



## DATA PROTECTION, PRIVACY NOTICE & GDPR POLICY

### 1. Introduction

Neroche Woodlanders Limited (NWL) collects, holds and processes certain personal information about its participants, volunteers, staff, contractors, supporters and funders. NWL does this to ensure that it can meet its commitments to those that it supports, protect those whom it helps, support its legitimate activities, and operate its management and administrative functions.

Under data protection law, individuals have a right to be informed about how NWL uses any personal data about them. NWL complies with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals when we are processing their personal data.

This Policy has been issued to give *guidance* to staff, volunteers and any other person providing services to customers/participants/beneficiaries of NWL. It sets out how any data which NWL holds is to be stored safely, processed correctly and not unlawfully disclosed to any other person, and that such processing of data complies with Data Protection Law, namely the UK GDPR (2021) and its implementation of the UK GDPR Regulations 2021. NWL Directors, management and staff should also familiarise themselves with [NWLs Data Protection Policy](#).

Neroche Woodlanders Limited is the 'data controller' for the purposes of data protection law. NWLs data protection officer is Jenny Archard (see contacts below).

## 2. Application of this Policy

This policy applies to “Personal Data”, which is defined as: information (including opinions and intentions) which relates to an identified or identifiable natural person.

### a) Identity

An “identifiable natural person” is an individual who can be identified, directly or indirectly, by information such as: a name, an identification number, location data, an online identifier, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. If, by looking solely at the information you are processing you can distinguish an individual from other individuals, that individual will be identified (or identifiable). Identifiers are wide ranging, for example, a name or number, an Internet Protocol (IP) address or an image.

### b) Sensitive Personal Data (Special Category Data)

NWL recognizes that sensitive personal data (including “Special Category Data” as defined in Data Protection legislation) is likely to be of a very personal nature and that it may only be processed with the \*express consent of the individual concerned. In accordance with legislation and ’s Data Protection Policy, treats the following information about a person as sensitive personal data:

Racial or ethnic origin	Genetic data
Political opinions	Biometric data
Religious or philosophical beliefs	Sexual life and sexual orientation
Trade Union membership	Alleged or actual commission of a criminal offence
Physical or mental health or condition	

Examples of the type of sensitive personal data that may hold include details of an individual’s health, medication, physical needs and criminal convictions. strives to collect, process and hold only data that is necessary and appropriate for the charity to provide its services and comply with any contract or legislation. Employees and volunteers working with participants should only request and process sensitive personal data if requested to do so in the forms provided for the programme, or specifically by the project manager.

### **3. Data Protection Principles**

NWL has adopted the following principles to govern its collection, use, retention, transfer, disclosure and destruction of personal data.

Processes have been put in place (for example the use of specific forms to capture participant information) to ensure compliance with appropriate legislation and these principles. Employees and volunteers should ensure that they follow these processes and if in doubt, ask for clarification.

#### **a) Lawfulness, Fairness and Transparency**

Personal data shall only be processed lawfully, fairly and in a transparent manner. This means, NWL must tell participants what processing will occur (transparency), the processing must match the description given to the participant (fairness), and it must be for one of the purposes specified in the applicable Data Protection legislation (lawfulness).

#### **b) Purpose Limitation**

Personal data shall only be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. This means must specify exactly what the personal data collected will be used for and limit the processing of that personal data to only what is necessary to meet the specified purpose.

#### **c) Minimisation**

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes. This means NWL must not collect, process or store any personal data beyond what is strictly required.

#### **d) Accuracy**

Personal data shall be accurate and up to date. (More on keeping personal data up to date, below.)

#### **e) Online Storage**

NWL holds computerised files and folders in dropbox and google, our online data storage systems. Data gathered from online booking systems such as bookwhen is stored within that system unless it needs to be transferred to dropbox of google.

#### **f) Limitation**

Personal data shall be put in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

#### **h) Integrity & Confidentiality**

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

### **i) Accountability**

Each person responsible for personal data at NWL should be able to demonstrate compliance. This means they must demonstrate that the six data protection principles (outlined above) are met for all personal data for which they are responsible.

### **l) Handling Personal data**

Personal data should only be collected in accordance with questions on the appropriate online and hard copy forms approved for the processing of information.

Information collected from participants manually at indoor or outdoor locations should be put out of sight of participants *at all times* and stored at the end of the same working day in the security cases provided – ideally information should be given to the project leader to file on Basecamp or locked in the container until such time as that can take place.

Staff and others working with participants should pass any completed participant paperwork to the session leaders at the very earliest opportunity, who will ensure it is stored electronically and hard copies destroyed. At no time will participant paperwork be left unsupervised during the working day or left unsecured during out of work hours.

## **4. Neroche Woodlanders Practices**

### **a) Photography and film**

Photographs and other forms of picture capture, e.g. video, are permitted to be taken on mobile phones but only where the phone has an access security code. At the end of the same working day ALL participant photographs and videos MUST be transferred to the *secure Basecamp folder*. All participant photographs on mobile phones MUST then be deleted at the end of each working day. Only photographs or videos that contain individuals with known written consent for internal and external media use should be uploaded, any others deleted.

### **b) Emails**

Personal data of clients, participants, staff, volunteers and others should only be shared with due care and attention. Once sent, emails can easily be shared beyond control. The contents of email communications will be reviewed carefully to ensure that if they contain personal data, especially of a confidential or sensitive nature, and are sent with caution. When writing an email with sensitive information, the email should be marked as 'Strictly Confidential', 'Sensitive', 'Intended for recipient/s only and not to be shared'.

### **c) Media and Social Media**

Under no circumstances should photographs or videos be shared with the press, on our website, on social media, or in any other publication, unless those involved have given written consent. Under no circumstances should any other personal data be shared through social media.

#### **d) Sharing personal data with third parties**

In some circumstances, we are required to share certain data with referring organisations or authorities. If identifying personal data is to be shared, check with the Executive team or project manager whether sharing is permitted in the circumstances and ensure any method of transfer is secure. (More on sharing personal data below.)

#### **e) Mobile phones, tablets, laptops and other portable electronic data storage units**

Any portable device, whether owned by an individual or Neroche Woodlanders, used for receiving, processing or sending any information containing personal data of employees, volunteers, participants, service users, family, friends or associates of those individuals and any Neroche Woodlanders supporters, donors, suppliers, contractors or consultants, should be secured and kept out of public view if left unattended (e.g. kept in a locked box in the locked container). Any devices used should be password protected and have an auto lock, including if they are personal devices being used for work purposes. Preferably, all personal data should be stored on Neroche Woodlanders secure systems, and not be stored directly on portable equipment hard drives or USB devices unless it is entirely necessary, in which case it should be encrypted or password protected. Personal data being displayed on screens should be closed when unattended. We move name and email data from bookwhen to Mailchimp if people want to be on our newsletter. We store personal information on password protected non-public Trello boards.

#### **f) Protecting personal data about participants**

In the course of their work, staff, volunteers, contractors and associates may have access to personal information. This document outlines company policy with regard to privacy and data protection. Personal data that Neroche Woodlanders may collect, use, store and share (when appropriate) about children includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Records
- Characteristics or special educational needs
- Exclusion information
- Details of medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of support received, including care packages, plans and support providers
- Photographs

Neroche Woodlanders may also hold data about children and adults that has been supplied from other organisations such as schools, local authorities, the Department for Education, NHS or other agencies.

#### **g) Purpose**

Neroche Woodlanders uses this data to:

- Support children and adults to learn
- Provide for wellbeing needs and outreach support
- Monitor and report on progress

- Provide appropriate care

#### **h) Legal basis**

Neroche Woodlanders only collect personal data when the law allows and permission has been granted by a child's parent, guardian or carer, or in the case of adults, by the adult or their carer. Most commonly, data is collected because the organisation needs it to:

- Comply with a legal obligation
- Perform an official task in the public interest

Neroche Woodlanders may also hold personal data because:

- The company has obtained consent to use it in a certain way
- The company needs to protect the individual's vital interests (or someone else's interests)

Where Neroche Woodlanders has obtained consent to hold personal data, this consent can be withdrawn at any time. Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds that justify use of personal data.

#### **i) Collecting personal data**

While the majority of information collected is mandatory, there is some information that can be provided voluntarily. When Neroche Woodlanders seek to collect information from a parent, guardian, child or adult, it is made clear whether providing it is mandatory or optional. If it is mandatory, Neroche Woodlanders will explain the possible consequences of not complying.

#### **j) Storing data**

Neroche Woodlanders keep personal information on children and adults while they are in one of the organisation's programmes. Neroche Woodlanders may also hold personal data after the end of a programme if necessary to comply with legal obligations or if the person involved has agreed. All data is transferred to Basecamp (an online storage system) as soon as possible after collection. Any paper originals are not stored, they are shredded or burnt.

#### **k) Keeping data up-to-date**

Data is regularly reviewed, and where necessary, privacy information updated. Any new uses of an individual's personal data will be brought to their attention before the processing is started.

#### **l) Specific steps**

The Neroche Woodlanders administrator (or project lead if appropriate) issues an email at the start of each academic term or year (depending on the programme) to ask parents, students and volunteers to check that their details are correct. This email highlights the importance of keeping data up to date: in the case of an emergency, for example, it is essential that contact information is current and not out of date.

- Files of current clients, participants or children are checked for accuracy and are updated as necessary.

- Once advised, corrections to personal data are carried out as soon as practical.

#### **m) Disposal of personal data**

Any personal data that is out of date or no longer needed is destroyed, either by shredding or by deleting computer files securely so that they cannot be retrieved. Neroche Woodlanders hold personal data only for as long as necessary to meet legal requirements.

#### **n) Expectations of staff**

Everyone at Neroche Woodlanders has a responsibility to ensure data is processed securely. Staff, volunteers, associates and contractors that handle personal data are responsible for preventing it being seen by anyone who hasn't been given permission to view or process it.

### **5. GDPR Compliance**

Neroche Woodlanders has a designated data protection officer (DPO) who implements and upholds data protection systems and policies and ensures we comply with the General Data Protection Regulation - see end of this section.

#### **a) Action in the event of a data protection breach**

These are the steps Neroche Woodlanders will follow if there is a breach of privacy:

1. Neroche Woodlanders will notify the Information Commissioners Office (ICO) of a breach within 72 hours of becoming aware of it, even if not all the details are known at that point.
2. Neroche Woodlanders will inform affected individuals about a breach without undue delay.
3. Where possible, Neroche Woodlanders will advise affected individuals how to protect themselves from the effect of a data protection breach.
4. Neroche Woodlanders documents all breaches, even if they don't all need to be reported

#### **b) Data sharing**

Neroche Woodlanders do not share personal information until consent from the individual is gained. This includes sharing data between people or online, such as films and photographs on Neroche Woodlanders' social media pages and films and photographs circulated for the purposes of publicity.

Letters sent from Neroche Woodlanders will include a data protection statement where relevant. On occasion Neroche Woodlanders may need to share personal data with local authorities, other schools, different departments or local authorities.

Neroche Woodlanders' policy on data sharing demonstrates that we have considered all the legal implications of data sharing, that we have the ability to share specific data when required, that we understand the purpose of data sharing, that we know which parties may require data and for what purposes that data could be used. We do not share information about children or adults with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about children or adults on our programmes with:

- Local authorities – to meet legal obligations to share certain information, such as safeguarding concerns, which would be reported to Social Services
- The Department for Education – to meet legal obligations and as it is necessary for the performance of a task carried out in the public interest and in the exercise of authority
- A children’s family and representatives - to meet legal obligations to share certain information with them, such as safeguarding concerns
- A vulnerable adult’s representatives - to meet legal obligations to share certain information with them, such as safeguarding concerns
- Schools or partner organisations– to meet legal obligations to share certain information, such as safe-guarding concerns and absenteeism
- Educators and examining bodies - to meet legal obligations and as it is necessary for the performance of a task carried out in the public interest and in the exercise of authority
- Our regulators eg Ofsted – to meet legal obligations and as it is necessary for the performance of a task carried out in the public interest and in the exercise of authority
- Our auditors – for compliance with a legal obligation
- External survey and research organisations – with the consent of parents or carers.
- Health authorities – necessary for compliance with a legal obligation, such as safeguarding. In other cases, the health professional seeks consent through Neroche Woodlanders
- Professional advisers and consultants – necessary for the performance of a contract
- Charities and voluntary organisations - necessary for the performance of a task carried out in the public interest and in the exercise of authority.
- Police forces, courts, tribunals – necessary for compliance with a legal obligation
- Professional bodies – necessary for the performance of a contract

### **c) Rights**

Individuals have a right to make a ‘subject access request’ (SAR) to find out what personal information Neroche Woodlanders holds about them. Parents/carers can make a request with respect to their child’s data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent. Parents also have the right to make a subject access request with respect to any personal data Neroche Woodlanders holds about them.

If someone makes a subject access request for information held by Neroche Woodlanders , the organisation will:

- Provide a description of it
- Explain the reason for holding and processing it, and for how long it will keep it for
- Explain where the information came from if not from the person making the request of their child
- Explain who it has been/will be shared with

- Outline any automated decision-making that is being applied to the data, and any consequences of this

- Supply a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

Anyone wishing to make a request, please contact Neroche Woodlanders 's data protection officer. The data subject will be charged a £10 fee to cover the administrative costs of providing a SAR.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress

- Prevent it being used to send direct marketing materials

- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing

Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact Neroche Woodlanders 's data protection officer.

## **6. Financial Data**

Neroche Woodlanders retains financial data including:

- Freelancers and business invoices;
- Volunteer expense claims;
- Membership and shareholder personal information;
- Gift Aid forms;
- Stripe payment records limited to email addresses.

This data is retained for at least 6 years as required by HMRC and the FCA. Financial records are stored electronically in google and on treasurer/financial assistants laptops which are password protected.

## **7. Complaints**

Any complaints about collection and use of personal information will be handled promptly.

If anyone thinks that Neroche Woodlanders 's collection or use of personal information is unfair, misleading or inappropriate, or has any other concerns about the way their data is being handled, please contact Neroche Woodlanders 's data protection officer (DPO).

Alternatively, make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113

- Or write to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

**Neroche Woodlanders Data Protection Officer (DPO)**

Jenny Archard  
[Jenny@nerochewoodlanders.org](mailto:Jenny@nerochewoodlanders.org)  
 07541080397

**7. Privacy Notice for Customers**

This notice is used for our booking and newsletter.

Your details will go on our mailing list if you ask to be included, or as a result of volunteering, or coming on a course, or attending an activity in the woods or talking to us at an event.

- We use your details only to communicate with you about Neroche Woodlanders activities. We never share the names, email addresses or other details of people on our database with third parties.
- We send our emails to you using Mailchimp, which provides you with an easy means to unsubscribe if you wish to do so – simply look for the ‘Unsubscribe’ button at the bottom of this and future emails and follow the links.
- We automatically delete all contact information as soon as someone removes themselves from our mailing list.
- We only hold information on current subscribers and we ensure this information is confidential and secure.
- You have the right to ask us about what data we hold. If you have any other concerns, please contact us.
- Information held on our BookWhen system is automatically deleted after 2 years of a customer becoming “inactive” A customer is classed as 'inactive' and will be included in the auto-deletion process if they have not made a booking or attended an event within the 2 year period.

**Policy Review Log**

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