

# Charitable Trustees' privacy notice

## 10 May 2018

### 1. THE PURPOSE OF THIS DOCUMENT

The trustees are committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the relevant data protection rules.

It applies to trustees, settlors and other interested parties.

Name of trust: Bill Brown 1989 Charitable Trust

Names of trustees: Graham Stephen Brown and Anthony John Barnett

Name of representative trustee: Graham Stephen Brown

Address of trustees: care of Payne Hicks Beach (a firm of solicitors authorised by the Solicitors Regulation Authority - SRA number 059098), 10 New Square, Lincoln's Inn, London WC2A 3QG

The trustees are "data controllers". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to all trustees, settlors and other interested parties. It does not form part of any contract or trust document. We may update this notice at any time and a copy should be drawn to the attention of any person for whom it may be relevant.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### 2. DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

- a) Used lawfully, fairly and in a transparent way.
- b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- c) Relevant to the purposes we have told you about and limited only to those purposes.
- d) Accurate and kept up to date.
- e) Kept only as long as necessary for the purposes we have told you about.
- f) Kept securely.

### 3. THE KIND OF INFORMATION WE HOLD ABOUT YOU

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

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will always collect, store, and use some or all of the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses, date of birth, gender, marital status and dependants, family information, National Insurance number, tax information, nationality and immigration status.

It may also be necessary for us to collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions, trade union membership, information about your health, including any medical conditions, genetic information and biometric data, and information about criminal convictions and offences.

We may need to obtain additional documents and information such as the following:

- Identity information such as driving licence or passport details, bank account details, and financial details so far as they are relevant.

#### **4. HOW PERSONAL INFORMATION IS COLLECTED**

We typically collect personal information about you as required to administer the trust. We also collect information from and about third parties. In particular, we may collect information:

- a) From publicly accessible sources such as Companies House or HM Land Registry.
- b) From third parties such as:
  - Investment managers.
  - Accountants.
  - Land agents.
  - Banks or building societies, other financial institutions or advisors.
  - Consultants and other professionals we may engage in relation to a matter.

#### **5. HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- a) Where we need to comply with a legal obligation.
- b) 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.

We may also use your personal information in the following situations, which are likely to be rare:

- a) Where we need to protect your interests (or someone else’s interests).
- b) Where it is needed in the public interest.

#### **Situations in which we will use your personal information**

Some or all of the categories of information in section 3 above are required primarily to allow us to perform our duties as trustees and to enable us to comply with legal obligations.

The situations in which we anticipate we will process personal information are listed below. For general guidance, we have set out the likely situations in which personal information will be processed, the

categories of data involved and the lawful bases on which processing will take place.

Situation	Data category	Lawful processing basis
<p>Processing data belonging to trustees, settlors, suppliers and other interested parties for the purpose of administering the trust:</p> <ul style="list-style-type: none"> <li>• When preparing the annual report and accounts;</li> <li>• corresponding with trustees about distributions and accounts;</li> <li>• when filing information with the Charity Commission as required;</li> <li>• checking that names and addresses are up to date;</li> <li>• corresponding with the investment manager regarding the charity's portfolio;</li> <li>• when researching potential donee charities to consider whether to make a grant to them; and</li> <li>• Complying with legal obligations.</li> </ul>	<p>Basic personal contact details such as name, title, addresses, telephone numbers, and personal email addresses</p> <p>Date of birth</p> <p>Gender</p> <p>Family details such as marital status and details of dependants</p> <p>National Insurance number</p> <p>Bank account details</p> <p>Tax, employment and pension details and records</p> <p>Copies of and information from identification documents such as passport and driving licence and utility bills</p> <p>Details from personal or professional online presence</p>	<p>i) To pursue our legitimate interest in administering the trust</p> <p>ii) To allow us to comply with our statutory reporting obligations.</p>
	<p>"Special categories" of personal data such as information revealing health conditions</p>	<p>i) Explicit consent</p> <p>ii) Necessary for the establishment, exercise or defence of legal claims</p>
	<p>Information about criminal convictions and offences</p>	<p>i) Explicit consent</p> <p>ii) Necessary for the establishment, exercise or defence of legal claims</p>

### If you do not provide personal information

If you do not provide certain information when requested, we may not be able to perform our duties as trustees, or we may be prevented from complying with our legal obligations (such as reporting to HM Revenue & Customs).

## **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- a) In limited circumstances, with your explicit written consent.
- b) Where we need to carry out our legal obligations and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific legal rights. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

## **7. INFORMATION ABOUT CRIMINAL CONVICTIONS**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not envisage that we will hold information about criminal convictions of relevant data subjects, but if we do, we will ensure that the strict rules governing this are met.

We will only collect information about criminal convictions if it is appropriate given the circumstances and where we are legally able to do so. We may be notified of such information directly by you or by other people.

## 8. AUTOMATED DECISION-MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- a) Where we have notified you of the decision and given you 21 days to request a re-consideration.
- b) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

We do not envisage that any decisions will be taken about you using automated means. However, we will notify you in writing if this position changes. In any event, you will not be subject to decisions that have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## 9. DATA SHARING

We may have to share your data with third parties, including third party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We may share your personal information with third parties where required by law or where we have another legitimate reason for doing so.

### **Which third party service providers process my personal information?**

Our third party service providers change from time to time and we can let you have details of parties who are processing your data at any given time upon request. We routinely share personal data with:

- Professional advisers (such as barristers, accountants, tax advisors, investment managers or other experts).
- Other third parties where necessary (such as Companies House, mortgage providers or HM Land Registry).

We only allow our service providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers relating to ensure they can only use your personal data to provide services to us and to you.

We may disclose and exchange information with law enforcement agencies and regulatory bodies if required.

We may also need to share some personal data with other parties, such as potential new trustees. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.

### **How secure is my information with third party service providers?**

All of our third party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **Transferring information outside the EU**

On occasion, it may be necessary to transfer the personal information we collect about you to countries outside the European Economic Area. Should it become necessary to do so, we may need to ensure that there is an adequacy decision by the European Commission in respect of the relevant country or countries (meaning that the country or countries were deemed to provide an adequate level of protection for your personal information) or put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection.

## **10. DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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. In addition, we limit access to your personal information to those agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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.

## **11. DATA RETENTION**

### **How long will you use my information for?**

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. Our Data Retention Guidelines are to retain information for 7 years following the termination of the trust.

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.

For the purposes of administering the trust, we will retain personal data belonging to you in physical and electronic form for the period set out in our Data Retention Guidelines and/or correspondence. Thereafter, it will be destroyed/deleted save for some basic information, which will usually include your name and address. We will in any event retain information so that we can:

- Respond to any questions.
- Demonstrate that we treated people fairly.
- Keep records required by the law.

Upon the expiry of any retention period, data will be deleted or destroyed without further notice. We will not, of course, destroy any items which we have been asked to return or deposit in safe custody.

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

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- Request 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.
- Request 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.
- Request the 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 stop processing personal information where we are relying on a legitimate interest and there is something about your particular situation which makes you want to object to processing on this ground.
- 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.
- Request the transfer of your personal information to another party.

This is not a comprehensive list of your rights and further information is available from the Information Commissioner's Office, whose contact details are set out below. You are also entitled to discuss your rights with an independent solicitor.

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 contact us in writing.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). 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.

### **What we may need from you**

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.

## **13. 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 contact us. 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.

#### **14. FURTHER INFORMATION**

Please contact us if you have any questions about this privacy notice or how we handle your personal information. 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.

You can obtain further information about your rights from a solicitor or from the ICO. You have the right to complain to the ICO (telephone 0303 123 1113 or email [casework@ico.org.uk](mailto:casework@ico.org.uk)) about the way in which your personal data is processed.

#### **15. CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.