



**GENERAL DATA
PROTECTION REGULATION
POLICY**

REVIEWED SEPTEMBER 2022



1. Introduction

Dame Kelly Holmes Trust is committed to protecting the rights of individuals to privacy with regards to the processing of personal data.

This Policy sets out the obligations of regarding data protection and the rights of data subjects, be they employees, customers, business contacts, public, etc..., in respect of their personal data under the General Data Protection Regulation.

The Regulation defines “personal data” as any information relating to an identified or identifiable natural person - a data subject. One who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein shall be followed at all times by Dame Kelly Holmes Trust, its employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust.

Dame Kelly Holmes Trust is committed to and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom we deal.

2. The Data Protection Principles

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data shall comply.

2.1 Lawful, fair and transparent data processing

Dame Kelly Holmes Trust shall only process personal data if at least one of the following conditions (2.1.1 to 2.1.6) apply:

- 2.1.1** the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- 2.1.2** processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract.
- 2.1.3** processing is necessary for compliance with a legal obligation to which the controller is subject.
- 2.1.4** processing is necessary to protect the vital interests of the data subject or of another natural person.
- 2.1.5** 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.
- 2.1.6** processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

2.2 Processed for specified, explicit, and legitimate purposes

Dame Kelly Holmes Trust collects and processes the personal data set out in section 5 of this Policy. This may include personal data received directly from data subjects (for example, contact details used when a data subject communicates with us) and data received from third parties (a client passes on personal data). Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.



2.3 Adequate, relevant and limited data processing

Dame Kelly Holmes Trust will only collect and process personal data for and to the extent necessary for the specific purpose(s) informed to data subjects as under section 2.2, above.

2.4 Accuracy of data and keeping data up to date

Dame Kelly Holmes Trust shall ensure that all personal data collected and processed is kept accurate and up to date. The accuracy of data shall be checked when it is collected and at regular intervals thereafter, which shall not exceed one year. Where any inaccurate or out-of-date data is found, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

2.5 Timely Processing

Dame Kelly Holmes Trust shall not keep personal data for any longer than is necessary for the purposes for which the personal data was originally collected and processed. When the data is no longer required, all reasonable steps will be taken to erase it without delay.

2.6 Secure processing

Dame Kelly Holmes Trust shall ensure that all personal data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. Further details of the data protection and organisational measures which shall be taken are provided in sections 6 and 7 of this Policy.

2.7 Accountability

- Dame Kelly Holmes Trust person responsible for data protection is the Data Protection Officer, dataprotectionofficer@damekellyholmestrust.org.
- Dame Kelly Holmes Trust shall keep written internal records of all personal data collection, holding, and processing, which shall incorporate the following information:
- The name and details of Dame Kelly Holmes Trust, the person with responsibility for data protection, and any applicable third-party data controllers.
- The purposes for which Dame Kelly Holmes Trust processes personal data.
- Details of the categories of personal data collected, held, and processed by Dame Kelly Holmes Trust; and the categories of data subject to which that personal data relates.
- Details (and categories) of any third parties that will receive personal data from Dame Kelly Holmes Trust].
- Details of any transfers of personal data to non-EEA countries including all mechanisms and security safeguards.
- Details of how long personal data will be retained by Dame Kelly Holmes Trust.
- Detailed descriptions of all technical and organisational measures taken by Dame Kelly Holmes Trust to ensure the security of personal data.

3. Data Protection Impact Assessments

Dame Kelly Holmes Trust shall carry out Data Protection Impact Assessments when and as required under the Regulation, they shall be overseen by the person responsible for data protection and shall address the following areas of importance:

- The purpose for which personal data is being processed and the processing operations to be carried out on that data.
- Details of the legitimate interests being pursued by Dame Kelly Holmes Trust.
- An assessment of the necessity and proportionality of the data processing with respect to the purpose for which it is being processed.
- An assessment of the risks posed to individual data subjects.



- Details of the measures in place to minimise and handle risks including safeguards, data security, and other measures and mechanisms to ensure the protection of personal data, sufficient to demonstrate compliance with the Regulation.

4. The Rights of Data Subjects

The Regulation sets out the following rights applicable to data subjects.

4.1 The right to be informed

Dame Kelly Holmes Trust shall ensure that the following information is provided to every data subject when personal data is collected:

- Details of Dame Kelly Holmes Trust including, but not limited to, the identity of the person responsible for data protection, section 2.7.1.
- The purpose for which the personal data is being collected and will be processed as detailed in section 5 of this Policy and the legal basis justifying that collection and processing.
- Where applicable, the legitimate interests upon which Dame Kelly Holmes Trust is justifying its collection and processing of the personal data.
- Where the personal data is not obtained directly from the data subject, the categories of personal data collected and processed.
- Where the personal data is to be transferred to one or more third parties, details of those parties.
- Where the personal data is to be transferred to a third party that is located outside of the European Economic Area (the “EEA”), details of that transfer, including but not limited to the safeguards in place (see section 8 of this Policy for further details concerning such third country data transfers).
- Details of the length of time the personal data will be held by Dame Kelly Holmes Trust or, where there is no predetermined period, details of how that length of time will be determined.
- Details of the data subject’s rights under the Regulation.
- Details of the data subject’s right to withdraw their consent to Dame Kelly Holmes Trust processing of their personal data at any time.
- Details of the data subject’s right to complain to the Information Commissioner’s Office
- Where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it.
- Details of any automated decision-making that will take place using the personal data (including but not limited to profiling), including information on how decisions will be made, the significance of those decisions and any consequences.

4.1.1 The information set out above in Section 4.1. shall be provided to the data subject at the following applicable time:

4.1.1.1 Where the personal data is obtained from the data subject directly, at the time of collection.

4.1.1.2 Where the personal data is not obtained from the data subject directly (i.e., from another party):

- If the personal data is used to communicate with the data subject, at the time of the first communication.
- If the personal data is to be disclosed to another party before the personal data is disclosed.
- In any event, not more than one month after the time at which Dame Kelly Holmes Trust obtains the personal data.

4.2 Data Subject Access

4.2.1 A data subject may make a subject access request (“SAR”) at any time to find out more about the personal data which Dame Kelly Holmes Trust holds about them. Dame Kelly Holmes Trust is normally required to respond to SARs within one month of receipt (this can be extended by up to two months in the case of complex and/or numerous requests, and in such cases the data subject shall be informed of the need for the extension).

4.2.2 All subject access requests received shall be forwarded to the person responsible for data protection.



- 4.2.3 Dame Kelly Holmes Trust does not charge a fee for the handling of normal SARs. Dame Kelly Holmes Trust reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

4.3 Rectification of Personal Data

- 4.3.1 If a data subject informs Dame Kelly Holmes Trust that personal data held by Dame Kelly Holmes Trust is inaccurate or incomplete, requesting that it be rectified, the personal data in question shall be rectified, and the data subject informed of that rectification. This shall be completed within one month of receipt of the data subject's notice; this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension.
- 4.3.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification of that personal data.

4.4 Erasure of Personal Data

- 4.4.1 Data subjects may request that Dame Kelly Holmes Trust erases the personal data it holds about them in the following circumstances:
- It is no longer necessary for Dame Kelly Holmes Trust to hold that personal data with respect to the purpose for which it was originally collected or processed.
 - The data subject wishes to withdraw their consent to Dame Kelly Holmes Trust holding and processing their personal data.
 - The data subject objects to Dame Kelly Holmes Trust holding and processing their personal data (and there is no overriding legitimate interest to allow Dame Kelly Holmes Trust to continue doing so, see section 4 of this Policy for further details concerning data subjects' rights to object).
 - The personal data has been processed unlawfully.
 - The personal data needs to be erased in order for Dame Kelly Holmes Trust to comply with a particular legal obligation.
 - The personal data is being held and processed for the purpose of providing information society services to a child.
- 4.4.2 Unless Dame Kelly Holmes Trust has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request; this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension.
- 4.4.3 In the event that any personal data that is to be erased in response to a data subject request has been disclosed to third parties, those parties shall be informed of the erasure unless it is impossible or would require disproportionate effort to do so.

4.5 Restriction of Personal Data Processing

- 4.5.1 Data subjects may request that Dame Kelly Holmes Trust ceases processing the personal data it holds about them. If a data subject makes such a request, Dame Kelly Holmes Trust shall retain only the amount of personal data pertaining to that data subject that is necessary to ensure that no further processing of their personal data takes place.
- 4.5.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

4.6 Data Portability

- 4.6.1 Dame Kelly Holmes Trust processes personal data using automated means.
- 4.6.2 Where data subjects have given their consent to Dame Kelly Holmes Trust to process their personal data in such a manner or the processing is otherwise required for the performance of a contract



between Dame Kelly Holmes Trust and the data subject, data subjects have the legal right under the Regulation to receive a copy of their personal data and to use it for other purposes (namely transmitting it to other data controllers, e.g., other organisations).

4.6.3 To facilitate the right of data portability, Dame Kelly Holmes Trust shall make available all applicable personal data to data subjects in the following format[s]:

- Electronic
- Paper form.

4.6.4 Where technically feasible, if requested by a data subject, personal data shall be sent directly to another data controller.

4.6.5 All requests for copies of personal data shall be complied with within one month of the data subject's request, this can be extended by up to two months in the case of complex requests in the case of complex or numerous requests, and in such cases the data subject shall be informed of the need for the extension.

4.7 Objections to Personal Data Processing

4.7.1 Data subjects have the right to object to Dame Kelly Holmes Trust processing their personal data based on legitimate interests including profiling, direct marketing including profiling, and processing for scientific and/or historical research and statistics purposes.

4.7.2 Where a data subject objects to Dame Kelly Holmes Trust processing their personal data based on its legitimate interests, Dame Kelly Holmes Trust shall cease such processing, unless it can be demonstrated that Dame Kelly Holmes Trust legitimate grounds for such processing override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.

4.7.3 Where a data subject objects to Dame Kelly Holmes Trust processing their personal data for direct marketing purposes, Dame Kelly Holmes Trust shall cease such processing forthwith.

4.7.4 Where a data subject objects to Dame Kelly Holmes Trust processing their personal data for scientific and/or historical research and statistics purposes, the data subject shall, under the Regulation, 'demonstrate grounds relating to his or her particular situation'. Dame Kelly Holmes Trust is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

4.8 Automated Decision-Making

4.8.1 In the event that Dame Kelly Holmes Trust uses personal data for the purposes of automated decision-making and those decisions have a legal (or similarly significant effect) on data subjects, data subjects have the right to challenge to such decisions under the Regulation, requesting human intervention, expressing their own point of view, and obtaining an explanation of the decision from Dame Kelly Holmes Trust.

4.8.2 The right described in section 4.8.1 does not apply in the following circumstances:

- The decision is necessary for the entry into, or performance of, a contract between Dame Kelly Holmes Trust and the data subject.
- The decision is authorised by law.
- The data subject has given their explicit consent.

4.9 Profiling

4.9.1 Where Dame Kelly Holmes Trust uses personal data for profiling purposes, the following shall apply:

- Clear information explaining the profiling will be provided, including its significance and the likely consequences.
- Appropriate mathematical or statistical procedures will be used.
- Technical and organisational measures necessary to minimise the risk of errors and to enable such errors to be easily corrected shall be implemented.



- All personal data processed for profiling purposes shall be secured in order to prevent discriminatory effects arising out of profiling (see sections 5 and 6 of this Policy for more details on data security).

5. Personal Data

- The personal data which may be collected, held, and processed by Dame Kelly Holmes Trust is located in the DPIA record and includes a brief description of the reason that the data is collected, held, and processed.

6. Data Protection Measures

6.1 Dame Kelly Holmes Trust shall ensure that all its employees, agents, contractors, or other parties working on its behalf comply with the following when working with personal data:

- All emails containing personal data shall be encrypted where possible, at rest and transit.
- Where any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it should be securely deleted and disposed of. Hardcopies should be shredded, and electronic copies should be deleted securely.
- Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances.
- Personal data may not be transmitted over a wireless network if there is a wired alternative that is reasonably practicable.
- Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself should be deleted. All temporary files associated therewith should also be deleted;
- Where Personal data is to be transferred in hardcopy form it should be passed directly to the recipient [or sent using delivery service and type of delivery].
- No personal data may be shared informally and if an employee, agent, sub-contractor, or other party working on behalf of Dame Kelly Holmes Trust requires access to any personal data that they do not already have access to, such access should be formally requested to the person responsible for Data protection, Section 2.7.1.
- All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet or similar.
- No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of Dame Kelly Holmes Trust or not, without the authorisation of person responsible for Data protection, Section 2.7.1.
- Personal data shall be handled with care at all times and should not be left unattended or on view to unauthorised employees, agents, sub-contractors or other parties at any time.
- If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user shall lock the computer and screen before leaving it.
- No personal data should be stored on any mobile device (including, but not limited to, laptops, tablets and smartphones), whether such device belongs to Dame Kelly Holmes Trust or otherwise without the formal written approval of the person responsible for Data protection, Section 2.7.1. and, in the event of such approval, strictly in accordance with all instructions and limitations described at the time the approval is given, and for no longer than is absolutely necessary.
- No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust where the party in question has agreed to comply fully with the letter and spirit of this Policy and of the Regulation which may include demonstrating to Dame Kelly Holmes Trust that all suitable technical and organisational measures have been taken;
- All personal data stored electronically should be backed up with backups stored offsite. All backups should be encrypted.
- All electronic copies of personal data should be stored securely using passwords and data encryption.



- All passwords used to protect personal data should be changed in line with the password policy and should not use words or phrases that can be easily guessed or otherwise compromised. All passwords shall contain a combination of uppercase and lowercase letters, numbers, and symbols.
- Under no circumstances should any passwords be written down or shared between any employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust, irrespective of seniority or department. If a password is forgotten, it shall be reset using the applicable method. IT staff do not have access to passwords.
- Where personal data held by Dame Kelly Holmes Trust is used for marketing purposes, it shall be the responsibility of the person responsible for Data protection, Section 2.7.1. to ensure that a 'do not contact' list is maintained for all data subjects, and any new details acquired are checked against this.

7. Organisational Measures

Dame Kelly Holmes Trust shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- All employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust shall be made fully aware of both their individual responsibilities and Dame Kelly Holmes Trust responsibilities under the Regulation and under this Policy and shall be provided with a copy of this Policy.
- Only employees, agents, sub-contractors, or other parties working on behalf of Dame Kelly Holmes Trust that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by Dame Kelly Holmes Trust.
- All employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust handling personal data will be appropriately trained to do so.
- All employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust handling personal data will be appropriately supervised.
- Methods of collecting, holding and processing personal data shall be regularly evaluated and reviewed.
- The performance of those employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust handling personal data shall be regularly evaluated and reviewed.
- All employees, agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust handling personal data will be bound to do so in accordance with the principles of the Regulation and this Policy by contract.
- All agents, contractors, or other parties working on behalf of Dame Kelly Holmes Trust handling personal data shall ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of Dame Kelly Holmes Trust arising out of this Policy and the Regulation.

8. Transferring Personal Data to a Country Outside the EEA

8.1 Dame Kelly Holmes Trust may from time-to-time transfer ('transfer' includes making available remotely) personal data to countries outside of the EEA.

8.2 The transfer of personal data to a country outside of the EEA shall take place only if one or more of the following applies:

- The transfer is to a country, territory, or one or more specific sectors in that country (or an international organisation), that the European Commission has determined ensures an adequate level of protection for personal data;
- The transfer is to a country (or international organisation) which provides appropriate safeguards in the form of a legally binding agreement between public authorities or bodies; binding corporate rules; standard data protection clauses adopted by the European Commission; compliance with an approved code of conduct approved by a supervisory authority (e.g. the Information Commissioner's Office); certification under an approved certification mechanism (as provided for in the Regulation);



contractual clauses agreed and authorised by the competent supervisory authority; or provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority;

- The transfer is made with the informed consent of the relevant data subjects.
- The transfer is necessary for the performance of a contract between the data subject and Dame Kelly Holmes Trust or for pre-contractual steps taken at the request of the data subject).
- The transfer is necessary for important public interest reasons.
- The transfer is necessary for the conduct of legal claims.
- The transfer is necessary to protect the vital interests of the data subject or other individuals where the data subject is physically or legally unable to give their consent.
- The transfer is made from a register that, under UK or EU law, is intended to provide information to the public and which is open for access by the public in general or otherwise to those who are able to show a legitimate interest in accessing the register.

9. Data Breach Notification

9.1 All personal data breaches shall be reported immediately to Dame Kelly Holmes Trust's person responsible for Data protection, Section 2.7.1.

9.2 If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the person responsible for data protection shall ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

9.3 In the event that a personal data breach is likely to result in a high risk (that is, a higher risk than that described under section 9.2) to the rights and freedoms of data subjects, the person responsible for data protection shall ensure that all affected data subjects are informed of the breach directly and without undue delay.

9.4 Data breach notifications shall include the following information:

- The categories and approximate number of data subjects concerned.
- The categories and approximate number of personal data records concerned.
- The name and contact details of the person responsible for data protection, at Dame Kelly Holmes Trust, as per Section 2.7.1
- The likely consequences of the breach.
- Details of the measures taken, or proposed to be taken, by Dame Kelly Holmes Trust to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

10. Implementation of Policy

This Policy shall be deemed effective as of 7th September 2022. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

Reviewed:	September 2022
Next Review Date:	September 2025