



# THE ISLE OF GIGHA HERITAGE TRUST

## General Data Protection Regulation Policy

Author signature

Date

24/05/2021

Chair of IGHT Board signature

Date

24/05/2021

### Revision History

Version	Section	Page	Detail Amended	Amended By	Date
1	All	All	New policy for GDPR compliance	S Bannatyne	April 2020
2	Introduction	3	EU Legislation disclaimer added	S Bannatyne	May 2021

## Contents

- i. Introduction
- ii. Data Protection Principles
- iii. Personal data that we process
- iv. How we collect your personal data
- v. How we use your personal data
- vi. Purposes for which we process your personal data
- vii. Transfers to third parties
- viii. Who has access to your data?
- ix. Data Security
- x. Data Retention
- xi. Rights of access, correction, erasure and restriction
- xii. Right to withdraw consent
- xiii. Website and Cookies
- xiv. Identity and Contact details for the controller
- xv. Appendix A: Examples of the 6 legal bases

## **i. INTRODUCTION**

The Isle of Gigha Heritage Trust and subsidiary companies Gigha Trading Ltd, Gigha Renewable Energy Ltd and Gigha Green Power Ltd (“we” or “us”) take the privacy and security of personal data very seriously.

In this policy, we set out how we collect and use personal data before, during and after your relationship with us, in accordance with the General Data Protection Regulation 2018 (GDPR).

We may update this policy at any time, and we may provide you with additional privacy policies where applicable.

You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues.

**NB:** The UK is no longer a member of the European Union. EU legislation as it applied to the UK on 31 December 2020 is now a part of UK domestic legislation, under the control of the UK’s Parliaments and Assemblies, and is published on [legislation.gov.uk](http://legislation.gov.uk). EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 has been retained in UK law as a form of domestic legislation known as ‘retained EU legislation’, therefore all references to EU legislation throughout all IGHT policies will remain applicable.

## **ii. DATA PROTECTION PRINCIPLES**

We will comply with data protection law including the 6 principles of GDPR which are:

1. To process your personal data lawfully, fairly and in a transparent way.
2. To collect your personal data only for valid purposes that we have advised you about and to not use your personal data in any way that is incompatible with those purposes (unless we have notified you and explained the lawful ground that allows us to do so).
3. To only process your personal data to the extent necessary for the purposes we have advised you about.
4. To keep your personal data accurate and kept up to date.
5. To keep your personal data only if necessary for the purposes we have told you about.
6. To keep your personal data secure.

## **iii. PERSONAL DATA THAT WE PROCESS**

Personal data means any information about an individual from which that person can be identified. It does not include anonymous data where the identity has been removed.

We will collect, store, and use the following categories of personal data about you:

- Name, title, address, telephone number, personal email address, address confirmation, confirmation of electoral roll registration.

#### **iv. HOW WE COLLECT YOUR PERSONAL DATA**

Personal data is collected through registration under the following categories: Isle of Gigha Heritage Trust Membership; director registrations; Homehunt Gigha; Tenancy agreements; employee contracts; holiday cottage bookings; Gift Aid donations; moorings and pontoon registrations.

#### **v. HOW WE USE YOUR PERSONAL DATA**

We will only use personal data with the 6 legal bases stated in the GDPR:

- 1) The data subject has given consent to the processing.
- 2) Processing is necessary for performance of a contract between the two parties.
- 3) Processing is necessary for compliance with a legal obligation.
- 4) Processing is necessary to protect the data subject's vital interests.
- 5) Processing is necessary in order to protect a public interest or exercise official authority.
- 6) Processing is necessary for the purpose of legitimate interests, so long as fundamental rights and freedoms aren't infringed.

Please refer to Appendix A to view examples of the 6 legal bases.

#### **vi. PURPOSES FOR WHICH WE PROCESS YOUR PERSONAL DATA**

We will only process your personal data if we have a lawful ground for processing such data. Most commonly, we will use your personal information in the following circumstances:

1. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
2. Where we need to assess and analyse information to help improve the operation of, and manage the performance of, our business.
3. Where we have a responsibility to prevent, detect and prosecute fraud and other crimes.

IGHT and its subsidiary companies **do not** carry out the following:

- Direct marketing using personal data
- Obtain sensitive data
- Share personal data with other agencies unless this is required under the one of the 6 legal bases listed in the GDPR

#### **vii. TRANSFERS TO THIRD PARTIES**

We may have to share your personal data with third parties, including third-party service providers for example because it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Third party providers may carry out the following services: IT support; insurance services;

financial services; payroll services; confidential waste disposal services; legal services;

Government agencies e.g. HMRC, Health and Safety Executive; online travel agents (holiday cottage bookings).

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We require third parties to respect the security of your data and to treat it in accordance with the law. They must act only in accordance with our instructions and they agree to keep your personal data confidential and secure.

#### **viii. WHO HAS ACCESS TO YOUR DATA?**

Directors and employees of The Isle of Gigha Heritage Trust and its subsidiary companies, where appropriate, have access to your data, as do third party service providers.

#### **ix. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

#### **x. DATA RETENTION**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

#### **xi. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

It is important that the personal data we hold about you is accurate and up to date. Please keep us informed if your personal information changes.

Under GDPR you have the:

- **Right to be Informed** about the collection and use of personal data, the purpose for processing, retention periods and who the data will be shared with.
- **Right of access** to your personal information (commonly known as a “data subject

access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- **Right to correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Right to erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Right to object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Right to request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Right to request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please telephone 01583 505390 or email [office@gigha.org.uk](mailto:office@gigha.org.uk).

You will not have to pay a fee to access your personal data or to exercise any of the other rights under data protection laws. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

You have the right to lodge a complaint to the **Information Commissioners’ Office** if you believe that we have not complied with the requirements of the GDPR or Data Protection Act 2018 with regard to your Personal Data.

## **xii. RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please telephone 01583 505390 or email [office@gigha.org.uk](mailto:office@gigha.org.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **xiii. WEBSITE AND COOKIES**

The Isle of Gigha website managed by the Isle of Gigha Heritage Trust uses Cookies. A 'Cookie' is a small text file that is downloaded onto 'terminal equipment' (e.g. a computer or smartphone) when the user accesses a website. It allows the website to recognise that user's device and store some information about the user's preferences or past actions.

The following statement is displayed when viewing the website for the first time to notify the user that Cookies is in use: 'We use cookies to ensure you get the best possible experience on this website'. (This statement will appear periodically thereafter.) There is also an option to 'learn more' about Cookies which opens a new page explaining how to disable Cookies. If the user wishes to consent to Cookies, the user clicks on the 'accept' option. Clicking on the 'accept' option demonstrates a clear affirmative action that the user is consenting to Cookies.

A Privacy Notice is available to users of the website [www.gigha.org.uk](http://www.gigha.org.uk)

### **xiv. IDENTITY AND CONTACT DETAILS FOR THE DATA CONTROLLER**

The Isle of Gigha Heritage Trust is the controller of data for the purposes of the General Data Protection Regulation 2018 and Data Protection Act 2018.

The Isle of Gigha Heritage Trust is registered with the Information Commissioner's Office, the UK supervisory authority for data protection issues:

Registration number ZA639539.

If you have any concerns as to how your data is processed, you can contact the IGHT office on 01583 505390 or email [office@gigha.org.uk](mailto:office@gigha.org.uk).

#### **Contact details for ICO:**

The Information Commissioner's Office – Scotland

45 Melville Street

Edinburgh

EH3 7HL

Telephone: 0303 123 1115

Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

Website: <https://ico.org.uk>

**xv. Appendix A – Examples of the 6 Legal Bases**

- 1) The data subject has given consent to the processing.

*Example: Company Z asks you if you would like to receive a newsletter by email from their partner company, Company Y. This is entirely optional but you decide that you do want to receive Company Y's newsletter, so you tick the box provided on their consent form. The lawful basis being used in this instance is consent.*

- 2) Processing is necessary for performance of a contract between the two parties.

*Example: You wish to become a member of IGHT. This requires you to provide your name, address, confirmation of address and confirmation of electoral roll registration. Using your details for this reason is necessary to fulfil the contract, therefore using the contract lawful basis.*

- 3) Processing is necessary for compliance with a legal obligation.

*Example: As an employer, IGHT discloses personal data to HMRC. This is a legal obligation.*

- 4) Processing is necessary to protect the data subject's vital interests.

*Example: If you were involved in a serious accident, information about you can be passed to the emergency services in order to protect your life, therefore this basis uses vital interests.*

- 5) Processing is necessary in order to protect a public interest or exercise official authority.

*Example: HMRC has an obligation to use personal data for tax purposes and so uses the public interest lawful basis to do this.*

- 6) Processing is necessary for the purpose of legitimate interests, so long as fundamental rights and freedoms aren't infringed.

*Example: A relative is asked by their employer for an emergency contact and they have given your details to the employer. As your contact details will only be accessed in an actual emergency and the impact of holding those details is very low, the employer can use legitimate interests to process your details.*