

## Community Groups and UK GDPR – Useful Information and FAQs

Please note this information is for guidance only, please refer to the [Information Commissioners Office Website](#) for further advice and information.

The UK General Data Protection Regulation, known as the UK GDPR, places accountability and responsibility on those who collect and process personal data - data Controllers and data Processors (see Appendix 1 for definitions) and gives individuals more control over how their data is collected, stored, used and how they're contacted.

This means organisations who collect and process personal data must comply with the UK GDPR.

This document outlines how the UK GDPR impacts upon the data you collect, store and process in the running of your Britain in Bloom, It's Your Neighbourhood or community gardening group.

The UK GDPR has six key Data Protection Principles (see Appendix 1) which must be followed by all organisations when processing personal data. The regulation also has an additional principle on Accountability- which requires Data Controllers (anyone who collects, stores or processes data) to demonstrate compliance with the 6 principles.

### **Lawful Processing of Data**

Everyone must have a lawful basis to collect, store and process personal data (please see Appendix 1 for the six lawful basis for processing under UK GDPR). It is likely that Bloom or IYN groups will rely on **Legitimate Interests or Consent**.

If you are relying on **Legitimate Interests** you should demonstrate compliance through the use of a **Legitimate Interests Assessment (LIA)**. This is a three-part test to assess whether you can rely on Legitimate Interests where you need to consider the following:

- Identify a legitimate interest;
- Show that the processing is necessary to achieve it; and
- Balance it against the individual's interests, rights and freedoms.

More information about LIA is on is available on the website of the [Information Commissioners Office](#) and a template to use for your LIA can be downloaded from the website [here](#).

You will likely need to rely on '**consent**' in order to-

- send marketing information to your volunteers;
- to share your volunteers' details with other third party organisations (any sharing with third parties must be specified in the privacy notice); or
- when you wish to take photographs of individuals.

The **consent** given must be freely given, specific, informed and unambiguous with a clear action for the person agreeing to the proposed processing. Where you are relying on consent, you must keep a record of the consent so that people wishing to withdraw their consent can easily do so.

If you collect consent for photography then you will need to retain a copy of that consent in a secure way.

## **Collecting volunteers' personal data and providing a Privacy Notice**

You should ensure you collect the minimum data you need for the purposes of people volunteering with your group and keeping them informed. You should also only use the data for the purpose it is collected for.

When collecting contact details for those who are interested in volunteering you must ensure that you inform them (via a written Privacy Notice) about:

- who you (the group) are
- the personal data you are collecting
- your purpose for collecting it
- the lawful basis you are relying on under UK GDPR
- what it will be used for
- who you will be sharing it with (e.g. RHS, other third parties)
- how long you will be storing it for
- who they can contact if they wish to exercise their rights under data protection.

A privacy statement should be provided on the signup sheet that you use to collect the volunteer data at an event/activity you should at the top include a statement such as: *By sharing my contact details with the RHS (Vincent Square in Bloom.) I am aware I will be contacted about future activities and events being run by Vincent Square in Bloom (RHS) which may include taking part in Vincent Square in Bloom (RHS) fundraising events and my data will be stored and processed in compliance with the General Data Protection Regulation. For further information please refer to our Privacy Notice.*

A template Privacy Notice is available at the end of this document.

## **Keeping personal data secure**

Personal data must be kept secure and protected from any unauthorised access/use, accidental loss, damage or destruction. For example, you should regularly change passwords for any email account you use for the purposes of your group.

The Information Commissioners Office (ICO) recommends that electronic held data is protected by use of encryption when storing and transferring it. Encryption protects information stored on computers, other portable devices and in transit from being hacked, stolen or compromised. There are a number of different encryption options available; such as fully encrypted laptops and computers, encrypted portable hard drives and encrypted USBs or other portable devices. If you have paper copies, they should be kept in a lockable cabinet in a secure location and shredded if disposed of. For more information please refer to the [ICO's IT Security Guidance](#).

You should limit access to the data you hold to only those who need it and you should never disclose or share personal or confidential data to any third party organisations or any person who is not authorised to access or process the information.

## **Communicating with volunteers**

When sending out communications you should ensure that all email addresses are blind carbon-copied so email addresses of others are not visible to the recipients. You should also give the volunteers the opportunity to opt-out or unsubscribe from receiving future emails.

## **Taking and using photos**

Images in which people can be identified are a form of personal data and are therefore covered under legislation. If you are taking photos you should always make people aware of this and provide them with an option to opt out. You can rely on legitimate Interest where photography or filming are taking place at a big event attended by large crowds within a public area where it would be impractical and disproportionate to obtain consent such as at a Britain in Bloom awards or a large volunteer gathering. In such cases, you must have clear signage displayed at the entrance and other points at the event about the photography/filming with summarised purposes of use, you should also include who people can contact/speak to if they do not want to be photographed/filmed. At smaller events, if possible you should try to obtain written consent from the individuals before you photograph or film them.

If you are taking photos of or filming those under the age of 16 you will need to get written consent from the parent or guardian holding parental responsibility for the child. Those aged 16 and over are able to provide their own consent.

The photo permission form should include the person's name, basic contact details, a description of the photo/event and outline in which types of media the photos may be used. These permissions need to be kept, either in a secure place or scanned in and ideally kept on an encrypted computer.

An example statement you could use on your form would be: *I am happy for these photographs/video to be used in any [insert name of group/Region/Nation] publicity, publications and communications including websites, all forms of media including social media, and press releases.* Where possible it is also a good idea to have opt-in tick boxes for each type of usage.

You should also ensure you store all photos securely, ideally on an encrypted computer or encrypted external hard drive.

## **Where can I find out more information about UK GDPR?**

The Office of the [Information Commissioner website](#) contains information about UK GDPR.

## Appendix 1

### UK GDPR- Data Protection Principles

**Article 5 of UK GDPR** - Sets out the six key principles at the heart of the general data protection regime:

**1. Lawfulness, fairness and transparency**

Transparency: Tell the individual what data processing will be done. Fair: What is processed must match up with how it has been described. Lawful: Processing must meet the processing conditions set out in UK GDPR.

**2. Purpose limitations**

Personal Data must only be obtained for “specified, explicit and legitimate purposes. Data can only be used for a specific processing purpose that the individual has been made aware of.

**3. Data minimisation**

Personal data collected on a data subject should be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.”

**4. Accuracy**

Personal data must be “accurate and where necessary kept up to date.”

**5. Storage limitations (Retention)**

Personal data is “kept in a form which permits identification of individuals for no longer than necessary”. Data which is no longer required should be removed.

**6. Integrity and confidentiality (Information Security)**

Personal data MUST be handled “in a manner [ensuring] appropriate security of the personal data including protection against unlawful processing or accidental loss, destruction or damage.”

There is also an additional principle of Accountability, this requires Data Controllers to demonstrate compliance with the six data protection principles.

**Article 13** – Sets out what information must be provided in the **Privacy Notice** where personal data are collected from the data subject:

- Details of who is collecting the data.
- How the data will be processed and the legal basis for processing.
- Confirming who the data will be shared with, e.g. from a Britain in Bloom Region/Nation to the RHS.

### Lawful basis of processing under UK GDPR

**Article 6 of UK GDPR**- Sets out the lawful basis for processing:

1. **Consent**- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. **Contract**- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

3. **Legal Obligation-** processing is necessary for compliance with a legal obligation to which the controller is subject;
4. **Vital Interests-** processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. **Public Task-** 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;
6. **Legitimate Interests-** 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 interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

## Appendix 2-

### TEMPLATE Community Group Privacy Notice

In this notice, whenever you see the words “we”, “us”, “our” it refers to [insert name of group]

The privacy and security of your personal information is extremely important to us. [insert name of group], collects, processes and use your personal information strictly in accordance with the UK Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR).

This privacy notice explains what personal information we collect about you and how it is used.

#### Who we are

[Insert name of group and details if incorporated or registered as a charity]

#### What personal information do we collect about you?

The personal information that we collect about you is used to help us manage and run [insert name of group].

We will only collect the information about you that we need.

Personal information that we collect includes

- full name
- postal address
- email address
- telephone number

#### When and how do we collect personal information about you?

We collect information about you when you register with us using our application form/online registration process/other [amend as applicable].

#### How will we use the personal information about you?

We will use the information you provide to send you information about [insert name of group] and information about what you will send to them].

#### Who we share your personal information with

We do not share your information or sell your information to any other organisations. [Please edit/amend/add to as relevant].

#### How we store your information

[Insert here how you store and process the data you collect. E.g. on an encrypted computer, database, on a password protected spreadsheet etc. and how long you will keep their data for]

#### Right of access

You have the right to request a copy of the personal information that we hold about you at any time. If you would like a copy of some or all of your personal information, please email [insert email address] or write to us at [insert address].

You also have the right to request the data we receive from you is:

- updated
- deleted if you no longer wish to be part of the competition
- restricted to certain processing.

### **Changes to our Privacy Notice**

We may update this Privacy Notice to ensure that it remains up to date and incorporate any new legal requirements.

### **How to contact us**

If you have any questions about our Privacy Notice or about the information that we hold about you please contact us [\[insert contact details\]](#).

You can find out more information on Data Protection on the Information Commissioner's website- <https://ico.org.uk/>

This Privacy Notice was last updated on [\[insert date\]](#).