

SOAG Data Protection Policy and Privacy Notice

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The governing legislation

SOAG's Data Protection Policy is regulated by the *General Data Protection Regulation (GDPR 2018)* (Regulation (EU) 2016/679), and the *Privacy and Electronic Communications Regulations (PECR)* which sits alongside the GDPR and gives people specific privacy rights in relation to electronic communications.

A data Protection Policy under the terms of the GDPR must include a Privacy Notice under the GDPR which covers the following element, with any potential impact on members:

- What information is being collected?
- Who is collecting it?
- How is it collected?
- Why is it being collected?
- How will it be used?
- Who will it be shared with?
- What will be the effect of this on the individuals concerned?
- Is the intended use likely to cause individuals to object or complain?

SOAG Members

Data held by SOAG about its members

SOAG maintains basic membership details on a computer to aid administration of the society. The personal data held by SOAG is as follows:

- Name, address, telephone number(s), email address(es), membership category, and Gift Aid Status. *Annexe 1* contains a detailed listing of the data; the purposes for which it is held; who in SOAG holds it; who in SOAG uses it; the formats on which it is held; & the data retention period.
- No data will be held which expresses any opinion about an individual.

Use of members data

This data will be used and processed by the Society for 'Legitimate Interests' purposes as defined by GDPR Article 6.1(f) (see also *Members Consent to this Policy*, below) as follows:

- The administration of the Society,
- The distribution to members of documents that are part of the defined service provided by SOAG to its members; specifically, the Society's member newsletters and journals
- The mailing of marketing information about events, projects, products and services relating to history and archaeology in the geographical area of South Oxfordshire, and outside that area only if considered likely to be of special interest to SOAG members.
- Members data is never shared outside SOAG, except for your name and annual payment within the annual Gift Aid submission to HMRC.

Members rights

The GDPR mandates the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object

8. Rights in relation to automated decision making and profiling.

SOAG applies all those rights to its members. Specifically, it agrees to supply a copy of all information held relating to an individual, to that individual, and to correct it or delete it, as necessary.

Lawful basis for SOAG's policy on Members Data

Under the terms of GDPR the legal basis for SOAG holding and using members data in the manner defined in this policy, is the 'Legitimate Interests' of the society in that it enables SOAG to discharge part of its core function (GDPR Article 6.1.f). This usage also complies with the GDPR and PECR requirement that "it is a reasonable expectation of the individual based on their relationship with the organization". (*).

At any time, members may withdraw their consent by requesting that SOAG stops using their data for any or all the listed purposes. This should be done by contacting the SOAG Data Protection Officer ([link](#))

(*) SOAG has completed a GDPR "Test of Legitimate Interests" which is available *Annexe 3*.

Third Parties

Third parties are here defined to be anyone who is not a member of SOAG, but for whom we hold some personal data and process it. There are two categories of such third party:

- Individuals to whom we have agreed to provide some or all of the benefits of SOAG membership without them being SOAG members
- Individuals either from whom we receive a service, or to whom we provide a service

Data held by SOAG about third parties

The information we hold will be agreed with the individual and will typically include some or all of:

- Name, address, telephone number(s), email address(es), organizational affiliation

Use of third party data

The data will be processed in whatever manner has been agreed with the individual

Third Party rights over their data

These are the same as for SOAG members (see *Members Rights*, above)

Lawful basis for SOAG's policy on Third Party data

Under the terms of GDPR the legal basis for SOAG holding and using third party data in the manner defined in this policy, is Article 6.1(a): "the data subject has given consent to the processing of his or her personal data for one or more specific purposes"

Policy administration

The Data Protection Officer for SOAG is the SOAG Secretary ([email link](#))

The SOAG procedures for implementing this policy are included in *Annexe 4*.

Breaches of this code of practice by any SOAG member are potentially subject to SOAG's disciplinary procedure (See the SOAG Constitution – [website link](#))

Annexes

Annexe 1: PERSONAL DATA HELD UNDER THE GDPR 2018

Annexe 2: Legitimate Interest and SOAG tests

Annexe 3: Legitimate Interest assessment form for SOAG

Annexe 4: SOAG procedures for implementing its DP policy

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Annexe 1: PERSONAL DATA HELD UNDER THE GDPR 2018

DATA TYPE	PERSONAL DATA	PURPOSE	HELD BY	ORIGINATED	FORMAT	RETENTION
Membership applications	Name, address, phone, email, Gift Aid preferences	Processing onto membership spreadsheet Charity or HMRC audit	Secretary	Member	Paper	6 years for financial auditing, or longer where Gift Aid is nominated on it
Standing Order mandates	Name, bank sort code bank account	Annual membership subscriptions	Secretary	Member	Paper	Minimum of 6 years
Membership spreadsheet	Name, address, phone, email, membership category, annual membership*, payment made*, payment date*, banked date*, joined date* [* not for complementary 3 rd parties]	Membership enquiries, subscription checks, statistical summary of membership types, budgeting, circulation of archaeological events, notification of AGM papers	Secretary, Messenger Editor (see below)	Secretary, from member applications and renewals	Electronic (passworded, on encrypted drive)	Retain for 6 years to internal, charity and HMRC audit and to comply with accounting SORP 2005

Messenger circulation list	Name Email address	distributing Monthly Messenger newsletter, annual print for hard copy Bulletin distribution	Messenger Editor	Monthly update from Secretary's membership list	Electronic	Current month
Gift Aid schedules	Name, membership payment amount and date	To reclaim Gift Aid from HMRC Gift Aid in accordance with their rules	Secretary	From Membership spreadsheet	Submitted to HMRC via their secure online portal	6 years
Bank statements	Name, amount, date	Bank and membership reconciliation	Treasurer Secretary		Electronic	6 years
Member dig lists (selective)	Name Email Phone	Scheduling of and notification to excavation participants	Project directors and administrators	From Membership spreadsheet	Electronic	Period of project
Third parties: (a) to whom complementary copies of SOAG documentation are provided	Some or all of: Name Address Email Organisational affiliation	To inform sponsors, similar local societies and public bodies (e.g. libraries) of our activities	SOAG Bulletin Editor SOAG Messenger Editor	Contact with third party concerned	Hard copy or electronic report	As requested by third party
Third parties: (b) to whom or from whom we supply or receive services	Some or all of: Name Address Email Organisational affiliation	To communicate information and documentation relevant to the service supplied	The SOAG member responsible for managing the relationship with the Third Party	Contact with third party concerned	Hard copy or electronic report	As agreed with the third party

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ANNEXE 2: Legitimate Interest and SOAG tests

SOAG defines **Legitimate Interest** as its lawful basis for holding and processing members data. The GDPR definition of Legitimate Interest is as follows:

Legitimate Interests: GDPR definition

- Legitimate interests is the most flexible lawful basis for processing, but you cannot assume it will always be the most appropriate.
- It is likely to be most appropriate where you use people's data in ways they would reasonably expect and which have a minimal privacy impact, or where there is a compelling justification for the processing.
- If you choose to rely on legitimate interests, you are taking on extra responsibility for considering and protecting people's rights and interests.
- Public authorities can only rely on legitimate interests if they are processing for a legitimate reason other than performing their tasks as a public authority.
- There are three elements to the legitimate interests basis. It helps to think of this as a three-part test. You need to:
 - identify a legitimate interest;
 - show that the processing is necessary to achieve it; and
 - balance it against the individual's interests, rights and freedoms.
- The legitimate interests can be your own interests or the interests of third parties. They can include commercial interests, individual interests or broader societal benefits.
- The processing must be necessary. If you can reasonably achieve the same result in another less intrusive way, legitimate interests will not apply.
- You must balance your interests against the individual's. If they would not reasonably expect the processing, or if it would cause unjustified harm, their interests are likely to override your legitimate interests.
- Keep a record of your legitimate interests assessment (LIA) to help you demonstrate compliance if required.
- You must include details of your legitimate interests in your privacy information.

SOAG checklist for Legitimate Interests

To claim Legitimate Interests as the legal basis for holding processing members data SOAG must conduct a number of tests mandated by the GDPR. The following is the GDPR Legitimate Interests checklist:

- We have checked that legitimate interests is the most appropriate basis.
- We understand our responsibility to protect the individual's interests.
- We have conducted a legitimate interests assessment (LIA) and kept a record of it, to ensure that we can justify our decision.
- We have identified the relevant legitimate interests.
- We have checked that the processing is necessary and there is no less intrusive way to achieve the same result.

- We have done a balancing test, and are confident that the individual's interests do not override those legitimate interests.
- We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.
- We are not using people's data in ways they would find intrusive or which could cause them harm, unless we have a very good reason.
- If we process children's data, we take extra care to make sure we protect their interests.
- We have considered safeguards to reduce the impact where possible.
- We have considered whether we can offer an opt out.
- If our LIA identifies a significant privacy impact, we have considered whether we also need to conduct a DPIA.
- We keep our LIA under review, and repeat it if circumstances change.
- We include information about our legitimate interests in our privacy information.

SOAG's completed *Legitimate Interests Assessment form* is in *Annexe 3*

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Annexe 3: Legitimate Interest assessment form for SOAG

(The completed form to be supplied shortly)

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Annexe 4: SOAG procedures for implementing its DP policy

1 Removal of Personal Data from SOAG records

1. Individual - by request from a member leaving SOAG
2. Global – member databases older than any requirements of HMRC or statute

1 Individual

- 1.1 The Data Protection Officer (DPO) will be notified
- 1.2 DPO circulates committee and project directors of the request and that any project listings with the member's name be updated with the member removed
- 1.3 Responses as to any action necessary are required from the above
- 1.4 DPO removes the Member data from the current Membership database and previous years' databases
- 1.5 DPO destroys any hard copy documentation (Membership application, standing order form etc)
- 1.6 DPO informs the former member of actions taken
- 1.7 Action is minuted at the next committee meeting

2 Global

- 2.1 DPO notifies committee and project leaders of decision to remove old/archived lists before a nominated date.
- 2.2 Responses from above provided to DPO
- 2.3 DPO erases appropriate membership lists
- 2.4 Action is minuted at the next committee meeting

2 Security of data within SOAG

All spreadsheet lists identifying members' personal data shall be passworded

Hard copy lists identifying member's personal data shall be stored in as secure a manner as is practical and shall be destroyed after use has ended.

3 Action on a breach of data

Release or use of members' personal data, either outside SOAG or within SOAG where not authorised by a committee member or project director on consent of those concerned, shall be notified to the SOAG DPO.

The DPO will confirm the details of the breach and notify the committee accordingly.

The SOAG officers and President will determine action to be taken and report to the next committee meeting, when actions will be minuted.