a statement clearly defining their responsibilities to safeguard data
28. WAND UK will obtain and maintain all necessary data protection notifications, keep its notifications current and under regular review, and ensure that all necessary amendments are promptly made. The public register can be searched here <http://www.ico.gov.uk/ESDWebPages/search.asp>
29. The organisation will ensure that its practices relating to the holding, use and disclosure of personal data are always in accordance with its data protection notification. WAND UK Data Protection Officer is responsible for WAND UK interaction with the Information Commissioner's Office and overseeing WAND UK data protection governance process.
30. Annual audits and regular self-assessments of WAND volunteer activities should be carried out to check compliance to the Data Protection Policy and related policies. Reports on the status of compliance will be reported to the Board of Trustees.
31. Clear guidance should be set on the retention period for personal data and the period it is available to process for a particular purpose. For example, in the case of mailing labels provided by WAND UK, these should be used within ten days and then deleted. A fresh dataset should be requested for each subsequent mailing. Or, in the case of candidate applications for Registration, data should be held only from the point of receipt of a candidate application to completion of the process. Should the candidate appeal, WAND staff will resend the necessary information. Staff and volunteers should ensure the safe removal of personal data from all files and systems.



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32. The Data Protection Officer will ensure that any request for transfer of data outside the volunteer's country of residence or country of data collection will be compliant with data protection laws of the respective country.

33. If there is any doubt about the requirements of this Data Protection Policy and guidelines, Staff and volunteers should seek advice from WAND UK Data Protection Officer.

February 2023

February 2024 or sooner in line with organisational, legislative or regulatory requirements.



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DEFINITIONS & NOTES

Term	Explanation	Notes
Information Commissioner	<p>The Information Commissioner enforces and oversees the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOI).</p> <p>The Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a national one.</p> <p>The Information Commissioner's Office is very helpful. In the event of a query or inappropriate disclosure, it is good practice to contact the Information Commissioner's office and seek their advice.</p> <p>The contact details for general matters are: Telephone: 01625 545 700 Email: mail@ico.gsi.gov.uk More specific contact information is available on the Commissioner's web site.</p>	
Processing (Use)	<p>Processing is defined in the widest sense. The action includes collecting, recording, storing, reading, modifying, using, transmitting, transferring, disclosing, deleting.</p> <p>A data subject's personal data may only be processed by WAND UK if one of the following conditions are met:</p> <ul style="list-style-type: none"> The data subject has given his consent Processing is necessary to enter into a contract or start negotiating a contract Processing is necessary to comply with WAND legal obligations Processing is necessary to protect the data subject <p>The majority of WAND UK's processing activities are as a result of the first two criteria.</p> <p>A complete definition of "processing" and the conditions personal data may be processed may be found in § 2.3 & §3.1.1 respectively of Legal Guidance issued by Information Commissioner.</p>	
Purpose of Use	<p>The stated organisational activities for which the personal data are, or will be used, as decided by WAND UK.</p> <p>Refer to Direct marketing Policy & Guidelines for standard wording to be used on all forms collecting personal data.</p>	
Data Controller	<p>WAND UK as an organisation. It is responsible for the personal data it "controls".</p>	
Data Processor	<p>Where WAND UK processes personal data owned by another organisation (e.g. FMBEC), WAND UK is regarded under the Data Protection Act as a "data Processor". WAND UK is still obligated under the Data Protection Act. Similar, where WAND UK contracts a 3rd party to perform a function on its behalf then the 3rd party is a "data processor".</p>	



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<p>Consent – Implied (Implicit) & Explicit</p>	<p>Consent is one of the conditions under which personal data may be processed. See “processing”.</p> <p>The majority of WAND UK’s processing activities are as a result of the data subject implicitly or explicitly giving consent.</p> <p>For example a caller requesting information or giving feedback about WAND UK will implicitly expect their name address and or contact details to be processed in order to address their call. The caller might not expect information relating to their age or occupation to be requested. If it is required, there may need to be an explanation as to why this information is necessary whereupon the caller may consent to the information to be used. Date of birth may be used to distinguish between two individuals of the same name living at the same address. This may need to be explained.</p> <p>For example an online registration is where information will be collected with explicit consent i.e. the individual registering is freely giving WAND UK personal information. WAND UK must still ensure that the request for information is not excessive. Only request sufficient information to enable WAND UK to maintain a relationship with the individual in order to provide the service that is being offered.</p> <p>See also opt-in, opt-out and soft-out in.</p>	<p>Note D</p>
<p>Opt-in</p>	<p>Opt-in is where an individual will not receive marketing emails from an organisation unless they have <u>actively</u> consented to receiving them. This means the individual must take some positive action. Opt-in consent may not be obtained by the presence of a pre-crossed box which they are asked to uncross to show non-agreement.</p> <p>Under the Privacy and Electronic Communications (EC Directive) Regulations 2003 which came into force from 11/12/2003, the organisations must collect individual’s email addresses on an opt-in basis unless the 3 exemption criteria apply – see “soft opt-in”.</p> <p>Typical text for “opt-in” might be: “We would like to pass your details on to other businesses so they can email you with offers of good/services that you might be interested in. Click here to show you agree to this.” See for comparison “Soft Opt-in” & “Opt-Out”</p>	
<p>Soft Opt -In</p>	<p>Soft Opt-in is where opt-in is assumed because 3 exemption criteria are satisfied –</p> <ol style="list-style-type: none"> 1. The recipient’s address was collected “in the course of sale 	

² See page 40 of [Privacy and Electronic Communications Regulations - Marketing By Electronic Means](#) Version 1.2
 Data protection Policy & Guidelines for Staff and volunteers



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	<p>or negotiations for a sale”;</p> <p>2. The sender only sends promotional messages relating to their “similar products & services”; and</p> <p>3. When the address was collected the recipient was given the opportunity to opt-out (free of charge except for the cost of the transmission) which they chose not to take.</p> <p>Important Note: Restrictions apply to the use of “Soft opt in” by charities² See Direct Marketing Policy appendix B. See for comparison “Opt-in” & “Opt-Out”</p>	
Opt-Out	<p>Opt-out is where the individual is told that they will get marketing emails unless they say they don't want to receive them. Note: Failing to opt-out when given the chance is not the same as giving consent.</p> <p>Typical text might be: “We would like to email you about other services WAND UK provides and that you might be interested in. Click here if you don't agree to this.”</p> <p>See for comparison “Soft Opt-in” & “Opt-in”</p>	
Data protection notification	<p>The Data Protection Act 1998 requires every data controller who is processing personal data to provide a description of the type of processing of personal data – the notification – to the Information Commissioner unless they are exempt. Although WAND UK could claim exemption due to its charitable status, in keeping with the organisation's “open” ethic, it has registered a general description of the processing of personal data the organisation undertakes. WAND UK's registration is held in a public register and may be viewed at</p> <p>http://www.ico.gov.uk/ESDWebPages/search.asp</p> <p>Having registered, WAND UK must ensure its processing does not deviate from its notification or update the notification. If a required “purpose of use” is outside the current notification, the notification must be updated. Contact the Data Protection Officer to facilitate a timely update.</p>	Note C
Data Protection Officer	<p>The individual within the organisation with responsibility to oversee compliance and liaise with the Information Commissioner's office.</p>	
Data Subject	<p>A living individual, who is the subject of the personal data. Where information is held about an individual because of their official business capacity - i.e, information about a Manager of an organisation; their name, company name, work address; contact details – in most cases, the individual is not regarded as a Data Subject. The exception to this rule is where the individual is a sole trader or partnership.</p>	
Subject Access Request	<p>An individual has a right to see a copy of the personal data the IET holds about them, including duplicate copies where there may be, unintended, discrepancies in the data.</p>	



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	<p>An organisation may charge a fee of £10 for responding to a Subject Access Request. The organisation is required to respond promptly to a request, however the Data Protection Act 1988 states that the response must be within 40 days of receipt of the fee and sufficient information to identify the individual. More information about compliance to a Subject Access Request is available at the Information Commissioner's web site. http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1</p> <p>Under exceptional circumstances the disclosure of confidential information in response to a subject access request may require caution & extra consideration. Principle 1 of the Data Protection Act requires that information be processed fairly and lawfully. Peer assessments were given with the expectation that the peer "opinion" would be kept confidential to WAND UK. Hence disclosure of these opinions might be viewed as "unfair" for the reason of understood confidentiality and because it might cause unnecessary distress to the assessor (whose identity may easily be guessed even after removing all references to 3rd parties) as well as to the data subject. In these cases advice must be sought from the Data Protection Officer and maybe the Information Commissioner's Office as well.</p>	
Personal Data	<p>Information that uniquely locates or identifies an individual by distinguishing him or her from others. Includes an individual's name, address, email address, home or mobile phone number, age, date of birth, education, qualifications and sensitive data (see definition below).WAND comments about, or plans for, an individual are also included.</p> <p>In the on-line world personal data include profile information collected about an individual by tracking systems, such as those that use cookies.</p> <p>WAND UK holds personal data about employees, members, non-members and various other stakeholder individuals.</p> <p>Where information is held about an individual because of their official capacity - i.e, information about a Manager of an organisation; their name, company name, work address; contact details – this is not classed as personal data. By comparison, data collected about an individual, say Joe Smith, such as his job title and company of employment is classed as personal data.</p> <p>The Data Protection Act 1988 defines personal data as: "data which relates to a living individual who can be identified:- from those data or from those data and other data in the possession of, or likely to come into the possession of, the data controller and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."</p>	Note A
Sensitive Data	<p>Sensitive personal data includes, but is not limited to, racial or</p>	Note



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	<p>ethnic origin, health, political views, religious beliefs, sexual life, trade union membership etc. For guidance, see the Information Commissioner's website. In the main, WAND UK's organisational activities should not require the processing of sensitive information.</p> <p>Sensitive data may only be collected with explicit consent.</p>	B
Statistical Data or Anonymised Data	<p>Statistical data (or anonymised data) is where the identity of an individual has been removed such that processing beyond that described in the "purpose for use" may occur. Care should still be taken when processing statistical data because WAND UK may still contain the source data, and therefore may retain the capability to subsequently identify the individuals from the anonymised data.</p>	



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DATA PROTECTION POLICY - APPENDIX A : Data Protection Compliance Checklist

The checklist should be used to plan the storage, collection or processing of “personal data” when a business process is being defined or modified. It may also be used to self assess data protection compliance.

The 16 questions are designed to guide WAND Staff and volunteers so that WAND UK complies with UK legislation. Note highlighted extra considerations that refer to the Definitions in the Data Protection policy & guidelines.

The completed checklist should be returned to WAND UK Data Protection Officer.

1.	Your name?		
2.	What personal data is to be stored/collected?		See Note A
3.	Who will be responsible for the collection, safe storage, and maintenance of the personal data?		
4.	Is the data classed as “sensitive data”?		If yes, see Note B
5.	Which stakeholder group does the data subject belong to? State if Member, Non-member, Customer etc. State if the data subject is a minor.		
6.	Why is this personal data store required?		
7.	Is this purpose in line with WAND UK’s data protection notification; charity status and ethics?		If no, see Note C
8.	Does the purpose include any form of marketing?		If yes, refer to Direct Marketing Policy
9.	How will consent to the processing of personal data be obtained? State if it is implied consent or whether explicit consent will be required and how obtained.		See Note D
10.	What is the strategy for collecting, maintaining (the accuracy) and deleting the personal data? Name the processes to be used and owner of the process.		
11.	What are the risks to the individual or WAND should the information be inaccurate when processed?		Damage may result in a claim for compensation
12.	What is the retention & review period? How long should the data be kept? How often should it be reviewed?		
13.	How will the information be held & how will it be protected?		Refer to Appendix B



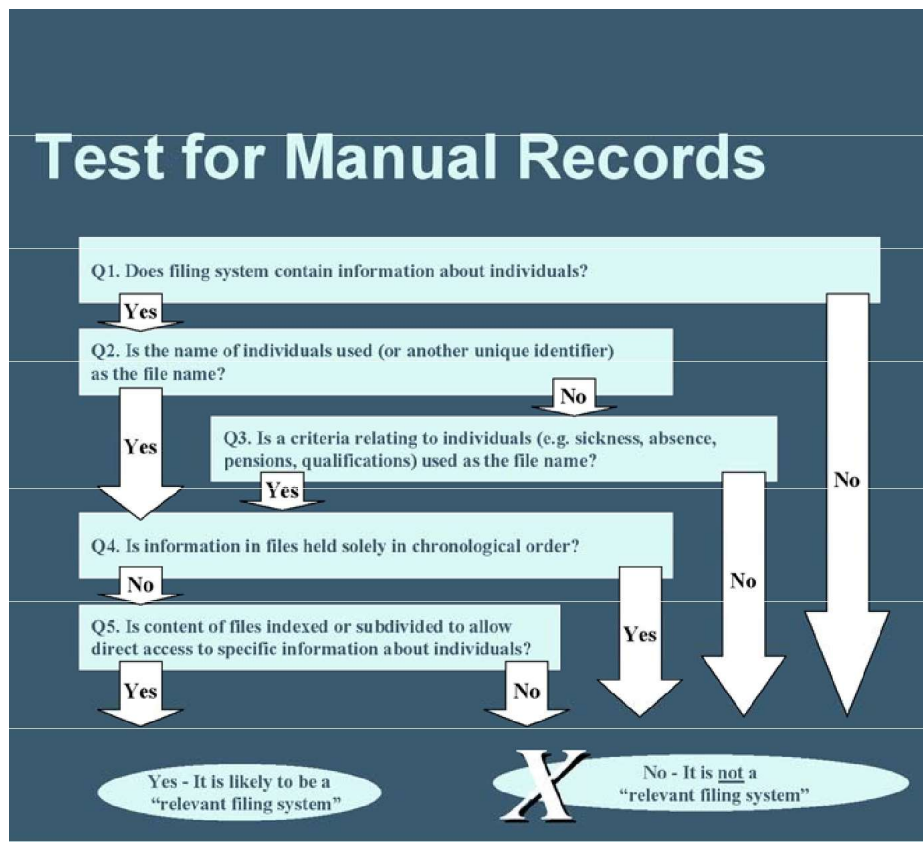
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	This applies to both electronic and hardcopy format.		test for manual filing systems.
14.	Where will the information be held? Name the electronic location (i.e. database, system) and the physical location (i.e. country, organisation).		Refer to Confidentiality Policy if not UK
15.	Who will have access? State if non-IET Staff and volunteers or 3 rd parties.		
16.	How will the information be disclosed in the event of a Subject Access Request?		

If there is any doubt about answering these questions, Staff and volunteers should seek advice from WAND UK Data Protection Focal Point.



DATA PROTECTION POLICY – APPENDIX B : Test For Manual Filing Systems



Example: John Smith is your employee. He requests details of leave he has taken in last 6 months. You have a collection of personnel files.

- If there is a file entitled "leave" containing alphabetical dividers, a temp would have no difficulty finding leave record of John Smith behind the "S" divider. This is a "relevant filing system" and subject to the Act.
- If there is a file entitled "John Smith" which is sub divided into categories such as "contact details", "sickness", "pension", "leave" etc. the temp would have no difficulty in finding the leave record of John smith. This a "relevant filing system" and subject to the Act.
- If there is a file entitled "John Smith" in a system that only contains the leave record of employees, with leave recorded on standard forms filed in date order within respective files for each employee, the temp would have no difficulty in finding the record of John Smith's leave. This is a "relevant filing system" and subject to the Act.
- If there is a file entitled "John Smith" but there is no subdivision of it's contents, documents are randomly dropped into the file or are filed in chronological order regardless of subject matter, the temp would have to leaf through the file contents to obtain the information required. In this case the file is not a "relevant filing system" and not subject to the Act.



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e) If there is a file entitled "John Smith" with sub dividers that classify the contents of the file in a vague or ambiguous way (such as "correspondence", "comments", "miscellaneous") established members of staff only know through experience and knowledge of their particular practice and custom of filing that, for example, leave details are recorded on the back of a report that is filed in the "miscellaneous" section. A Temp would have to leaf through the entire file contents to obtain the information because it is not clear from the structure of the file or from any operating manual where the relevant information will be held. Again, in this case the file is not a "relevant filing system" and not subject to the Act.

For more information see [The Durant Case & its Impact on the Interpretation of the Data Protection Act 1988](#)